

# **Planning Design and Access Statement for Use of Land and Building for Dog Day Care Facility**

Land at Dawsons Lane, Barwell, LE9 8BE.

## **Description of Proposed Development**

- 1.1 This Statement has been prepared in support of an application for the change of use of land to provide a dog day care facility on land off Dawson's Lane.
- 1.2 The permission is sought by Hinckley Pets in Home Limited who have been running a dog grooming and doggy day care service in the local area for 10 years. In this time 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.
- 1.3 Hinckley Pets in Home, began trading in 2012 as a result of Tracy and Daemon Johnson identifying a gap in the market for pet services. They have worked hard to get their business to where it is today.
- 1.4 The business started trading at Westfield Farm, Keats Lane, Earl Shilton where they rented the farm house. The business was supported by David and Barbara Bowley and quickly established itself as a provider of dog day care, where no such provision was available in the Hinckley area. In 2016 the farm was being sold for development and the business needed to find a new home and given 2 months to do so.

The business relocated to a disused and dilapidated factory on Wood Street, Hinckley which was (it thought) ideal to continue the business. After retrospective planning permission and subsequent appeal were turned as we came against policy where the change of use could not be sufficiently evidence from commercial to then Suis Generis use.

The business was informed that it was unlikely any industrial commercial premises would be suitable and we should find a location in the open countryside. This we did and in late 2017 we moved to Rogues Lane where we achieved planning permission in 2018.

Our landlord has given us notice to quit at our earliest opportunity hence the requirement to find a permanent home that we own to remove the uncertainty and ensure business continuity.

- 1.5 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. In the current economic crisis this proposal will secure

the jobs of the current staff and allow invest in the business, it will also provide work experience placements for those requiring them as part of course work or awards

1.6 The main business of Hinckley Pets in Home is providing dog day service. This involves the collection and return of the dogs from their homes Monday to Friday (excluding Bank Holidays). We operate a collect and drop off service only and DO NOT take drops off by the customer. This is for the following reasons:

- i) Convenience to the customer taking the stress out of having to collect and drop their pet off
- ii) Reduction in vehicle usage by customers and thereby reducing out environmental impact
- iii) Reduction in noise. If we were to allow drop offs and collections this would increase the possibility of dogs barking
- iv) Keeping our staffing costs lower

1.7 Our dog grooming service is NOT and will not be based at Dawsons Lane. We our dog grooming salon is based at 188 High Street, Earl Shilton and this will continue as it gives us a prominent footprint for that side of the business.

1.8 In our previous application we were applying for a secure dog walking area. This use is withdrawn and will not be required.

1.9 Parking is provided on the site next to the day care for 4 cars and 1 van. Excess to the site is via Dawsons Lane only.

1.10 Access via Dawson Lane is a single track private road with a public right of way. Our direct neighbours are Poors Platt allotments. It is important to note they have 10s of allotment plots they rent to the general public which generates its own traffic along this narrow lane. On a busy day there could be 10 vehicles parked in the allotment parking area with associated traffic using the lane.

1.11 The users of Poors Platt have access 24/7 7 days per week without restriction thereby creating their own intensification of Dawsons Lane which is not questioned by the local residents. We do not seek to complain about this access merely highlight to the LPA that Poors Platt Allotments have a considerably higher level of users and vehicular movements than our business does or would.

1.12 Their access is not restricted or contested by the Leicestershire Highways and there is no history of collision recorded or is there any evidence to suggest the area is a collision hot spot.

1.13 Our vehicular traffic would not significantly increase the traffic on Dawsons lane as our usage for business purposes would be Monday to Friday(excluding Bank Holidays) between the hours of 10am and 4pm, an anticipated maximum vehicle movement per day no more than 4 in and 4 out.

1.14 Offensive 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.

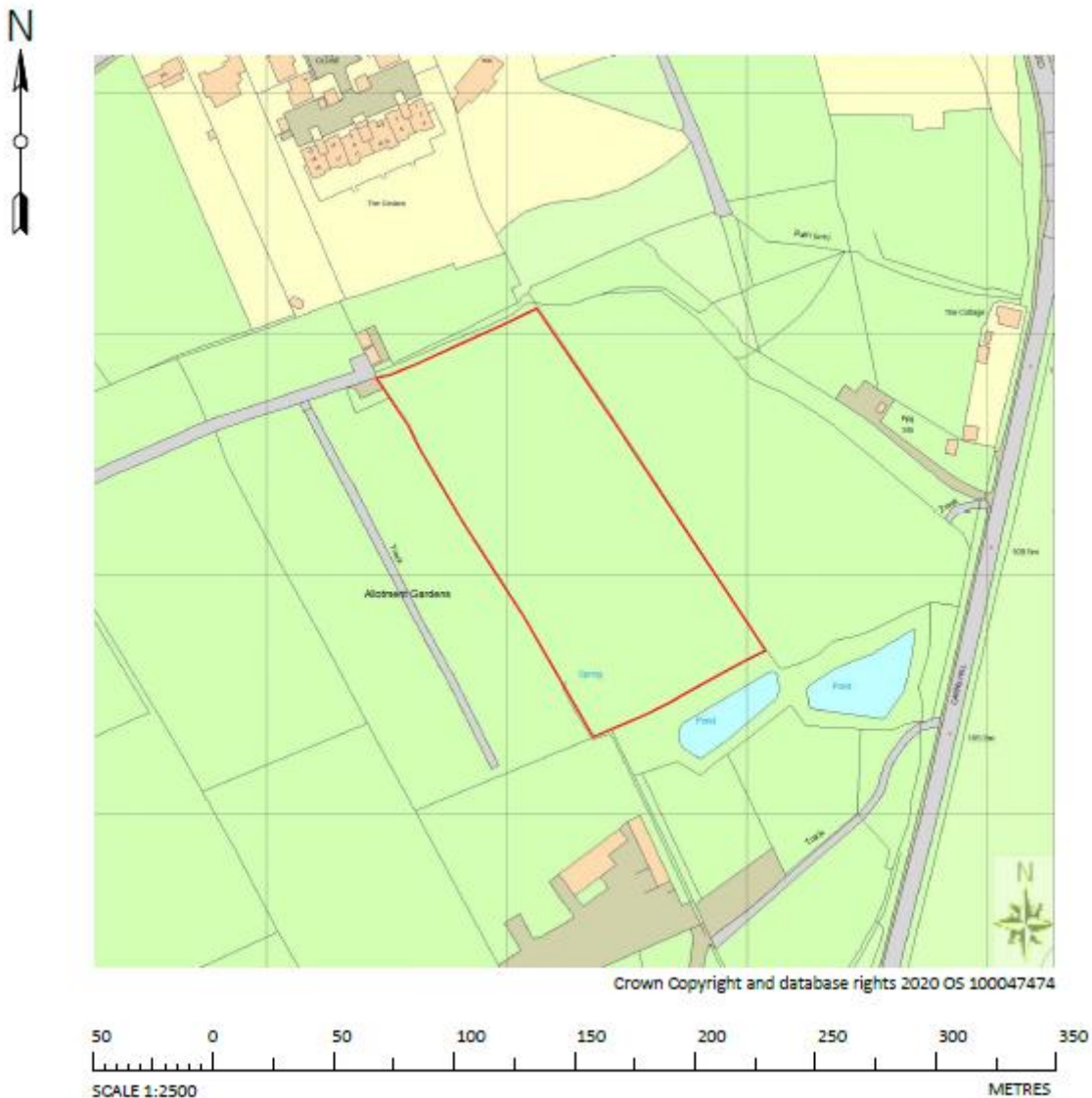
## 1. The Site and the Surroundings

2.1 The application has a site area of 1.31 hectares, it comprises an area of gently sloping scrub land accessed off a track that runs from the end of Dawson's Lane.

2.2 The land can be split into 2 key segments, dry land and wetland. The top half is grassed and 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.

2.3 The bottom western quarter has at least 2 springs which create a wetland land area.

2.2 The adjacent land parcels are in varying rural uses including, Dawsons Lane Industrial Estate, 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.



2.3 The proposed development would be generally tucked in to the landscape and enclosed by the established trees and hedgerows that surround the site and which provide substantial screening from the A47 to the south and Leicester Road to the east.

- 2.4 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.
- 2.5 It is proposed that this building is designed and sits in the landscape in the similar layout and feature as a stable block. There are several stable blocks along Dawsons Lane, which our development will emulate in design and linear location. The development will be a wooden structure with a flat roof on a concrete base. This wholly in keeping with how the local stable blocks are constructed.
- 2.6 The proposed dog day care structure is required to give the dogs in our care refuge in inclement weather or extremes of heat, in the same way as a stable for horses. The proposed day care will be sited at the Northern edge of the site running West to East along the boundary line with the public footpath. The development will be a 5m x 10m rectangular wooden flat roofed structure, then surrounded by 6ft acoustic fence panelling. The entire enclosed space will be 270m<sup>2</sup>.
- 2.7 The proposed day care facility will account for only 2% of the total land available but is sufficient to allow the business to be licenced and continue its function.



Draft Site Plan and Design.pdf

- 2.8 The land has been registered with DEFRA as a small holding and the transformation of the remaining 98% has begun. Prior to Hinckley Pets in Home ownership the land was overgrown scrub land, suitable for pony paddock only and had been unloved for considerable time.

Planting regime to date:

25 Hazel whips have been planted to start coppice area

30m of Hawthorne hedgerow to create new border

6 blackthorns have been planted in the hedgerow to plug gaps in hedgerow

13 fruit trees have been planted to create an orchard.

Weeping Willow planted in wetland

Small watering hole for wildlife dug and planted with bog plants

Allotment area created and fruit and veg planted

Sensory garden and relaxation area created

Other planned works are planned over the coming months include beehives being put in place working with Atherstone beekeepers association. Application to Woodland Trust to plant 0.5 hectares of woodland.

### 3. Planning policy considerations

## **The National Planning Policy Framework**

- 3.1 The National Planning Policy Framework (The Framework) identifies three overarching objectives of sustainable development that the planning system needs to pursue:
- 3.2 *An economic objective* – This statement highlights the significant economic benefits that would arise from the proposed development. A development of this nature supports working families in the area by providing a safe and secure environment for their dogs during the working day and should be viewed as a positive aspect of the proposal.
- 3.3 *A social objective* – The provision of dog day care on the application site would support the maintenance and establishment of strong, vibrant and healthy communities, and is especially pertinent in the post pandemic era where pet ownership has risen by 33%. Both the provision of day care facilities for working owners and the provision of a secure dog exercising area provide strong social benefits and improvements for the local community.
- 3.4 *An environmental objective* –The objective of protecting and enhancing the environment is recognised as a key tenant of sustainable development. The benefits of the proposed use will significantly and demonstrably outweigh any perceived adverse impact by virtue of the fact that the land will still function as green wedge.
- 3.5 Whilst paragraph 9 of the Framework makes clear that the above are not criteria against which all proposals should be judged, it is clear that the application proposal can be viewed as a sustainable proposal in the context of the Framework and, therefore, a proposal that should be granted permission without delay as it if complies with paragraph 11.
- 3.6 Paragraph 38 of the Framework encourages LPAs to approach decision making in a positive and creative way and to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions in the area.
- 3.7 Paragraph 55 of the Framework advises LPAs to consider the use of appropriate planning conditions to make developments acceptable that might otherwise be deemed unacceptable. Such conditions can control, inter alia, such things as the hours of operations, limitations on the extent of the development and access and egress to the site.
- 3.8 Paragraph 81 requires planning policies and development management decisions to help create the conditions in which businesses can invest, expand and adapt. Importantly it clearly states that significant weight should be placed on the need to support economic growth and to take into account the needs of local businesses. At paragraph 83 the Framework further reinforces the requirement for planning decisions to recognise and address the specific locational requirements of different sectors.
- 3.9 Importantly the Framework, at paragraph 84, recognises the planning policies and decisions should encourage sustainable growth in the rural area and enable development and diversification of agricultural and other land based rural businesses. Strand (c) of paragraph 84 positively encourages sustainable leisure developments that respect the character of the countryside.

- 3.10 Paragraph 85 requires LPAs to recognise that sites to meet local business needs in rural areas may have to be found beyond the recognised confines of existing settlements.
- 3.11 The Framework does, of course, look to protect the intrinsic qualities and character of the countryside, as paragraph 174 above makes clear, but it does not specifically address green wedge in a manner separate from any other areas of countryside; associated considerations of coalescence do arise in relation to Green Belt, but, self-evidently, the Green Wedge is not Green Belt.
- 3.12 Having considered the relevant policies of the Framework, it is appropriate to also consider the relevant policies of the development plan, despite the tilted balance, because S.38(6) of the Act makes clear that its' policies are the starting point for determination of applications.

**Hinckley and Bosworth Development Plan – Consisting of the Core Strategy (adopted Dec 2009) and the Site Allocations and Development Management Policies DPD (adopted July 2016)**

**Core Strategy Policy 6 Hinckley/Barwell/Earl Shilton/Burbage Green Wedge**

- 3.13 The explanation of CSP6 indicates that the policy protects the separation of the settlements and provides for easy access from the urban areas into green spaces. The wording of the Policy itself does not mention the separation/ function, rather, it provides a policy framework that provides for recreational facilities within easy reach, and promotes the management of the land to protect and enhance its contribution to the quality of life of nearby urban residents. The Policy identifies a series of land uses that will be acceptable in the Green Wedge that can be considered against the four stated criteria. The four stated criteria are:

i. **Retain the function of the Green Wedge** – Whether one considers the function of separating settlements that is not referenced in the Policy, or whether one considers the recreational/access function that the Policy wording does refer to, it is clear that the proposed development would not result in material harm.

ii. **Retain and create green networks between the countryside and open spaces within the urban areas** – The proposal would maintain a significant area of countryside between Barwell and Earl Shilton.

iii. **Retain and enhance public access to the Green Wedge, especially for recreation** – No existing rights of access to the local Green Wedge area would be affected by the proposals and an integral part of the application proposals is for recreational secure dog walking and therefore wholly in accordance with this criteria.

iv. **Should retain the visual appearance of the area** – The existing visual appearance and character of the area would be maintained and will be largely unchanged. The dog day care facility including building would only account for 10% of the overall land use.

- 3.14 It is clear that Policy CSP6 does not entirely preclude development, it requires its' impact to be tested against four criteria. In this case it is clear that any identified perceived harm will be extremely limited, largely on the basis that a very small area of currently undeveloped land would be built upon less than 1%(100m2) of the 1.3 Hectre site. It should be noted that the proposed building will have the character and aesthetics of a stable block of which there are many in the locality. Any such harm will be balanced by the enhanced opportunities for recreational access to the countryside that the proposal would deliver which is a specific policy objective.

### **SADM Policy DM1 – Presumption in Favour of Sustainable Development**

- 3.15 Policy DM1 is a positively worded policy that supports development that accord with the relevant policies of the Local Plan. It mimics the wording of the Framework and directs the LPA to approve applications without delay unless other material considerations indicate otherwise. The proposed use of land subject to this application is demonstrably sustainable and accords with the relevant policies of the Development Plan without causing harm to interests of acknowledged importance.

### **SADM Policy DM4 – Safeguarding the Countryside and Settlement Separation**

- 3.16 Policy DM4 of the SADMP looks to protect the countryside in a general sense and looks to prevent what it defines as unsustainable development which is all development save for recreation/outdoor sport, the re-use of existing buildings, renewable energy, significant economic growth, or rural worker accommodation. Under the provisions of Policy DM4 (strand a), development for recreational purposes (including ancillary buildings) that cannot be provided within or adjacent to settlement boundaries will be considered sustainable and by virtue of this policy compliant.
- 3.17 It should be noted that Hinckley Pets in Home Limited have seen a significant increase in demand post pandemic, indeed 2022 has seen a 100% increase in demand based on 2021. This has resulted in the creation of a job opportunity. This proposal will seek to create further job opportunities to support the continued increase in demand.
- 3.18 It is Hinckley Pets in Homes policy to reduce the carbon foot print of its business by harvesting rain water for use in in flushing toilets. Utilising solar panels to power lighting and electrical items.
- 3.19 With mind to the natural habitat of animals on the site, all fencing used will allow for wildlife to come and go. Planting of trees, flowers for pollinators and the creation of areas where insect hotels can thrive. The emphasis will be on creating a bio-diverse area that can not only be used for the business, the customers wish to walk their animals but to create habitat and encourage nature.
- 3.20 After consultation with the LPA this revised application has taken their recommendations into account and after a conversation the revised plans appease many of the LPAs concerns in relation to the development introducing an incongruous and unsustainable development.

The new building and associated fencing has been relocated to the North of the site near to the access point removing the need for a long road across the land. The building is now situated in a linear path to other stable blocks along Dawsons Lane and is purely a wood structure. The building and fencing accounts for only 2% of the land available.

- 3.21 The planting regime initiated by Hinckley Pets in Home is now have a positive impact on the intrinsic value, beauty and open character and landscape of the countryside. With the location of pollinators and planting regime the function of the green wedge is being enhanced and improved.

***The siting of a dog day boarding & walking business at this location within the open countryside would introduce a 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 funtion 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.***

## Policy DM 10 Development and Design

It is accepted that the proposed site is outside the settlement boundary but it is within the open countryside but falls within the green wedge.

The element of nervousness on the LPA part for any development within the green wedge is understood but this development should be taken on its merit to enhance the green wedge and allow for rural diversification.

Our current rented location is within the open countryside and has no adverse impact on the nature of the rural setting. Indeed dogs are an intrinsic part of rural life.

On 6<sup>th</sup> December 2022 Hinckley Pets in Home met with representatives of Hinckley and Bosworth Borough Council to discuss alternative locations for siting day care. In this meeting it was pointed out that the site had been purchased and that renting land or premises was not an option as this just perpetuated the issues experience with being served notice and business continuity.

A site was offered by HBBC in Earl Shilton that but this site is ear marked for the Earl Shilton SUE and not considered viable because it was next to housing and required the erection of a building that again required planning permission

No further suitable land was identified.

In the table attached, it can be shown that there is no suitable land for sale within a 5 mile radius of Hinckley. Indeed it took us several years to find Dawsons Lane in our budget range and land that was not being sold for housing development.

| Date                      | Location                                       | Details & Price                                                                                                                                        | Not suitable reason                                                                                                                                            |
|---------------------------|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7 <sup>th</sup><br>April  | Swallow Meadows<br>Bulkington                  | £425,000<br>.80 acre<br>2 barns with planning for conversion                                                                                           | Unable to afford asking price.<br>Too far from current customer base                                                                                           |
|                           | Mill View, Hinckley                            | £7500<br>Strip of land for parking 15 vehicles                                                                                                         | Situated in urban area and land too small                                                                                                                      |
|                           | Station Road,<br>Elmsthorpe                    | £75,000<br>Parcel of land in between no 2 & 3 Station Road, Elmesthorpe.<br>0.46 acres                                                                 | Land located next to residential properties and on busy main road. Not sufficiently private enough for business model.                                         |
|                           | Land 20 Chapel Street<br>Barwell               | £130,000<br>Small parcel of land next to the Constitutional Club Barwell. Sold without planning but with the inference for putting housing on the site | In the middle of urban area, surrounded by homes and little access to site.                                                                                    |
|                           | Hinckley Road, Stoney Stanton                  | £250,000<br>Single building plot with planning permission to building 6 bed home                                                                       | Price<br>Location<br>Building plot in urban environment                                                                                                        |
| 18 <sup>th</sup><br>April | Land to the rear of 10 Wykin Road, Hinckley    | £70,000 (guide price Auction)<br><br>Planning in place for residential dwelling                                                                        | This is the rear garden of residential area which would not be appropriate for our business and would be out of keeping for the local area.                    |
|                           | High Tor West, Earl Shilton                    | Offers over £15,000<br><br>Single freehold allotment plot approximately 480 square yards.                                                              | The land is surrounded by other allotments and has no vehicle access.<br><br>Not appropriate location as no vehicle access and use would impact on other users |
| 23/4                      | Swallows Meadows Farm, The Birches, Bulkington | £425,000<br><br>Planning permission for 2 residential properties in place of current barns                                                             | Land ideal<br>Agricultural buildings idea<br>Out of our price range<br>Distance just outside our catchment area but would allow us to expand into Nuneaton     |

In conclusion there is sufficient evidence to show that Dawsons Lane is the only viable solution for our business needs. Additionally weight should be placed on the fact that the business is allowing investment into the land to create biodiversity and enhance the green wedge.

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.

## **4. Conclusions/The Planning Balance**

- 4.1 Any planning decision involves a balance of considerations weighing in favour and against the particular proposal. In this case it is very clear that there are a considerable number of factors that weigh in favour of the grant of planning permission.
- 4.2 The site is located immediately adjacent to the existing settlement boundary of Barwell in relation to which it would serve a logical and sustainable economic and social purpose for residents of the locality.
- 4.3 The proposal would make a significant contribution to the local economy, not just through the employment and business it will bring to the area but also providing the opportunity for dog owners to continue to work whilst their pets are looked after in a safe and secure environment. This will contribute positively to the wider economy. The economic objective is one of three overarching objectives of sustainable development identified within paragraph 8 of the Framework and so this should also be afforded significant weight.
- 4.4 The proposal will result in enhanced access to the open countryside adjoining Barwell and Earl Shilton. Notwithstanding the limited weight to be attached to the Council's Green Wedge policy, CSP6, it is clear that achieving enhanced public access into this area is a key element of the Council's strategy and, consequently, significant weight should also be attached to this benefit of the proposal. Furthermore, the development proposals comply with the provision of Policy DM4 of the development plan as serving a recreational purpose and contributing to economic growth and job recreation/retention.
- 4.5 Insofar as it may be argued that there is any harm to the character of the countryside, then this is, at worst, extremely limited, and certainly cannot be described as "significantly and demonstrably" outweighing the economic and social benefits arising from the proposal.
- 4.6 For the above reasons, it would be appropriate to grant planning permission for this proposal as the benefits clearly outweigh any potential harm.