Yorkshire Dales National Park Authority

Committee: Planning

Date: 16 July 2024

Applicant: Pooch Pods Ltd

Parish: Casterton

Officer: Andrew Tait

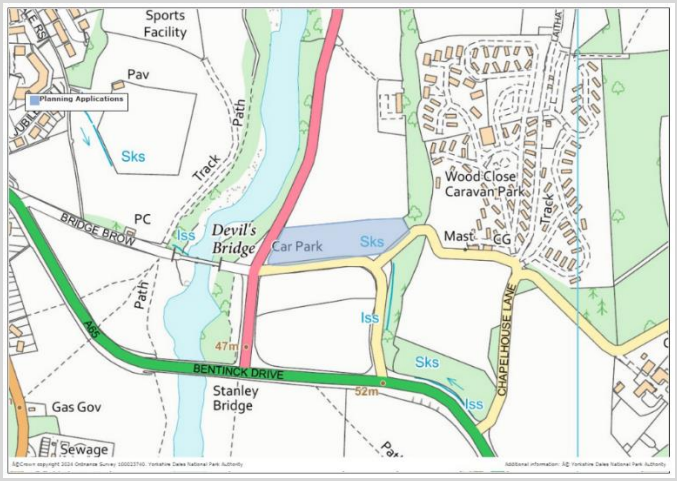
Application No: S/05/66

Site Address: Land adjacent to Devils Bridge, Kirkby Lonsdale

Proposal: Full planning permission for change of use of land to create an enclosed private field offering safe and secure spaces for dog owners to book time slots to allow their dogs to play off lead; erection of perimeter and 'within field' fencing and gates and siting of a temporary storage container

Purpose of Report

1. That Members **Refuse** planning permission for the above development in accordance with the recommendations below.



Reason for Committee Consideration

2. This application is reported to Committee for the following reason: The Parish Council recommendation is contrary to the decision which the Head of Development Management proposes to take.

Application Site

3. The site is a rectangular, relatively flat field that is located between the A683 to the north of its junction with the A65, opposite a popular parking area for visitors to Devils Bridge. There is a field gate close to the junction with the A683 and a lane that leads to Wood Close Caravan Park and loops back round the A65. There is public parking on this lane alongside the southern boundary of the site that would cater for those using the site.

4. The boundary to the A683 is a dry-stone wall. The remaining boundaries consist of hedgerows. The woodland that perimeters the east boundary of the field is protected by Tree Preservation Order No 43 (Kirkby Lonsdale and District).

5. The area around the site is used by visitors to Devils Bridge where there are toilets and a refreshment kiosk. The area is also sometimes used by travellers on their way to and from the Appleby Horse Fair.

6. The site is located partially within the Environment Agency's Flood Zone 2.

Proposal

7. The proposal is for the change of use of the land to create an enclosed private field offering safe and secure spaces for dog owners to allow their dogs to play off lead during booked time slots The applicant has a business at Farleton on the east side of the M6 that hosts holiday accommodation for customers dogs in camping pods. (outside of the National Park). The applicant has identified a need in the area for what are in effect enclosed, private areas where dogs can run off-lead. The field would be divided into 4 paddocks of differing sizes with access from a walkway around the perimeter.

8. The proposed hours for the business 6:30 am to 9:30 pm. Dog owners would book their timeslot online and receive an access code. The time slots for each customer would be apporximately 50 mins. The paddocks are intended to provide a facility for reactive dogs where they can be separate from others. It is anticipated that the site woud be used primarily by local dog walkers or visitors that are staying in Kirkby Lonsdale or at the nearby caravan site. No off street parking is proposed on the assumption that customers would be able to use the public spaces on the access road to the site entrance which is shown as a pedestrian entrance. There would be a walkway around the edge of the paddocks.

9. A 6ft deer fence is proposed around the perimeter. The existing fence and wall is damaged and the new fence would secure this boundary. The southern boundary of the site is set above the ground level of the field. The proposal includes a small section of perimeter and 'within field' fencing and gates and siting of a temporary storage container. The existingwall would be retained and the fence erected

inside this boundary wall. To screen views the applicant intends to plant conifer trees.

10. The fence is described as a deer fence with treated timber posts, though green chain link wire for the fence is also indicated in the application. The plans show a form of vertical fencing to the west elevation. The entrance to the site is in the corner of the A683 and the lane that provides public parking before it loops back onto the A65. There would be four individual gates (one providing access to each paddock). Solar lighting (hanging plastic bulbs) are proposed within each paddock mounted with cable ties. The lighting would be low level and similar lights would be installed at each internal gate. For security solar panel cameras will be installed at each gate. The site has a water supply, but no power supply and it is not intended to have one. It is proposed to site a small cabin/container on the northern boundary of the site.

11. The applicant has responded to requests from the Highway Authority regarding the peak number of visitors and that there would only be a maximum of 4 cars at any one time. This information includes confirmation that there is to be no electricity supply to the site, that a water supply is already there and that posts that have been put in place are to secure the field. The applicant confirms that this is not a day care business and that dogs will always be with their owners and that there are a number of employment and training opportunities that would flow from the proposal.

Relevant Planning History

12. The following application is relevant:

SL/2013/1196 Lawful Development Certificate for proposed use of land for car boot sale for not more than 14 days in calendar year. Approved 2014.

Consultations

13. The comments of statutory and non-statutory consultees are summarized below:

Historic Environment Team- There are no features of archaeological interest recorded in the proposed development area and, whilst the site is relatively close to the Scheduled Monument, Devil's Bridge, the land in question is not close enough for the proposed developments here to impact on the setting of this structure.

Environment Agency – No comments received.

Environmental Health- No comments received.

Trees & Woodlands -The woodland that perimeters the east boundary of the field is protected by Tree Preservation Order No 43 (Kirkby Lonsdale and District). It is illegal to carry out any works to these trees, or cause damage to the roots, without consent. The root protection area (RPA) of these trees will likely encroach into the field, and as the majority of the trees roots will be in the top

40cm of soil, knocking posts into the ground could damage or sever these roots, causing long term physiological health issues for the tree. The fencing therefore needs to avoid the RPA. The RPA needs to be calculated and mapped accurately onto the plans and a protective barrier, in line with BS 5837:2012 erected around the RPA prior to any works taking place.

Secondly, there is the scope here for infield tree planting and screening to add value to the landscape

Highways - initially responded asking for a note on the likley peak demand at the site and also in relation to the number of parking spaces that would likely be taken up on the adjacent highway parking area. In response to this the applicant has indicated that they would be happy to provide four parking spaces at the site. Subject to a condition that these spaces are provided and retained as such highways have no objection ot the proposal.

Casterton Parish Council "supports this proposal for change of use of land at Devil's Bridge to create an exercise area for dogs, with 3 minor amendments.
(1) that the trees planted along the boundary with the A683 should be mixed native species, not the firs proposed
(2) that the planning authority defines/specifies the solar-powered lighting to be used in order to comply with dark skies status, and its control by means of PIRs wherever practical.
(3) that the installation of deer-fencing is done with due regard for the ongoing maintenance of the hedges and trees.

Enterprises such as this should be encouraged as the viability of the rural economy depends upon a diversification away from the traditional income streams such as farming.

This was always a low impact change of land use, there is almost no change of surface; the grass is still the predominant feature as a project, this in the short to mid-term will protect this area from a greater visual impact and change of use. The applicants have shown themselves to be open to suggestions and have already embraced the environmental ethos of the present time. This business will be an asset to the area and we should wish them well in its future.

The Council feels that it shouldn't unduly exacerbate the parking issue near the bridge."

Police – consider that the application complies with policy SP4- Development quality, though remind the applicant of the need to comply with GDPR legislation with regard to blink cameras. The proposal woould help to reduce worrying of livestock and the applicant is invited to be involved in a police initiative around effective recall training for dogs.

Public Responses

14. The application was advertised by site notice dated 23 March 2024- In total 16 responses have been received. With three objections and the remainder being supportive of the proposal. Issues raised as follows:

Support

- A good proposal to allow dogs to run off-lead in a safe environment.
- Limited numbers of people and cars should not cause traffic problems.
- Plenty of parking available at Devils Bridge.
- An important facility and much needed project to exercise dogs away from livestock.
- Safe environment for dogs to exercise in a natural way.
- Safe and secure environment for reactive dogs
- Reduces the amount of dog faeces on local lanes.
- Reduces risk of transmission of parasitic diseases to livestock.
- Risk of livestock worrying reduced.
- Proposal would reduce anxiety for owners and dogs.
- A good facility for reactive, high energy, nervous dogs, and those without recall.
- Good for owner's mental health as dog exercising is the only reason some people leave their house.
- Provides employment and training opportunities.
- Few secure dog fields in other areas and they are booked up.
- The proposal will prevent residents from driving further afield to such facilities.
- The existing business is very professionally managed and has a great reputation.
- Opportunity to bring dog owners together.
- Will result in good stewardship of the environment.
- Good facility for rescue dogs.
- The site would be run with respect for the surrounding area.
- Keeps the land from housebuilding.

Objections

- Road not safe for dropping off/picking up.
- Car park opposite used only for motorbikes.
- Anti-social behaviour in area including fires.
- Parking areas often taken up by campervans.
- Not enough parking.
- The road adjacent is a bottleneck.
- Goes against protecting and enhancing the space against the ethos of the National Park.
- A good idea but the wrong location.
- Fragmentation of the field by chain link fencing- incongruous and detrimental in an open landscape.
- Proposed conifers a discordant feature.
- Lighting and associated infrastructure would be highly obtrusive.
- Noise from barking dogs.
- Detrimental to setting of Grade 1 listed Devil's Bridge.
- No on-site management.

- Contrary to policy CS1.2 of the Core Strategy.
- No essential requirement for a countryside location.

Assessment

Key Issues:

- Planning Policy
- Siting and Design
- Sustainability
- Highways
- Neighbouring Amenity
- Nature Recovery
- Highways
- Parish Council comments
- Equality Act

Planning Policy

15. The site is located within the extended area of the National Park consequently, the relevant policies are contained within the former South Lakeland Local Development Framework with the key policies being within the Core Strategy 2010 and to a lesser extent the Saved policies of the South Lakeland Local Plan 2006. These policies must also be viewed through the prism of guidance contained within the National Planning Policy Framework 2023 (NPPF).

16. Policy CS 1.1- Sustainable development principles set out a range of principles, some of which are of relevance to the proposal. The policy considers that there is a need to take account of landscape character and features and the area's role as a setting and a gateway to the National Park. Emphasis is placed upon retaining the distinctive character and sense of place and that development should accord with a sequential approach focusing on the redevelopment of sites and buildings, then areas within settlements followed by other land that is well related to housing, jobs, servicing, and infrastructure.

17. Policy CS1.2 sets out a hierarchy where most development would be accommodated within local service centres. Some support for the economic needs of rural communities is provided by Policy CS7.4 'Rural economy' It is recognised that the kind of business proposed would require a location on the edge of a settlement or in the countryside this means that the actual siting and details of any proposal become crucial. The policy sets out that favourable consideration will be given to suitable employment related development where proposals are of a scale in keeping with their surroundings, do not detract from the amenity of surrounding residential areas; and, are not detrimental to the character or appearance of the landscape or settlement.

18. Saved Local Plan policy E7 New employment in rural areas considers that favourable consideration will be given to suitable employment related development in rural areas where proposals are in keeping with their surroundings and are not detrimental to landscape character. Consideration is

given by policy C5 regarding external lighting where it sets out that any lighting scheme proposed shall be the minimum required for the task and that landscaping may be required on the edge of town or village locations.

19. Policy CS7.4 sets out that proposals should be in-keeping with their surroundings and not be detrimental to the character or appearance of the landscape or settlement. This is further reinforced by policy CS8.2- Protection and enhancement of landscape character. This policy considers that proposals should be informed by and be sympathetic to the distinctive character and landscape types and that the special qualities associated with National Parks. Emphasis is placed upon conserving and where possible enhancing the distinctiveness of the area and that the setting of National Parks that contribute to landscape and settlement character. Unusually, the policy mentions three specific man-made structures that contribute to the landscape and settlement character - one of them being Devil's Bridge.

20. While it is recognised that the use proposed would benefit from a position on the edge of a settlement given the amount of land required for such a use the actual site chosen is crucial as to whether the principle of such a use could be considered appropriate. The field is a key landscape component of the setting of Devil's Bridge at the edge of the National Park where planning policy in principle is directing against development.

Siting and Design

21. The field proposed for the dog exercise area is a simple open field that contributes to the setting of Devil's Bridge and the National Park landscape. The proposed fencing, storage container/cabin, lighting and other paraphernalia will introduce features that would detract from open pastoral character of the fields around Kirkby Lonsdale and distract from the prominence of the Devil's Bridge as a landmark that contributes to Kirkby Lonsdale's distinctiveness.
22. While deer fencing is referred to in the application documentation the elevation shown indicates vertical fencing, the documentation also indicates green wire chain line netting that would be fixed between the posts presumably to ensure that the dogs do not escape or interact with each other physically. A storage container is proposed to be sited on the northern boundary and the entrance would have cameras and an automatic key code locking system. Solar lighting is proposed in a site where there is currently no lighting, while the degree of lighting is not clear, and the Parish Council have asked for this to be sensitive and compatible with dark sky status. The Yorkshire Dales National Park is a Dark Sky Reserve. It is considered that such lighting, particularly beyond the edge of a settlement would have a negative effect upon the dark skies of the area and a development that requires this level of lighting is not one that would normally be encouraged in the area. While small in themselves, the various elements of infrastructure required are all items that conflict with the undeveloped pastoral character of the area.

23. An assessment of the effect of the proposal on the local landscape must also be considered. The area is a hub of activity already and the introduction of the use proposed would result in more intensive activity on the east side of the A683 at

Devil's Bridge where policy specifically directs that the development should protect and conserve the setting of Devil's Bridge. The field is opposite the parking area on the east side of the river and the A683. It exhibits a simple open, pastoral character. The proposal introduces several features that do not protect or conserve the character of the area or the setting of Devil's Bridge such as fencing of a type not normally associated with rural areas, lighting, a cabin, and landscaping consisting of conifers alongside the boundary opposite the parking area.

24. A similar application for a dog exercise area near Eshton was refused by the Authority in 2020 and then dismissed at appeal. While not identical to this case the Inspector was concerned that beyond what was proposed, it would be likely to lead to greater levels of dog training related facilities and equipment being sited within the application area that could not reasonably be controlled by planning conditions. While it would be the case that 1.83 metre-high fencing could be erected on part of the site the approval of the application would result in additional levels of equipment on the site. The proposal is contrary to policies CS1.2 and CS7.4 as well as policy H5 which relates to lighting.

Sustainability

25. The site is located close to Kirkby Lonsdale and Casterton. In principle this would provide an opportunity for residents and visitors to use the facility without having to resort to using vehicle transport to access the site. In this sense the development is in a relatively sustainable location and while it is contrary to some elements it accords with other elements of Policy CS 1.1 Sustainable development principles.

Highways

26. The applicant considers that 4 car parking spaces could be provided at the site but places an emphasis upon the facility being used by residents and visitors staying in the area. However, it is also clear from the representations in support that some customers would travel some distance to use the site. On this basis the Highway Authority is supportive of the proposal. Should Members be minded to approve the application further details of the car parking area should be sought.

Neighbour Amenity

27. The site is in a location where there is a high degree of activity from visitors parking and viewing Devil's Bridge. The Bridge area is also very popular with motorcyclists and the parking areas are well used. The area is sometimes used by travellers stopping on their way to and from the Appleby Horse fair and the loop road back to the A65 is used as an overnight stop. In addition, there is a substantial caravan site to the west of the site. This combination of factors indicates that the area is popular with a range of different users. While Officers have some concerns about the intensity and range of activities, the site and potential for conflict between those activities Cumbria Police have been consulted (and are supportive) and neither they nor the Parish Council has raised concerns about the proposal. In terms of residential amenity there are no houses bounding the site or that have any close relationship with it that could be affected in any significant way by the proposal.

Nature Recovery

28. Policy CS 8.4 'Biodiversity' sets out that proposals should protect, enhance, and restore biodiversity of land and buildings. There are no specific plans within the application to address nature recovery and biodiversity enhancement. In terms of protecting the existing environment the Trees Officer has pointed out that further consideration should be given to protecting trees adjacent to the site and that trees could be planted in each paddock.

Parish Council Comments

29. The Parish Council is supportive subject to changes/confirmation that new planting to the boundary is of mixed native species, that any fencing has due regard to the maintenance of hedgerows and that any solar lighting is dark sky compliant. As set out above there is a level of support for the proposal but the location is crucial and that the proposal is in an area that policy specifically seeks to protect from development.

Equality Act

30. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and

civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

31. It is considered that there are no overt reasons why this proposal would affect anyone with the protected characteristics such that the application should be permitted or refused on equality grounds.

Conclusion

32. The applicant has demonstrated that there is a demand for this type of facility however it is considered that this is not an appropriate location for such a use. The field forms part of the undeveloped pastoral landscape that provides a setting for an important local landmark - Devil's Bridge – and the proposal would involve a number of features that would detract from the appearance of the site, the intrinsic pastoral character of the area, its dark skies and the setting of Devil's Bridge. It is considered that the proposal is contrary to policies CS1.1, 1.2, 7.4, 8.2 of the South Lakeland Core Strategy 2010, Policy H5 of the South Lakeland Local Plan (saved Policies 2006) and the guidance contained in the National Planning Policy Framework (2023) (particularly para. 182).

Recommendation

33. It is recommended that permission be **Refused** based on the following:

In the opinion of the Local Planning Authority, the proposed creation of a dog exercise area would have a detrimental impact on the distinctive, open, pastoral landscape character of this part of the National Park and wider setting of the Devil's Bridge and its contribution to the landscape and character of Kirkby Lonsdale through the introduction of enclosure fences, structures, lighting and other facilities and paraphernalia. The proposed non-agricultural use is also highly likely to result in further changes to the appearance of the site to assist access and expand the business offering, which would increase the harmful effect of the use on the intrinsic undeveloped, pastoral character and visual quality of this part of the National Park. The proposed development would neither conserve nor enhance the National Park's landscape and as such the proposal is contrary to the first Statutory Purpose of the National Park Section 5 (1) National Parks and Access to Countryside Act 1949, policies CS1.1, 1.2, 7.4, 8.2 of the South Lakeland core strategy 2010, Policy H5 of the South Lakeland Local Plan (saved Policies 2006) and the guidance contained in the National Planning Policy Framework 2023 (particularly para. 182).