

Planning Committee 22 November 2022
Report of the Planning Manager (Development Management)

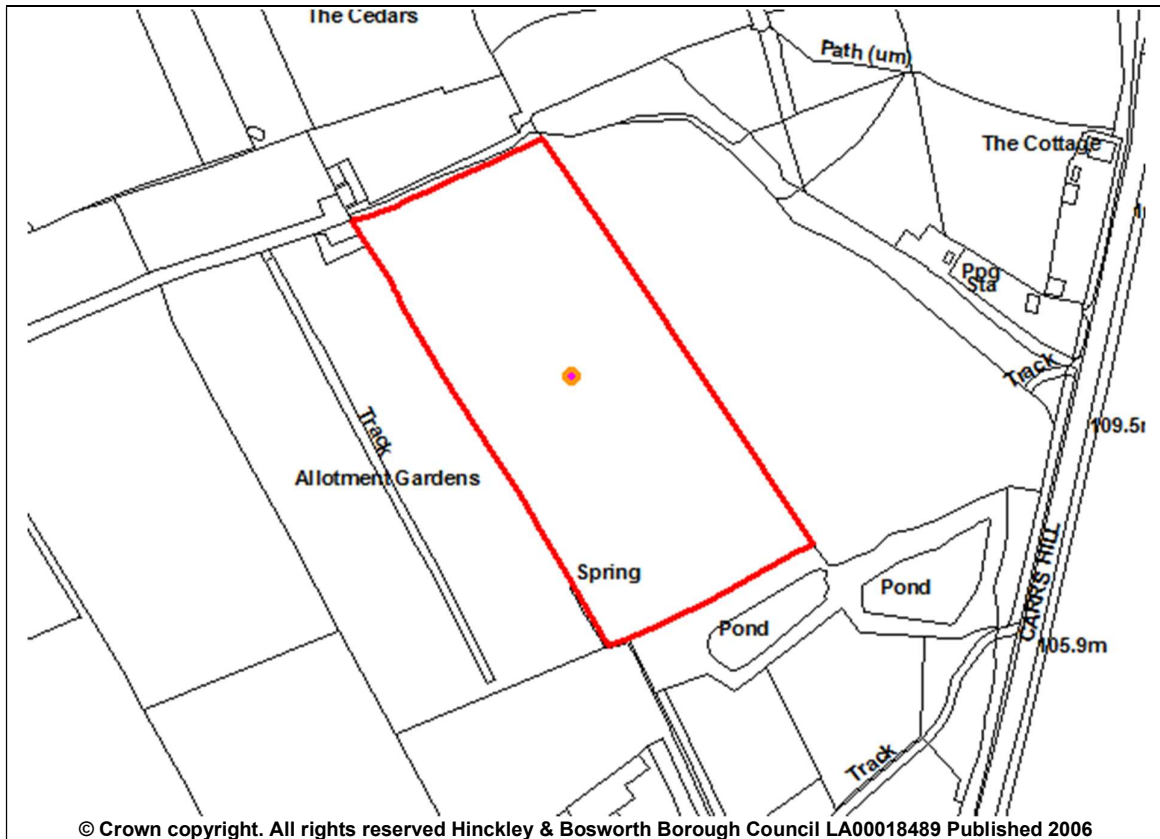
Planning Ref: 22/00790/FUL
Applicant: Daemon Johnson
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: Land South East of Dawsons Lane, Barwell, Leicestershire

Proposal: Change of use of land to provide a dog day care facility and associated secure dog walking facility



1. Recommendations

1.1. Refuse planning permission subject to the reasons at the end of this report.

2. Planning Application Description

2.1. The applicant seeks planning permission for the change of use of land to provide a dog day-care facility and associated secure dog walking facility

2.2. The permission is sought by Hinckley Pets in Home Limited who have been running a dog walking, dog sitting, dog grooming and doggy day-care service in the local area for 10 years. Hinckley Pets in Home limited have had planning permission granted for their current site of operation at Cold Comfort Farm, Rogues Lane, Hinckley since 2018 (18/00353/FUL) which is situated in open countryside.

2.3. Hinckley Pets in Home currently rent their facility from a local landowner and the proposed development will allow the business to secure itself financially by removing

the uncertainty associated with renting premises. It will allow the business to significantly grow its share in the pet services marketplace, create further opportunities for job creation from the current 7 members of staff to 10 & provide work experience placements for those requiring them as part of course work or awards

- 2.4. The purpose of the application is to create of a secure dog walking environment where the public can make use of the green wedge by walking their dogs in a safe and managed environment.
- 2.5. The dog day-service provided by Hinckley Pets in Home involves the collection and return of the dogs from their homes Monday to Friday (excluding Bank Holidays). Vehicular traffic is therefore minimised by the use of the pick and collection service.
- 2.6. The secure walking field would be in use on weekdays & at weekends. It will be limited to a summer closing time of 8pm on weekdays. Weekend opening times would be 10am to 4pm.
- 2.7. The secure walking field would be restricted to a maximum of 4 dogs at any one time. Each customer would be able to book a 45-minute session only. With a 15-minute interval between bookings.
- 2.8. Parking would be on site to minimise disruption outside the day-care building. Access to the site will be gained along the track that runs from Dawsons Lane. There is a requirement to put a building on the land to facilitate running of the dog day care business.
- 2.9. It is proposed that this building is designed and sits in the landscape in the same layout and feature as a stable block. The proposed building would be constructed of breeze blocks with wood cladding and have a flat timber and felt roof with upvc windows and a wooden door. An acoustic fence is proposed in the area around this building. A grassy play area for the dogs inside this acoustic fence is also proposed. Plastic tunnels etc are proposed for the dogs to play in there. Adjacent to the grassy area would be an area of Astro turf. This Astro turf area would be covered and screened by waterproof garden sails.
- 2.10. The majority of land, outside the immediate confines of the proposed building, will be given over to secure and safe dog walking. The existing hedgerows and field margins will be maintained in their current form and fenced off to ensure the retention of any existing wildlife habitats.
- 2.11. Waste bins and bags will be provided for customers. Hinckley Pets in Home has a contract with Hinckley & Bosworth Council for the removal of its waste.

3. Description of the Site and Surrounding Area

- 3.1. The site is located just outside of the settlement boundary of Barwell and is defined as being within a countryside location. The site is bounded by hedgerows around the site, and the land rises to the north to the highest point of the site, adjacent to Dawson's Lane and the PRow. The site is accessed by a single track off a private un adopted road.
- 3.2. The application has a site area of 1.31 hectares. The adjacent land parcels are in varying rural uses including allotments to the east, Inglenook Farm, consisting of several different commercial operations to the south and a paddock to the west. The

nearest residential properties are 90 metres to the north of the application site and are separated by an undeveloped area of land that is enclosed by a high brick wall and a public footpath.

4. Relevant Planning History

- None

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2. 9 letters of objection has been received with 4 being letters of objection and 5 of support. The comments are summarised below:

- 1) The application is open countryside and is contrary to Policy DM4 of the Site Allocations and Development Management Policies DPD.
- 2) An increase in traffic on the lane would increase noise levels in the area.
- 3) Dogs will be running wild and not under control
- 4) The track leading to the site is a single lane track with no room for passing and insufficient turning or car parking facilities
- 5) The parking planned for the site will not be big enough for the workers let alone the public using it.
- 6) The area planned for the building has always been boggy and is known to flood making it unsuitable for building
- 7) The application is clearly out of keeping with the area

5.3. The main summarised points of support are:

- 1) This service is a huge benefit for dog owners and ensures the dogs welfare is fully catered for
- 2) This prevents disturbance of the neighbourhood from unattended dogs and provides valuable direct employment for local people and supports the wider employment of local people by ensuring their dogs are cared for fully when out at work
- 3) The company is professionally run with good care for their locality and the environment
- 4) The Company provide a modern service that caters to a very modern problem. This day care business is brilliant
- 5) It really is a great thing for the community and other dog lovers like myself!
- 6) They provide an excellent service in the community, which enables people to have the pleasure of owning a dog, knowing its being looked after to a very high standard, whilst you are at work.
- 7) We really rely on the service these people provide we can confidently leave our dogs with them to go on holiday in the knowledge that they will be well looked after and treated as members of their family

6. Consultation

- 6.1. Barwell Parish Council object to the proposal. DM17 Highways and Transportation Private Road- who pays for the upkeep and repairs.
- 6.2. Poors Platt Charity objected – access to their allotments and removal of vegetation. DM4 Safeguarding the Countryside.
- 6.2. HBBC Environmental Health (Pollution) has no objection but acknowledge the proposal has the potential to impact on neighbouring uses from noise owing to dog barking. Nearby noise sensitive properties of Inglenook and The Cottage plus the adjacent allotment gardens could be impacted upon. Details of boundary treatment (to the day boarding facility only) need to be submitted for consideration i.e. acoustic fencing. It should be noted that this was required at the current Pets in Home site.
- 6.3. HBBC Drainage - No objections
- 6.4. LCC Highways - No objections. The Applicant is proposing a change of use of land to provide a dog day-care facility and associated secure dog walking facility. The proposed location is adjacent to Dawsons Lane which is an unadopted private lane. The access onto Dawsons Lane is approximately 450m away from the adopted highway. Given the above there would appear to be no material impact on the public highway and therefore the Local Highway Authority has no comments to make. The Applicant should be mindful that Public Right of Way (PRoW) U32 is located to the north of the site but outside of the boundary of the application site. However, the Applicant should ensure that during the construction phase or operation of the site, access to U32 should remain unhindered. It is noted parking is to be provided within the site.
- 6.5. HBBC Waste - No objection subject to the imposition of a condition, should permission be granted.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 21: National Forest
- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)

8. Appraisal

- 8.1. Key Issues
 - Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety

Assessment against strategic planning policies
- 8.2. Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) sets out a presumption in favour of sustainable development and states

that development proposals that accord with the development plan should be approved unless material considerations indicate otherwise.

- 8.3. As the site is located outside of the settlement boundary of Barwell, within open countryside, Policy DM4 of the SADMP is relevant. Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. Policy DM4 states development in the countryside will be considered sustainable where; it is for outdoor sport or recreation purposes and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; the proposal involves the change of use, re use or extension of existing buildings which lead to the enhancement of the immediate setting; it significantly contributes to economic growth, job creation and/or diversification of rural business; it relates to the provision of stand-alone renewable energy developments; it relates to the provision of accommodation for a rural worker.
- 8.4. The current proposal would include an L-shaped stable-like building at the southern end of the site; in addition to the various dog activities which would occur on the site. This building is necessary to form a toilet and dog washing facilities but the introduction of a building on this site would introduce an incongruous form of development within an open countryside setting which would significantly harm the countryside and is considered to be an unsustainable form of development and contrary to Policy 21 of the Core Strategy and Policy DM4 of the Site Allocations and Development Management Policies DPD.
- 8.5. In regard to the proposed use of the land for dog training, walking and day boarding, Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where it is for outdoor sport or recreation purposes and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries.
- 8.6. In terms of justification the applicant has stated the proposal would allow the public to make use of this green wedge adjacent to the settlement boundary and allow them to walk their dogs in a safe and managed environment. It would also allow the business to secure itself financially by removing the uncertainty associated with renting premises. It will allow the business to significantly grow its share in the pet services marketplace & create further opportunities for job creation from the current 7 members of staff to 10. As this site is adjacent to the settlement boundary of Barwell it would potentially reduce the requirement to travel by private motor car to the site to utilise the services to be provided, for nearby members of the public at least but would otherwise lead to traffic generation on this track.
- 8.7. The dog day-service provided by Hinckley Pets in Home involves the collection and return of the dogs from their homes Monday to Friday (excluding Bank Holidays). Vehicular traffic is minimised by the use of the pick-up and collection service as it is by the restriction of the use of the site by a maximum of 4 dogs per hour. Policy DM4 of the SADMP also states that the development should significantly contribute to economic growth and diversification of a rural business. The current piece of land however is an open field and is currently not being used for any farming purposes, therefore the proposal to run a dog training, walking and day boarding from the land is not diversifying an existing rural business. The proposal does not create a significant amount of economic growth but it is noted that 3 additional staff would need to be hired. It is therefore considered that the development would be contrary to Policy DM4 of the Site Allocations and Development Management Policies DPD.
- 8.8. It is therefore considered that the proposed development would not constitute sustainable development within the countryside and is contrary to Policy 21 of the Core Strategy and Policy DM4 of the SADMP.

Design and impact upon the character of the area

- 8.9. Policy DM4 requires that development which is considered sustainable in the countryside should not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and does not undermine the physical and perceived separation and open character between settlements.
- 8.10. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the surrounding area.
- 8.11. In terms of built structures the application proposes to introduce a stable-like building within the open countryside. The site rises from the south of the site and the proposed building would be located near the southern end of the site and so be less visible from the road side and from outside the site. The access and the parking area further erode the countryside as does a requirement for acoustic fencing. The introduction of this building would introduce an incongruous form of development within the open countryside which would have a detrimental impact on the countryside and is therefore contrary to Policy DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP states that development should be permitted providing that the development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality, noise, vibration and visual intrusion.
- 8.13. The nearest residential property is over 90 metres away, on higher ground and over mature boundaries therefore any noise potential from the restricted number of dogs on site is not likely to be significant. Acoustic fencing is also being proposed for the more sensitive parts, around the proposed building and dog playing area which would further reduce this noise potential. Therefore it is envisaged that the site would not result in significant harm to any neighbouring residential amenity and is therefore considered to be in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

Impact upon highway safety

- 8.14. Policy DM17 and DM18 of the SADMP require development to accord with the adopted highway design and vehicle parking standards to ensure that there is adequate highway visibility for road users and adequate provision of off street parking and manoeuvring facilities. Paragraph 32 of the NPPF states that development should only be refused on highway grounds where the cumulative impacts of the development is severe.
- 8.15. There would be a maximum of 4 dogs on-site at any one time. Each customer would be able to book a 45-minute session only. With a 15-minute interval between bookings. The dog day-care service would involve dogs being picked up and dropped back to their homes by the business which will reduce the number of car movements to and from the site.
- 8.16. In terms of the dog walking and day boarding element of the consent, the 6C's Design Guide guidance does not specify the amount of parking that is required. However

parking would be required for the 10 employees that would be appointed (some on a part time basis) & some visitor parking is required.

- 8.17. The licence conditions require a ratio of 1 member of staff to 10 dogs. The applicants are looking to increase from 30 to 40 dogs per day for day care. The staff at the moment share lifts or are picked up by the work van. The van itself will either stay on site in the parking bay where dogs would be unloaded as per building design or leave site completely. Members of the public will also arrive in their cars with their dogs.
- 8.18. A parking area for 4 vehicles is proposed. This would remove the need for visitors to park on the private track road which potentially could cause a danger to other road users. Dawsons Lane is an unadopted private lane. The amount of traffic, albeit not significant in NPPF test terms, could be considered a significant increase for the nature of the existing long narrow unmade track. The access onto Dawsons Lane is approximately 450m away from the adopted highway. Highways have been consulted and have no objections to the proposal but highways are not concerned with private roads. This higher intensity of usage for 450m of mostly single track with few passing places would likely lead to over-intensification of this track and nuisance for existing residents. Therefore it is considered that the development is contrary to Policy DM18 of the Site Allocations and Development Management Policies DPD.

Other Issues

- 8.19. Relevant planning related points of objection have been addressed in the body of the report above. The restriction on the number of dogs on site at any one time will help keep any noise to an acceptable level. Acoustic fencing will help with this. Picking up & returning dogs to their homes by the dog van will reduce the number of trips made on this access track. This track will also be improved on by the applicant. Highways have not objected.
- 8.20. Another point which has been raised is that there is no running water and no waste disposal. However, if an application was to be approved on site; an appropriately worded condition could be imposed to ensure there are adequate facilities provided within the site.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

10.1. The proposed development would introduce a building onto the site which would cause harm to the character and appearance of the open countryside and it is therefore contrary to Policy 21 of the Core Strategy and Policy DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

10.2. The site also proposes to have dog walking and day-boarding. No justification has been provided to demonstrate that this scheme cannot be provided within settlement boundaries and the proposal site is therefore considered to be contrary to Policy DM4 of the Site Allocations and Development Management Policies DPD.

11. Recommendation

11.1. **Refuse planning permission** subject to the reasons at the end of this report.

11.2. Reasons

1. The siting of a dog day boarding & walking business at this location within the open countryside would introduce an incongruous and unsustainable form of development which would have a significant adverse impact on the intrinsic value, beauty, open character and landscape character of the countryside and would be contrary to Policy DM4 and DM10 of the Site Allocations and Development Management Policies DPD.
2. Development in the countryside will be considered sustainable where it is for outdoor sport or recreation purposes and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries. The site is located outside the settlement boundary and no justification has been provided by the applicant to demonstrate that this use cannot be provided within or adjacent to settlement boundaries and is therefore considered to be contrary to Policy DM4 of the Site Allocations and Development Management Policies DPD.
3. The amount of traffic generated from this business and its customers, albeit not severe in NPPF terms, would lead to over-intensification of use of this 450m single track with few passing points along it. It is considered the development is contrary to Policy DM18 of the Site Allocations and Development Management Policies DPD.

11.3. Notes to Applicant

1. This application has been determined having regard to the following documents and plans submitted with the application, previous appeal decisions on the site and a consultation response received during the course of the application:- Site Plan received by the Local Planning Authority on 16th August 22, Proposed Acoustic Fencing, Proposed Elevation, Floor and Road Plan received by the Local Planning Authority on 17th October 22 and Parking Plan received by the Local Planning Authority on the 18 October 2022