

**Planning Committee 7<sup>th</sup> November 2023**  
**Report of the Head of Planning (Development Management)**

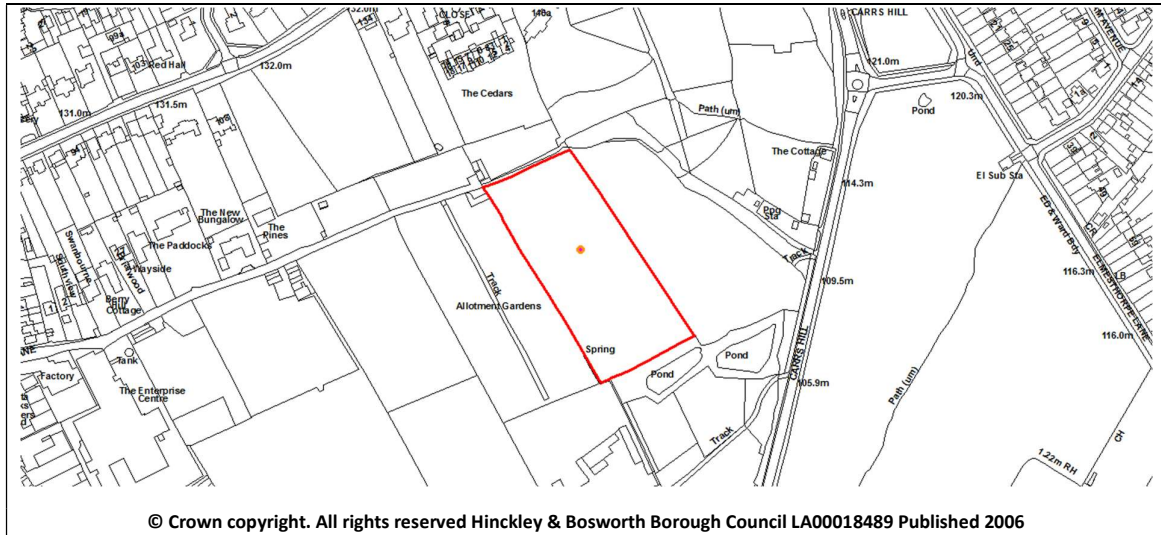


Hinckley & Bosworth  
Borough Council

**Planning Ref: 23/00455/FUL**  
**Applicant: MR Daemon Johnson**  
**Ward: Barwell**

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

**Proposal: Change of use of land to provide a dog day care facility and associated fence**



**1. Recommendations**

1.1. **Refuse planning permission** subject to the reason 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 fence.

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 applicants consider that the proposed development will allow the business to secure itself financially by removing the uncertainty associated with renting premises. The applicants consider the development will allow the business to significantly grow its share in the pet services marketplace. The proposal will keep 4 members of staff in employment & add 1 more part-time position. The applicants also state that the proposal will also support work experience for Prince's Trust & support 75 dog owning households who need to work.

2.4. The main business of Hinckley Pets in Home is providing a dog day-care service. This involves the collection and return of the dogs from their homes Monday to Friday

(excluding Bank Holidays). The business operates a collect and drop-off service only and does not take drop-offs by customers. This is for the following reasons:

- Convenience to the customer taking the stress out of having to collect and drop their pet off
- Reduction in vehicle usage by customers and thereby reducing the environmental impact
- Reduction in noise. If drop offs and collections were allowed this would increase the possibility of dogs barking
- Lower staffing costs

2.5. The applicants also operate a dog grooming service, however, this is not proposed to be based at the application site on Dawsons Lane. The dog grooming salon is based at 188 High Street, Earl Shilton and this will continue as it provides a prominent footprint for that side of the business.

2.6. In the previous application which was refused (22/00790/FUL), part of the application was for a secure dog walking area. This use is withdrawn and will not be required.

2.7. Access to the site is via Dawsons Lane which is a single track private road with a public right of way. Parking is proposed to be provided on the site next to the access for 4 cars and 1 van. The parking & turning area would measure 12m x 12m.

2.8. Opening hours would be Monday to Friday (excluding Bank Holidays) between the hours of 10am and 3.30pm with an anticipated maximum vehicle movement per day no more than 4 vehicles in and 4 vehicles out.

2.9. Hinckley Pets in Home has a contract with Hinckley & Bosworth Council for the removal of its waste.

2.10. The proposed dog day-care structure is required to provide the dogs refuge in incremental weather or extremes of heat. The proposed day-care building is proposed to be sited at the north-eastern corner of the site running south-west to north-east parallel to the boundary line with the public footpath. The development will be a 5m x 10m rectangular wooden flat roofed structure & surrounded by 6ft acoustic fence panelling. The remainder of the acoustic -fenced enclosed space will be 270m<sup>2</sup> and used by the dogs present.

2.11. The proposed day-care facility will account for only 2% of the total land available but is sufficient to allow the business to be licensed and continue its function. The existing hedgerows and field margins are proposed to be maintained in their current form. The land has been registered with DEFRA as a small holding, with the applicants undertaking transformation works on the site. This includes beehives being put in place working with Atherstone beekeepers association.

2.12. A MOREwoods Site Report was submitted on 2<sup>nd</sup> June 2023 that shows '0.5Hect Native woodland' will also be planted as part of the applicants desire to bring the site back from its disused look to a rural setting contributing to the local ecosystem.

### **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 and within the Green Wedge. The site is bound by hedgerows and some mature trees 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 site has a site area of 1.31 hectares. The adjacent land parcels are in varying rural uses including allotments to the west, Inglenook Farm, consisting of several different commercial operations to the south and a paddock to the east. The nearest residential properties are approximately 90 metres to the north of the application site and are separated by dense mature boundaries & an undeveloped area of land that is enclosed by a high brick wall and a public footpath.
- 3.3. The land can be split into 2 key segments, dry land and wetland. The top half is grassed and has a loam soil structure that is well drained. This then slopes to the south levelling off with again a well-drained area. It then has a natural spring creating a small wetland before becoming dry at the bottom southern end with a sand and clay soil type. The bottom western quarter has at least 2 springs which create a wetland land area.

#### **4. Relevant Planning History**

##### **22/00790/FUL**

- Change of use of land to provide a dog day care facility and associated secure dog walking facility
- Refused
- 25.10.2022

The reasons for refusal of 22/00790/FUL were:

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 the function of the green wedge and would be contrary to Policy 6 of the Core Strategy and Policies 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 traffic generated from the proposed business and its customers would lead to over-intensification of use of this 450m single track with few passing points along it and currently being in a state of disrepair. The proposal is therefore considered to be contrary to Policy DM18 of the Site Allocations and Development Management Policies DPD'.

4.1 The differences between the recent refused proposal & the current proposal is that:

- A secure dog walking area is no longer being proposed
- The day care building would now be at the top of the site in the north-east corner
- Information has been submitted with this application showing that there is no suitable land for sale within a 5-mile radius of Hinckle
- More investment is being made into the land to create biodiversity and enhance the green wedge
- A Noise Impact Study has been carried out to determine potential impacts on nearby residential amenity

## **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. 48 letters of representation from different households have been received with 6 households objecting to the proposal & 32 of them being in support of the proposal. The main points of objection are summarised below:

- Nothing has changed since the previous refusal
- A large gate has been erected and 18cm of the footpath has been taken
- This site should be cleared and returned to a green field wedge.
- Access is only possible via a track with no passing points
- This track can't accommodate a HBBC bin lorry
- Where is the cess pit going?
- Barking dogs will be a constant noise & ruin the tranquillity of the area
- Moving the building to the top of the field will harm the amenity of residents on the Shilton Road
- Work has begun with a layer of rubble at the entrance to the site as well as digging the field for a roadway into the site yet the application itself says no work has begun
- A few trees have already been cut down
- Large vehicles will have to empty the 180 litre green waste bin & the staff/ public toilets
- Staff will require parking and this will increase traffic flow
- A concrete base for the wooden building is needed as well as hardstanding for the parking
- An appeal on 'Land East of the Enterprise Centre, Dawsons Lane' for 'the Siting of 2 storage containers ancillary to the existing equestrian use' was refused and dismissed at appeal for reasons of hardstanding harming the character & appearance of the area.
- Application 21/1470/FUL was also refused for similar.
- The Green Wedge will be eroded with no benefit to the local community
- More and bigger vehicles will pose more problems and increase risk of injury

- The road is full of potholes & not a suitable access
- How is usage of this road going to be controlled, monitored?
- Who will pay for the upkeep of this road?

5.3. The main summarised points of support are:

- With the business providing a collection and drop-off service, this will reduce the number of vehicular movements going to and from the site & will not cause any disruption to surrounding homeowners, land owners or public walkers.
- The proposed will create jobs for local people & helps local people with pet care
- This service is a huge benefit for dog owners and ensures the dogs welfare is fully catered for
- The company is professionally run with good care for their locality and the environment
- The Company provide a modern door-to-door service that caters to a very modern problem & minimises additional traffic
- This day care business is brilliant
- It really is a great thing for the community and other dog lovers like myself who enjoy regular exercise and socialisation & same for dogs
- 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.
- 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
- It's a help to animals from being stuck at home. Helps their temperament
- The applicants are improving the local landscape adding vastly to ancient woodland on the site
- There will be little extra traffic created over and above the traffic associated with the industrial units

5.4 Furthermore a petition with 17 signatories has been received with the petition stating that the application will either damage the intrinsic value, beauty, open character and landscape character of the countryside and/or create traffic issues on Dawsons Lane, also creating issues for the use of allotment car park and/or damage to Dawsons Lane and/or being harmful to wildlife. The petition urges the Planning Department to reject the application.

## **6. Consultation**

6.1. Barwell Parish Council object to the proposal. Comments were 'DM17 Highways and Transportation. Private Road- who pays for the upkeep and repairs. Concern about access to allotments. DM4 Safeguarding the Countryside'.

6.2. HBBC Environmental Health (Pollution)- The original location for this development located the dog unit further from residential premises and therefore through site

management it was felt that noise could be controlled and no objection was submitted. There is concern that this new scheme puts the unit (including the outside run – which is the most sensitive use from a noise perspective) only 90 meters from residential. Although no formal action was taken regarding alleged noise nuisance at the current Rogues Lane site, the use did lead to complaint and the residential properties on Rogues Lane were over double this distance away. It is noted that the impact on Rogues Lane was reduced by the erection of a fence (which is again proposed here). If this scheme is to be progressed, a noise investigation should be undertaken by an independent noise consultant that can demonstrate the likely noise associated with the number of dogs proposed and how this noise level propagates to neighbouring noise sensitive uses after considering the intervening terrain and mitigation afforded by the proposed fence. The report should form part of the application and be subject to review prior to final comments.

A Noise Impact Assessment Report & Noise Mitigation Plan was submitted by the applicant on 19<sup>th</sup> July 2023 the Environmental Health Officer was re-consulted. Following this, the final comments from Environmental Health were:

'My comments are based on the potential impact on residential amenity; it should be noted that there is likely to be some impact on the users of the nearby allotments but this has not been considered in my assessment. Owing to the close proximity to the allotments, I do not believe that there is any additional mitigation that could reduce the impact further; it would come down to site management if permitted. The noise investigation has concluded that with 18 dogs barking at any one time (deemed worst case scenario), the impact would not be significant at residential premises. It needs to be stated that there is no approved guidance for assessing dog barking and the noise consultant has used what guidance is available and best practice based on long standing noise assessment tools to conduct this investigation and provide as robust an assessment of potential noise impact as possible. Dog barking is not a steady sound and owing to this, it draws attention and for that reason complaints are often received; the investigation is only an indication of the likely impact and so cannot be relied upon 100% to indicate the level of impact on residential amenity. Owing to the nature of the business, I believe that complaints are likely; however, I cannot state that I believe at this point, based on the information submitted, that impact will be significant and therefore have no grounds to object to this application. However, I must note that should noise complaints be received then they will be investigated under statutory nuisance legislation which could lead to a noise abatement notice being served on the business to abate the nuisance. 2 options have been submitted for the location of the facility; out of option 1 and 2, the impact is assessed as less from option 1 and so it is recommended that this option is considered preferable if permitted. If permitted, I recommend that the use is conditioned to Monday – Friday 10:00-15:30 and for a maximum of 30 dogs on site with a maximum of 18 permitted in the external exercise area at any one time. In addition, it should be conditioned that the fence is installed prior to first use. Noise Management Plan 2 The noise management plan submitted is acceptable as a foundation; I would however, recommend that additional detail is included on managing the dogs and control measures used to reduce barking and what actions can be taken when the stimuli is outside of the facility. Ideas and other plans can be found via the internet. I am happy to consider this further prior to determination or in compliance with a suitably worded condition if permitted; but the plan should be in place and adhered to prior to first use'.

- 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 objections.

## **7. Policy**

7.1. Core Strategy (2009)

- Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge

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. Policy 6 of the Core Strategy states that the following land uses will be acceptable in the Green Wedge, provided the operational development associated with such uses does not damage the function of the Green Wedge:

- a) Agriculture, including allotments and horticulture not accompanied by retail development
- b) Recreation
- c) Forestry
- d) Footpaths, bridleways and cycleways
- e) Burial grounds
- f) Use for nature conservation

The policy then goes on to require development within the Green Wedge to 'retain the function of the Green Wedge' and the 'visual appearance of the area'. 3'

8.4. As the site is located in the green wedge & outside of the settlement boundary of Barwell, within open countryside, Policy DM4 of the SADMP is also 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;

- a) *It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or*
- b) *The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or*
- c) *It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or*
- d) *It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or*
- e) *It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.*

and:

- i) *It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and*
- ii) *It does not undermine the physical and perceived separation and open character between settlements; and*
- iii) *It does not create or exacerbate ribbon development;*
- iv) *If within a Green Wedge, it protects its role and function in line*
- v) *If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21*

8.5 In regard to the proposed use of the land for dog day boarding, Policy DM4 (a) 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. Recreation uses is also one of the types of land uses which would in principle be accepted within the Green Wedge in accordance with Policy 6 of the CS.

8.6 In terms of justification, as the site is located outside the settlement boundary and to address the 2<sup>nd</sup> previous reason for refusal, justification has been provided by the applicant to demonstrate that this use cannot be provided within or adjacent to settlement boundaries. However, as the dog walking area has been removed in the current application the proposal no longer offers outdoor sport or recreation facilities. The proposal is for a commercial dog day-care facility with no recreational use included, the proposal therefore cannot be assessed as complying with Policy DM4(a). Furthermore, the development of a dog day-care business would not fall within one of the acceptable uses within the Green Wedge within Policy 6 of the CS.

8.7 The proposal does not constitute the change of use, re-use or extension of existing buildings, renewable energy or accommodation for a rural worker. The proposal therefore falls to be assessed under DM4(c), whether 'it significantly contributes to economic growth, job creation and/or diversification of rural business'. The current piece of land is an open field and is currently not being used for any farming purposes,



therefore the proposal to run a dog day boarding centre from the land is not diversifying an existing rural business. The applicant has committed to planting 0.5 Hectare of ancient/native woodland & although this will improve the quality of the Green Wedge it does not qualify the site as having an existing rural business.

- 8.8 The applicant has stated the proposal 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 for 1 additional part time member of staff, in addition to the existing 7 staff members. Policy DM4 of the SADMP states that the development should significantly contribute to economic growth. Whilst each application must be judged on its own merits, it is noted that in a recent appeal decision for development within the countryside within the Hinckley and Bosworth Borough (APP/K2420/C/22/3304695- Decision Date: 24 October 2023) an inspector found that the creation of 4 jobs was not considered to be a significant contribution to economic growth or job creation. It is therefore considered that the principle of development would not constitute sustainable development within the countryside and would be contrary to Policy DM4 of the Site Allocations and Development Management Policies DPD and Policy 6 of the Core Strategy.

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 Policy 6 of the Core Strategy requires any land uses within the Green Wedge to retain the function of the Green Wedge and retain the visual appearance of the area.
- 8.12 In terms of built structures the current proposal would include a flat roofed stable like building (5m x 10m) in the north-eastern corner of the site; in addition to a small area south-east of this building which would function as a play area/ open area for the dogs. This area would also be enclosed by acoustic fencing. This building is necessary to form a reception, toilet and dog washing facilities or shelter in bad weather.
- 8.13 The site rises from the south of the site and the proposed building would be located in the NE corner of the site, on high ground level and so would be visible from the surrounding countryside. The proposed siting close to the existing northern and eastern boundary treatments would mitigate the prominence of the building slightly, however, would not entirely screen the building from view.
- 8.14 The access track and the parking area further erode the countryside as does, in particular, a requirement for acoustic fencing which in its nature would be a solid, high fence which is not a characteristic of the surrounding area. Whilst the proposed development is considered to be a betterment to the previously approved scheme, the introduction of this building and fencing is judged to introduce an incongruous form of development within the open countryside which would have a detrimental impact on the countryside and visual appearance of the Green Wedge and is therefore contrary to Policy DM4 and DM10 of the Site Allocations and Development Management Policies DPD and Policy 6 of the Core Strategy.

#### Impact upon neighbouring residential amenity

- 8.15 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.
- 8.16 The applicants have undertaken a Noise Impact Assessment Report and associated Noise Mitigation Plan which have been reviewed by the Environmental Health Officer (EHO).
- 8.17 The noise investigation concluded that with 18 dogs barking at any one time (deemed the worst case scenario) the impact would not be significant at the nearest residential properties (over 80 metres away, on higher ground and over mature boundaries and a wooded area). The EHO noted that there is no approved guidance for assessing dog barking and the noise consultant has used what guidance is available and best practice based on long standing noise assessment tools to conduct the investigation. The EHO therefore judges the assessment is 'as robust an assessment of potential noise impact as possible'. Dog barking is not a steady sound and owing to this, it draws attention and for that reason the EHO advises that complaints are often received. Owing to the nature of the business, the EHO advises that complaints are likely; however, they consider that based on the information submitted the impact will not be significant and therefore has no objection to the application. The EHO has however advised that any noise complaints received could be investigated under statutory nuisance legislation which could lead to a noise abatement notice being served on the business to abate the nuisance.
- 8.18 Acoustic fencing is also being proposed for the more sensitive parts, around the proposed building and dog playing area.
- 8.19 The Environmental Health Officer has no objections to the proposal subject to carefully worded conditions. Including conditioning the opening hours to Monday-Friday 10-15.30, limiting the maximum number of dogs to 30 dogs with a maximum of 18 dogs in the external exercise area at any one time.
- 8.20 In conclusion, subject to the above conditions 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

- 8.21 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.
- 8.22 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.
- 8.23 The 6C's Design Guide guidance does not specify the amount of parking that is required. However as drop offs are not allowed parking would only be required for the dog van & employees that would be appointed (some on a part time basis) & some visitor parking is required (for example for emergency pick ups).

- 8.24 The licence conditions require a ratio of 1 member of staff to 10 dogs, however, 2 staff would always be present no matter the dog numbers due to lone worker risk assessment. The applicants would have a maximum of 30 dogs per day for day care and on such days 3 staff would be present. 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. Dogs would be brought to and from the site in the dog van and restricted to a maximum of 8 total movements along the track. This will significantly reduce the traffic flow associated with the proposal.
- 8.25 A parking area for 4 cars & 1 van 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 un-adopted private lane. The amount of traffic, albeit not huge, feels a lot on the 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. The restrictions and modus operandi adopted by the applicants as per the details of this application would not lead to an over-intensification of this 450m track or cause significant nuisance for existing residents. Therefore it is considered that the development is in compliance with Policy DM17 & Policy DM18 of the Site Allocations and Development Management Policies DPD.

#### Other Issues

- 8.26 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 in the restricted area. Picking up & returning dogs to their homes by the dog van will reduce the number of trips made on this access track. The number of trips made by the dog van would also be restricted. This track will also be improved on by the applicant. Highways have not objected.
- 8.27 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.

#### Planning Balance

- 8.28 The development proposed in the current application would have some economic benefits for both the land and business owner and the dog day care facility would provide a social benefit for dog owners using the service. However, both benefits would be limited given the scale of the business and therefore limited positive weight is attached to these considerations.
- 8.29 The proposed tree planting across the site would improve the quality of the green wedge and would be afforded positive weight.
- 8.30 It is considered reason 2 (Justification for this site) is no longer relevant given the loss of the sport/recreation use. Reason 3 (Traffic numbers) of the previous refusal has been overcome with the current proposal through the removal of the dog walking area and provision of pick up and drop off only.
- 8.31 However, the proposed development would introduce a land use on the site within the countryside and Green Wedge which is contrary to Policy DM4 of the Site Allocations and Development Management Policies DPD and Policy 6 of the Core Strategy. Furthermore, the building, associated fencing and hard surfaced area are considered to cause harm to the character and appearance of the open countryside

and visual amenity of the Green Wedge and is therefore contrary to Policy 6 of the Core Strategy and Policy DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

- 8.32 Applying Paragraph 11 (d) (ii), there are no material considerations that would collectively or significantly outweigh the environmental harm to the countryside identified. The proposal would be contrary to Policy DM4 and DM10 of the SADMP, Policy 6 of the Core Strategy and sub paragraph 174 (b) of the Framework (2023). Collectively, and among other things, these policies seek to recognise and protect the intrinsic character and beauty of the open countryside, only allowing development that is sympathetic to, compliments or enhances local character.

## **9 Equality Implications**

- 9.5 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.

- 9.6 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.

- 9.7 There are no known equality implications arising directly from this development.

## **10 Conclusion**

- 10.1 Whilst it is noted that the proposal could generate additional employment, the proposal does not create a significant amount of economic growth. It is therefore considered that the principle of development would not constitute sustainable development within the countryside and would be contrary to Policy DM4 of the Site Allocations and Development Management Policies DPD. Furthermore the land use would not accord with Policy 6 of the Core Strategy.

- 10.2 The proposed development would significantly harm the character and appearance of the countryside by introducing an uncharacteristic form of development into an area of largely undisturbed, verdant and open countryside. Although improving the quality of the green wedge with 0.5 Hectare of native woodland, this would not outweigh the impact of the proposal which would have an unwarranted and adverse impact on the undeveloped nature of surrounding countryside which is characterised by agriculture. As such, there is unjustified harm to the intrinsic value and beauty of this area of countryside and the visual appearance of the Green Wedge, contrary to Policy DM4 and DM10 of the SADMP, Policy 6 of the Core Strategy and Paragraphs 9, 84, 130 (c) and 174 (b) of the NPPF (2023). The proposal is therefore recommended for refusal.

## **11 Recommendation**

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

## 11.2 **Reasons**

1. The siting of a dog day-boarding business at this location within the open countryside and Green Wedge 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 visual appearance of the Green Wedge and would be contrary to Policy DM4 and DM10 of the Site Allocations and Development Management Policies DPD and Policy 6 of the Core Strategy.

## 11.3 **Notes to Applicant**

1. This application has been determined having regard to the documents submitted with the application, previous appeal decisions on the site and consultation responses received during the course of the application.