



# Epping Forest District Council



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Application Number:	EPF/2408/22
Site Name:	Land At Church Lane Sheering

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# OFFICER REPORT

**Application Ref:** EPF/2408/22  
**Application Type:** Change of use  
**Applicant:** Ms Sophie Hawkes  
**Case Officer:** Muhammad Rahman  
**Site Address:** Land at Church Lane, Sheering  
**Proposal:** Change of use of open pasture land (Agricultural) to a secure dog walking field (Sui Generis) with associated access, fencing and parking area  
**Ward:** Hastingwood, Matching and Sheering Village  
**Parish:** Sheering  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UPg7>  
**Recommendation:** Approve with Conditions

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

## Site and Surroundings

The proposed site is an open parcel of land, located off Church Lane within the village of Sheering. It is sited adjacent Pondfield and opposite The Old Rectory a Grade II listed building, which is within the ownership of the applicant.

The site itself has no heritage assets, nor is it within a conservation area, although it is wholly within the Metropolitan Green Belt. No protected trees lie within the site.

## Proposal

The application is for the change of use of open pastureland to a secure dog walking field with associated access, fencing and parking area.

The site is a piece of land approximately 0.72 hectares, proposed to be used as a dog walking field. There is an existing agricultural field access from the highway, which would be upgraded with a new wider access, and the hedges opposite removed to achieve the required visibility splays.

The field would be enclosed by 1.8m fencing to keep dogs from roaming other than in the exercise fields. It will be rentable and will run on 50-minute booking slots starting on the hour. It is intended for the field to operate between 8am and 8pm in the summer and 8am and 5pm in the winter. The field would be bookable 7 days a week, including bank holidays.

4 Parking spaces are proposed with grass protection mats.

No floodlighting is proposed.

## Relevant Planning History

None relevant.

## Development Plan Context

## Epping Forest Local Plan 2011-2033 (2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

The following policies within the current Development Plan are considered to be of relevance to this application:

DM4 Green Belt  
DM9 High Quality Design  
T1 Sustainable Transport Options

## National Planning Policy Framework 2021 (Framework)

Paragraph 11  
Paragraphs 137, 147 - 150  
Paragraph 180

## Summary of Representations

Number of neighbours Consulted: 7. 6 response(s) received  
Site notice posted: Yes.

## PONDFIELD, PENNYS, TIRRIM, 1 & 3 CHURCH FIELDS & HARLOW BADGER GROUP – OBJECTIONS – Summarised as:

- Noise & General disturbance;
- Loss of wildlife/Impact on Badgers;
- Highway safety/Parking concerns; and
- Overlooking.

PARISH COUNCIL – No comments received.

## Planning Considerations

The main issues for consideration in this case are;

- a) The impact on the Green Belt;
- b) The impact on neighbouring amenities, with particular regards to noise & general disturbance;
- c) Highway safety and parking provision;
- d) Trees and landscaping; and
- e) Ecology.

## Green Belt

Material changes in the use of land are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The change of use of land to a dog walking field as proposed is for outdoor sport/recreation purposes. Therefore, it is necessary to

assess whether the proposals harm the openness of the Green Belt, or conflict with the purposes of including land within it.

A fundamental aim of Green Belt policy, as set out in the Framework, is to keep land permanently open. Openness can be considered as meaning an absence of built or urbanising development.

The site would comprise of a large field, with fencing surrounding it, which would not be solid or close boarded fencing as such there would be no material effect on openness.

It is proposed that booking will be required to utilise the facility, in hourly slots, of which 50 minutes would be for exercise, and the remaining 10 minutes to be used to ensure customers did not attend and leave at the same time. The agent has provided the following response below;

The terms and conditions of the booking would set out that there can be no more than 6 dogs per booking and that no more than 2 cars can arrive at the site per booking. The field would be booked for exclusive use and it is expected that in the vast majority of typical bookings there would be 1 vehicle, 1-2 persons and 1-2 dogs visiting the site.

Note that 6 dogs does not mean 6 vehicles, as a single customer may have a number of dogs, and the upper allowance of 6 dogs is also targeted towards accommodating professional dog walkers who would visit the site in one vehicle.

Such comings and goings, and the parking of vehicles, could give rise to visual impact, which in turn would affect openness. However, the field could reasonably be used for the grazing of animals on a permanent or regular basis. The vehicle movements associated with the proposal would be similar to the movements associated with the agricultural use as the use of land could entail a number of daily visits at various times and would involve vehicles or agricultural machinery. The above has been secured via a condition.

On balance, therefore, the use of the site for dog walking purposes would preserve the openness of the Green Belt.

#### Impact on Neighbours

Whilst there have been concerns regarding noise from the proposed use, however, this is a matter that can be controlled via a suitably worded condition limiting the operating hours and the total number of dogs allowed to use the fields at any one time. Concerns regarding overlooking to Pondfield are not sufficient to warrant a refusal. The same level of overlooking can be achieved with the existing use of the site, albeit the slight increase in public use.

#### Highway safety and parking provision

The 4 parking spaces proposed are acceptable and a condition has been added ensuring there are no more than 2 customer vehicles at the site per booking slot. Re the proposed access, the results of the traffic survey carried out by the applicants in the vicinity of the proposed access on Church Lane, shows the speed at or below which 85 percent of the drivers travel for both northbound and southbound traffic is 19mph; far below the posted national speed limit of 60mph. The horizontal curvature of Church Lane acts as an informal traffic calming feature; reducing vehicle speeds through this section of the road.

Based on the above, the Highways Authority are satisfied the required visibility splays to make the proposed access safe have been achieved. This will be done by setting the hedge line opposite the proposed access some 3m from the edge of the carriageway as shown on the visibility splay plans.

## Trees and Landscaping

As mentioned previously, the hedge opposite the proposed access will need to be removed to achieve the required visibility splay. On this note, the Councils Tree Team have provided the below response;

We have no objection to the relocation of the hedge line, for road safety reasons, subject to a native hedge being replanted. Please therefore include the above soft landscaping condition so that species, size & density of planting can be agreed.

The above has been added as a condition.

## Ecology

Following concerns raised regarding possible impacts on existing badger setts within the site, an ecology survey including a badger survey was submitted by the applicants. The Conclusion of the Badger survey states; as the works only include the provision of new boundary fencing, it is considered that through the implementation of a stringent precautionary working method and sufficient buffer, impacts upon the sett and the individuals using it can be avoided. This has been secured via a condition.

The above reports were reviewed by ECC Ecology Team and no objections were raised subject to recommended conditions. As such, officers are satisfied that there would be no harm to existing badger setts.

## Epping Forest Special Area of Conservation

A large part of the Epping Forest contains a Special Area of Conservation (EFSAC) which has been identified primarily for its value in respect of beech trees and wet and dry heaths and for its population of stag beetle. As an internationally important site it is afforded the highest level of protection due to its habitats and species that are vulnerable or rare within an international context.

The Council, as a competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations), and Policies DM2 & DM22 of the Epping Forest District Local Plan 2011 – 2033 has a duty to ensure that plans and projects for whose consent it is responsible will not have an adverse effect on the integrity of these designated sites either alone or in-combination with other plans and projects within the adopted Local Plan.

The Council has identified two main issues (known as 'Pathways of Impact') that are currently adversely affecting the health of the Epping Forest.

The first is recreational pressure. Surveys have demonstrated that most visitors live within 6.2km (Zone of Influence) of the Epping Forest. As new residential development within 6.2km is likely to result in more people visiting the Epping Forest on a regular basis this will add to that recreational pressure.

The second issue is atmospheric pollution which is caused primarily by vehicles travelling on roads in close proximity to the Forest emitting pollutants (Nitrogen Dioxide and Ammonia). Development proposals (regardless of their type, size, and location within the District) which would result in even an increase in just one additional vehicle has the potential to contribute to increases in atmospheric pollution within the Epping Forest.

## Stage 1: Screening Assessment

This application has been screened in relation to the recreational pressures and atmospheric Pathways of Impact and concludes as follows:

1) The site lies outside the 0-3km / 3-6.2 km (Zone of Influence as identified in the Epping Forest Strategic Access Management and Monitoring (SAMM) Strategy. Consequently, the development would not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

2) The development has the potential to result in a net increase in traffic using roads through the EFSAC.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to atmospheric pollution Pathways of Impact.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to atmospheric pollution.

#### Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. Taking a precautionary approach, the number of AADT trips would likely be 48 movements daily (2 vehicles per hour x 12 hrs. (8am – 8pm)). However, the Council, through the development of the Air Pollution Mitigation Strategy (APMS), has provided a strategic, district wide approach to mitigating atmospheric pollution impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the AMPS. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from the two strategic employment allocations at Dowding Way and North Weald Airfield.

Notwithstanding the above, the site is located in excess of 14km as the crow flies from the edge of the SAC. Such a distance is significant in the context of the additional 48 AADT that may arise from the development. Whilst the new AADT movements is not completely insignificant, the location of the site is such that it would be extremely unlikely that the proposed development would cause a material increase in vehicles travelling within 200m of the SAC. This view is entirely consistent with the view reached by the Planning Inspector on no.3 Church Lane, (APP/J1535/W/18/3216022) which is located close to the application site and proposed three new dwellings. In that appeal, the Inspector concluded that:

*In my judgement, the site does not have an immediate relationship with the SAC. The appellant has stated that it is located in excess of 14km away and I have no reason to doubt this to be an accurate assessment of the separation distance that is involved. I must take a precautionary approach and note that the number of trips that would be expected to be generated by three dwellings would likely be greater than the number of trips generated by the site's present use as grazing land. Despite this, I do not consider that the quantum of additional traffic on roads (and associated air pollution) in the proximity of the SAC could realistically be expected to result in a demonstrable net increase in traffic as a result of a proposal that is for merely three dwelling houses given the distance involved.*

Regarding this case, it is undoubtable that the new development will lead to an increase in AADT and to a level far beyond that which the Inspector considered above. However the same principle applies in that, the distribution of the new vehicle trips, even for 48 new AADT are unlikely to utilise routes through the SAC. It is therefore concluded that the proposal would not cause material harm to the special interest features of the SAC from air pollution. Finally, It is also noted that the very nature of this proposal as a dog walking facility could serve as an attractor for local people, perhaps dissuading them from using the SAC itself for recreational purposes. Whilst anecdotal and not relied on for the conclusion reached above, it may lead to these additional and unforeseen benefits to the SAC.

## Conclusion

Paragraph 84 of the Framework seeks to support the sustainable growth of all types of business and enterprise in rural areas. The proposals are entirely consistent with the Framework in this regard.

The development, in terms of changing the use for the walking of dogs, is not inappropriate development in the Green Belt. There would not be an adverse impact on neighbouring properties as a result of the proposals and satisfactory parking has been provided on site. The access to the development would not compromise highway safety. The design and form of the development would be in character with the area which is open and rural in appearance, and there will be no harm to the local wildlife.

For the reasons set out above, having regard to all matters raised, it is recommended that conditional planning permission be granted.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: Muhammad Rahman on 01992 564415 or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)

## Conditions: (15)

1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: Site Location Plan, Detailed Site Plan, Proposed Fencing & Gate Plan, 210680-001 Rev A (Sheet 1 - 5), and 210680-02a (Sheet 1 & 2).

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

3 Prior to commencement of the development hereby approved, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Details relating to a non-licenced Great Crested Newt Method Statement;
- c) Details relating to safeguarding Badgers and their sett.
- d) Identification of "biodiversity protection zones".
- e) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- f) The location and timing of sensitive works to avoid harm to biodiversity features.
- g) The times during construction when specialist ecologists need to be present on site to oversee works.
- h) Responsible persons and lines of communication.

- i) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- j) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 Prior to any above ground works, a Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to first use of the development hereby permitted and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species), Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 Prior to any above ground works, a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Amended Preliminary Ecological Appraisal (Arbtech, May 2023). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed



person shall undertake all activities, and works shall be carried out, in accordance with the approved details. The approved ecological scheme shall be implemented in full prior to the first use of the development hereby approved, and so retained.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 Prior to first use of the proposed development hereby permitted, the visibility splays to the east and west of the access, as shown on drawing no. 210680-0001 Rev A, shall be fully implemented, and retained clear to ground level, for the duration of the proposal.

Reason: To ensure that appropriate visibility is provided for access, in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 Prior to first use of the proposed development hereby permitted, a 2m wide parallel band, from the edge of the carriageway, as shown on drawing no. 210680-02a Rev A, shall be maintained clear to ground for the duration of the proposal.

Reason: To ensure that vehicles have appropriate forward visibility for right turning vehicles in the interests of highway safety. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 9 Prior to first use of the proposed development hereby permitted, the vehicle parking and turning areas, as indicated on the approved plans, shall be implemented and retained as such for the duration of the proposal.

Reason: To ensure that appropriate access, vehicle parking and turning is provided. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 The use hereby permitted shall only be open to customers between the hours of 08:00 and 20:00 daily.

Prior to first use of the development hereby approved a management & monitoring plan shall be submitted to the LPA and approved, in writing. The management & monitoring plan shall include the following;

- a) All customers must have booked in advance of any exercise visit.
- b) A booking slot shall last 50 minutes, and a 10-minute gap must be left between booking slots.
- c) No more than 2 customer vehicles and 6 dogs shall be on the site at any time;
- d) The site shall not be used for the boarding of animals at any time.

The development shall be retained in accordance with the approved details for the lifetime of the use. Upon request by the LPA a booking log shall be provided for review, within 28 days of the request.

Reason: In order to minimise disturbance to local residents and in the interest of visual amenity of the locality and Green Belt, in accordance with Policies DM4, DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 No external lighting shall be installed on the site at any time.

Reason: To ensure that the use does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 14 Upon cessation of the use hereby permitted all materials, structures and equipment brought on to the premises in connection with the use shall be removed from the site.

Reason: In the interest of the Green Belt, in accordance with Policy DM4 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 15 The materials to be used in the construction of the fencing, gate and parking areas of the development hereby permitted shall match those specified on the approved plans and the submitted application form.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

**Informatives: (2)**

- 16 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 17 There shall be no discharge of surface water onto the Highway.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.