DELEGATED REPORT

Application Reference:	PL/2023/05110
Application Type:	Full Planning permission
Site Address:	Land off Goatacre Lane, Goatacre, Calne, SN11 9JQ
Proposal:	Change of use to dog exercise paddock, erection of fencing and poly tunnel
Recommendation:	Planning Permission be GRANTED

PROPOSAL

The application seeks planning permission for the change of use of land to dog exercise paddock and ancillary elements.

The proposal will also see the installation of timber and wire mesh fence with an approximate height of 1.8m (6ft) tall. The proposal will also see the installation of a poly-tunnel (30 by 36 ft). The poly-tunnel will be immediately adjacent to the existing parking area.

During the life of the application, additional elevation drawings of the polytunnel, fence and a noise management plan were received. That additional information was subject to a second consultation with eh community and Parish Council.

SITE DESCRIPTION

The application site is currently farmland located off Goatacre Lane in open countryside. The proposal in this instance is located in the corner of the open field, immediately adjacent to a large hedge. Agricultural buildings are immediately opposite the site.

The nearest residential property to the site appears to be Corton House to the south-west which is approximately 158m away. There are kennels approximately 15m from the south-west boundary. There are residential properties to the north-west with Oaklyn being approximately 215m away. No 1 Quakers Walk is approximately 175m to the south-east.

There are no additional constraints in terms of conservation, ecological and heritage constraints.

POLICIES

Wiltshire Core Strategy 2015 (WCS)
Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 51: Landscape
Core Policy 57: Ensuring High Quality Design and Place Shaping

National Planning Policy Framework 2023 (NPPF)
Section 2: Achieving sustainable development
Section 12: Achieving well designed places

MAIN ISSUES

- Principle of development
- Scale and design
- Residential amenity

CONSULTATION

Hilmarton Parish Council: Supports

> *"Any initial concerns shown by the Parish Council members are now cleared up and therefore there is no objection to the application."*

Wiltshire Council Highways: No objection

Wiltshire Council Public Protection: No objection

> *"We have reviewed the application including the noise management plan and have no comment to make from an Environmental Health point of view."*

REPRESENTATIONS

19 representations received. They are available in full on the Council's website. The comments are consistently in support of the proposal and state that the proposed use will be of value and great use.

ASSESSMENT

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a key material planning consideration. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

Principle of Development

Decisions on planning applications are made in accordance with the policies contained in the Wiltshire Core Strategy and government guidance.

The proposal will see the change of use of existing agricultural land to a non-agricultural usage, namely as an area for the exercising of customer's dogs by the applicant and their staff.

It is noted in the submitted DAS that the applicant has asserted that this proposal will still retain the agricultural nature and appearance of the site and the appearance and use would be unaltered from an area of public footpath, albeit enclosed by fencing.

It is noted that on the surface, the use would be similar. However, unlike a conventional agricultural field, the proposal will have a noticeable higher fence and a poly-tunnel. Furthermore, the intensity of the use would be noticeably higher than a conventional agricultural fencing.

The principal concern is to whether the proposed change of use is acceptable in a rural area.

The acceptability of the proposal remains in the acceptability of all of its parts, principle and finer policy elements. The fencing and poly-tunnel while not being utilised for agriculture remain acceptable elements for the immediate area, having a typical appearance and built form for areas of open countryside. It is also noted that the proposal is contextualised by the existing boundary treatment and the range of varying neighbouring buildings and uses.

Furthermore, the proposed use is typical of the form of activity which would typically be caried out in open countryside. It is considered that this form of dog exercise area would be typically carried out in a rural area.

An additional point in consideration is the potential intensification of use. Where the applicant's statement states the use would be comparable to a typical footpath. It is noted that this area is an attraction. However, based on the available information and the applicant's statement, which confirms that the dogs will arrive in the applicant's vehicle having been collected from their respective owners in groups of 8, with 1 employee per 8 dogs. Given this limitation it is not considered that the proposal in this instance would be markedly different to a popular rural walking location, which could have many dogs/owners utilising it.

In principle the proposal is considered to be acceptable. However, the detail of the proposals must also be considered against other policies within the development plan.

Scale and design

WCS Core Policy 57 requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, elevational design, materials amongst other things. Sections 12 of the NPPF expects a good standard of design.

The proposal will see the delivery of a poly tunnel and 1.8m high mesh and fence post. These elements have a typical agricultural appearance. The fence while higher than usual is of a typical agricultural appearance. Furthermore, due to the lightweight nature of the fence's construction it is not considered that the proposed fence would read as an intrusive development, as such its scale and design remains appropriate for the site and also the wider character area.

The proposed poly tunnel has a footprint of 30 by 36ft with an approximate height of 8ft. Again, while a noticeable addition, the overall scale of the proposed poly tunnel does not suggest that the plot is being overdeveloped.

Unlike a more conventional built form agricultural building the proposed poly tunnel has a lightweight form and construction. As a result, the proposal does not read as an oppressive or heavy structure. In terms of design, the white finish of the structure is apparent however, due to the proposal's location and the boundary screening of the site, it is not considered that the proposal in this instance is unacceptable in terms of design.

The development dealt with under this application is not considered to result in an unacceptable element in terms of scale or design. The development is considered to comply with the requirements of CP51 and CP57 of the WCS.

Residential amenity

Core Policy 57 states that development should have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants and ensuring that appropriate levels of amenity are achievable within the development itself. Section 12 of the NPPF also states that planning decisions should create places with a high standard of amenity for existing and future users.

The nearest residential property to the site appears to be Corton House to the south-west which is approximately 158m away. There are kennels approximately 15m from the south-west boundary. There are residential properties to the north-west with Oaklyn being approximately 215m away. No 1 Quakers Walk is approximately 175m to the south-east.

A noise management plan has been submitted by the applicant outlining the steps which will be taken in managing and mitigating noise which would arise from the use of the area as a dog exercise field.

The proposal will result in an intensification of use when compared to the current agricultural use. While the submitted statement notes that the use would be comparable to a public footpath, the proposal would unlike a busy public footpath would have a more intense use, due to the enclosed nature.

While the proposal would result an intensification of use the proposal is a considerable distance from the nearest residential properties as outline above. Furthermore, when combined with the submitted noise management plan and the limited number of dogs it is not considered that the proposal would result in an unacceptable impact in terms of noise.

Having examined this additional mitigation plan and the application, the Council's Public Protection Officer has raised no objection to the proposal.

Due to the location of the proposed development, distance from neighbouring properties it is not considered that the proposed fencing or poly tunnel would result in an unacceptable impact upon the amenity in terms of overlooking, overbearing impact, or loss of privacy.

It is considered that the proposal would not result in unacceptable impacts upon the amenity or living conditions of surrounding residential occupiers when assessed against CP57 of the WCS.

Highways

The site is located on Goatacre Lane, an unclassified section of public highway, there are no plans to alter the existing access with the public highway.

As outlined in the supporting statement it is intended that staff will collect dogs limiting the vehicular traffic attraction at the site. The provision of three parking spaces within the site also limits the vehicle trips and provides staff parking for the proposed 3 employees.

Furthermore, the private nature of the business would also limit the vehicle attraction, as opposed to being open to the public. No highways objection has been raised and as such the proposal is considered to be acceptable in terms of highways impact.

CONCLUSION

The proposal is considered to be acceptable in respect of size, scale and design. The development is not considered to impact unacceptable impact upon the character of the area, wider landscape, or on the living conditions of neighbours. The proposal is therefore in accordance with Core Policy 51 and 57 of the Wiltshire Core Strategy and relevant sections of the National Planning Policy Framework.

RECOMMENDATION: That Planning Permission be GRANTED subject to the following conditions:

See decision notice