CASE OFFICER'S REPORT

Application Reference:	PL/2023/09075
Application Type:	Full planning permission
Site Inspection:	
Consultation ends:	30 November 2023
Case officer:	Jemma Foster

Site Address:	Turnpike Cottage, Chalcot Lane, Chapmanslade, Westbury, Wilts, BA13 4AB
Proposal:	Change of use of land for sui generis use for dog walking (Retrospective) - Resubmission of PL/2022/08650
Recommendation:	Approve with Conditions

Policies

National Context:
National Planning Policy Framework (NPPF) Planning – revised September 2023
Practice Guidance (PPG)

Local Context:
Wiltshire Core Strategy (WCS) adopted 2015:
CP1 – Settlement Strategy, CP2 – Delivery Strategy, CP31 Spatial Strategy Warminster Community Area, CP34 – Additional Employment Land, CP48 – Supporting Rural Life, CP50 – Biodiversity and Geodiversity, CP51 – Landscape, CP52 – Green Infrastructure, CP57 – Ensuring High Quality Design and Place Shaping, CP58 – Ensuring the Conservation of the Historic Environment, CP60 – Sustainable Transport, CP61 – Transport and New Development, CP64 – Demand Management,

Summary of Officer View

Chapmanslade Parish Council: No objection

Wiltshire Council Highways Officer: No objection subject to a condition requiring the visibility splays to be provided and maintained and for the business to comply with the Traffic Management Plan.

Wiltshire Council Rights of Way Officer: No objection

Wiltshire Council Public Protection Officer: No response at time of writing

Proposal
This application seeks retrospective planning permission for the use of a woodland to be used by dogs and their owners.

The use allows dogs to run free in a secure, natural environment. Each session is for 50 minutes and is to be used by a maximum of 4 dogs in any one session. There is a 10 minute gap between each session which allows time to arrive and leave the retreat before the next client arrives. A code for the gate is provided to the users on the day of arrival.

Relevant Planning History:
PL/2022/08650 –Retrospective use of a woodland to be used by dogs and their owners - Refused 25/04/23 for the following reason:

The retrospective 2 metre high close boarded fence that has been erected along the main A3098 by reason of its location, height, materials and length results in an alien feature which creates an urbanising and overly domesticated effect on the character of the rural area which is predominantly comprised of hedgerows and natural vegetation. The fence fails to respond positively to its natural environment and its landscape setting, is visually unattractive and fails to add to the overall quality of the area. It is not sympathetic to its environment nor its landscape setting and fails to make a positive contribution to the character of Wiltshire. As such the proposal fails to comply with Core Policy 57 namely parts i, ii, iii, and the NPPF namely paragraph 130.

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.

• Principle of development
• Impact on the scale and character of the area/existing dwelling
• Impact on the significance of heritage assets, such as listed buildings
• Impact on neighbour amenity
• Highway matters – including road safety /Parking
• Drainage (SuDs for major developments)

Principle of development
The site is located outside of the limits of development of Chapmanslade and thus is located within the open countryside. Core Policies 1 and 2 of the Wiltshire Core Strategy (WCS) explain that there is a general presumption against development outside the defined limits of the Principal Settlements, Market Towns, Local Service Centres and Large Villages. Development is directed toward locations with a range of services and employment opportunities to reduce the need for travel and in the interests of sustainable development. However, the WCS does allow for carefully managed development outside of settlement boundaries in specific cases which seek to respond to local circumstance and national policy. Paragraph 84 of the NPPF states that planning policies and decisions should enable:
• The sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings
• The development and diversification of agricultural and other land based rural businesses
• Sustainable rural tourism and leisure developments which respect the character of the countryside.

Paragraph 85 of the NPPF states: ‘Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.’

The site is located a short distance between Chapmanslade and Warminster with direct access to the main A36. The type of use proposed is one that is suited to a countryside location.

Impact on the scale and character of the area
Core Policy 57 requires new development to respond positively to its natural environment and its landscape setting and the NPPF at paragraph 130 requires new development to be visually attractive, add to the overall quality of the area and be sympathetic to the environment and landscape setting.

A high fence has been erected along the boundary of the site which changes the nature of the immediate area and gives a more domesticated feel to this rural area which the previous application was refused on. It is noted that this application is not requesting permission for the erection of the fence and this will be dealt with via a separate application. An informative making this clear on the decision notice will be added to this effect.
The use of the site itself is considered not to impact upon the wider area and as such would comply with the relevant criteria of CP57.

Impact on the significance of heritage assets, such as listed buildings/conservation areas
Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires ‘special regard’ to be given to the desirability of preserving a listed building or its setting.
Above the various tiers of planning policy and guidance is the over-arching statutory requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 to give special regard to the “desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” (s16 and s66).

Core Policy 57 of the Wiltshire Core Strategy states: “A high standard of design is required in all new developments, including extensions… Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through… being sympathetic to and conserving historic buildings”

Core Policy 58 of the Wiltshire Core Strategy echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of heritage assets.

There is a grade II listed farmhouse known as Summerstead Farm which is located approximately 320 metres to the East and by reason of the distances involved and there being existing built up development between the site and the Listed Building it is considered that the proposal would have no adverse impact upon the setting of the Grade II Listed Building.

Impact upon neighbouring amenity
The retrospective use is located away from nearby residential boundaries and is only to be used during daylight hours and as such is considered not to have an adverse impact upon neighbouring amenity and is considered to comply with the relevant criteria of CP57.

Highway Matters
The parking area can accommodate 2 cars and allows them to enter the site, turn and exit in a forward gear. The Traffic Management Plan (TMP) submitted states that each session will be restricted to 50 minutes with a 10 minute gap between each session and that signage will be in place to remind clients to leave promptly. Additional information received confirmed that it will be for a maximum of 4 dogs at any one time as there is an option to meet a friend. Highways have supported the scheme subject to the TMP being conditioned alongside the submitted visibility splays. The proposal is therefore considered to comply with CP60, 61 and 64.

The site is visible from the public right of way known as CHAP18 which runs to the North and West of the site but it is considered that the proposal would not obstruct the highway and as such is considered to comply with CP52.

Conclusion: Approve subject to conditions

Conditions: (7)

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Plan Received on 18th October 202

Location Plan, Site Plan, Visibility Splays and Traffic Management Plan Received on 20th November 2023

REASON: For the avoidance of doubt and in the interests of proper planning.

3 The use hereby permitted shall be restricted to dog exercise and training purposes only taking place between the hours of 07:00 and 19:00 on Monday to Sunday including Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

4 Within three months of the date of this permission, the visibility splays shown on the approved plans shall be provided between the edge of the carriageway and a line extending from a point 2 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 125 metres in both directions from the centre of the access in accordance with the approved visibility plan. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

Reason: In the interests of highway safety

5 The operation of the business hereby approved shall be in accordance with the accompanying Traffic Management Plan to eliminate/reduce the impact of vehicle conflict at the access and parking area.

REASON: In the interest of Highway Safety

6 The two existing dog waste bin containers to dispose of dog waste shall remain on site for the lifetime of the development for as long as the dog exercising/training land use operates.

REASON: In the interests of good site management and public amenity

7 No lighting shall be installed on the site hereby approved.

REASON: To ensure that character and appearance of the Avon Vale Open Clay Vale Landscape Character Area and the open countryside is retained and to avoid harm to biodiversity

Informatives: (2)

8 The applicant is advised that this permission solely relates to the use of the land and that the fence that has already been erected requires further planning permission.

9 The applicant should note that no gates, fences or stiles should be erected across the public right of way without prior consultation and approval from the Countryside Access Officer (contact rightsofway@wiltshire.gov.uk). Unauthorised structures across

a right of way are an obstruction and gates may only be authorised for the control of stock under section 147 of the Highways Act 1980.