

Planning Design and Access Statement for Use of Land and Building for Dog Day Care Facility & Entrance gates - Land at Dawsons Lane, Barwell, LE9 8BE

1. 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 and erection of secure gates 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.
- 1.5 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 dismissed due to conflicts with Policies in the Development Plan that sought to protect the building from non-commercial uses (the day care being deemed to be sui generis).
- 1.6 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 with the support of the Local Planning Authority. The business has successfully operated from this location ever since with the rural location being ideal for the practicalities of running a business of this nature.
- 1.7 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 of future eviction and ensure business continuity.

1.8 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 investment in the business, it will also provide work experience placements for those requiring them as part of course work or awards.

1.9 The main business of Hinckley Pets in Home is providing dog day care 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 and operating costs lower.

1.10 Our dog grooming service is NOT and will not be based at Dawsons Lane. We do 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.

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 This use is withdrawn and will not be required.

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

1.13 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.

1.14 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.

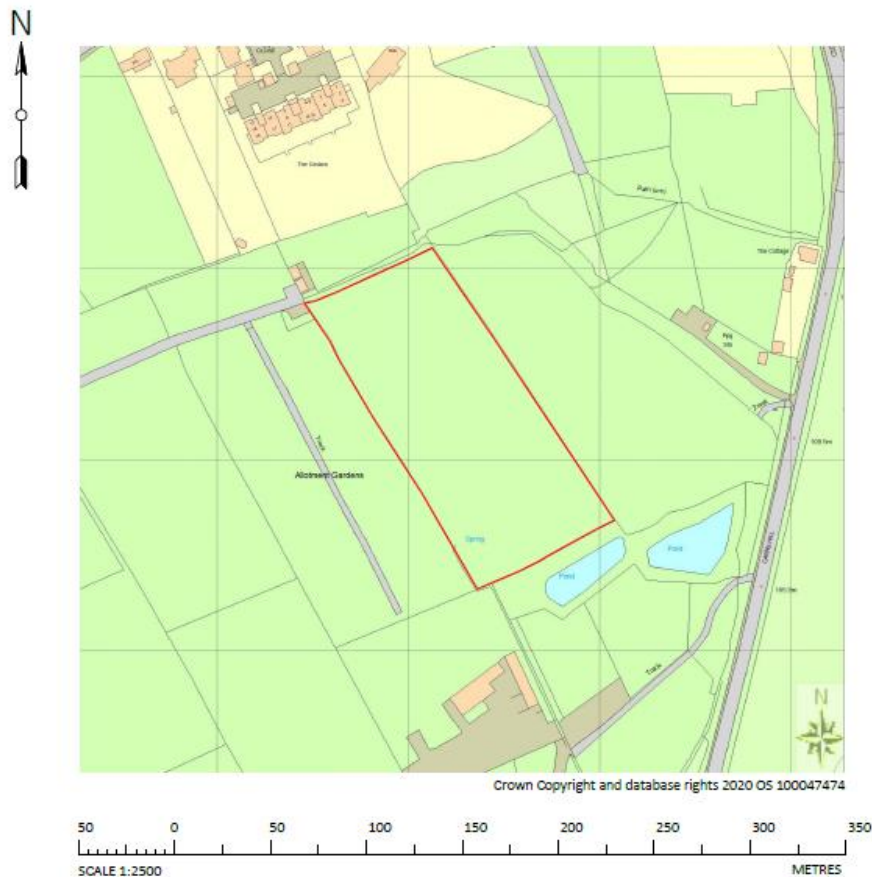
1.15 Their access is not restricted or contested by the Leicestershire Highways and there is no history of collision recorded or is there any evidence to suggest the area is a collision hot spot. This is also the case for the proposed use as LCC Highways raised no objections to the previously refused application.

1.16 Our vehicular traffic would not significantly increase the traffic or impact on highway safety 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.

1.17 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.

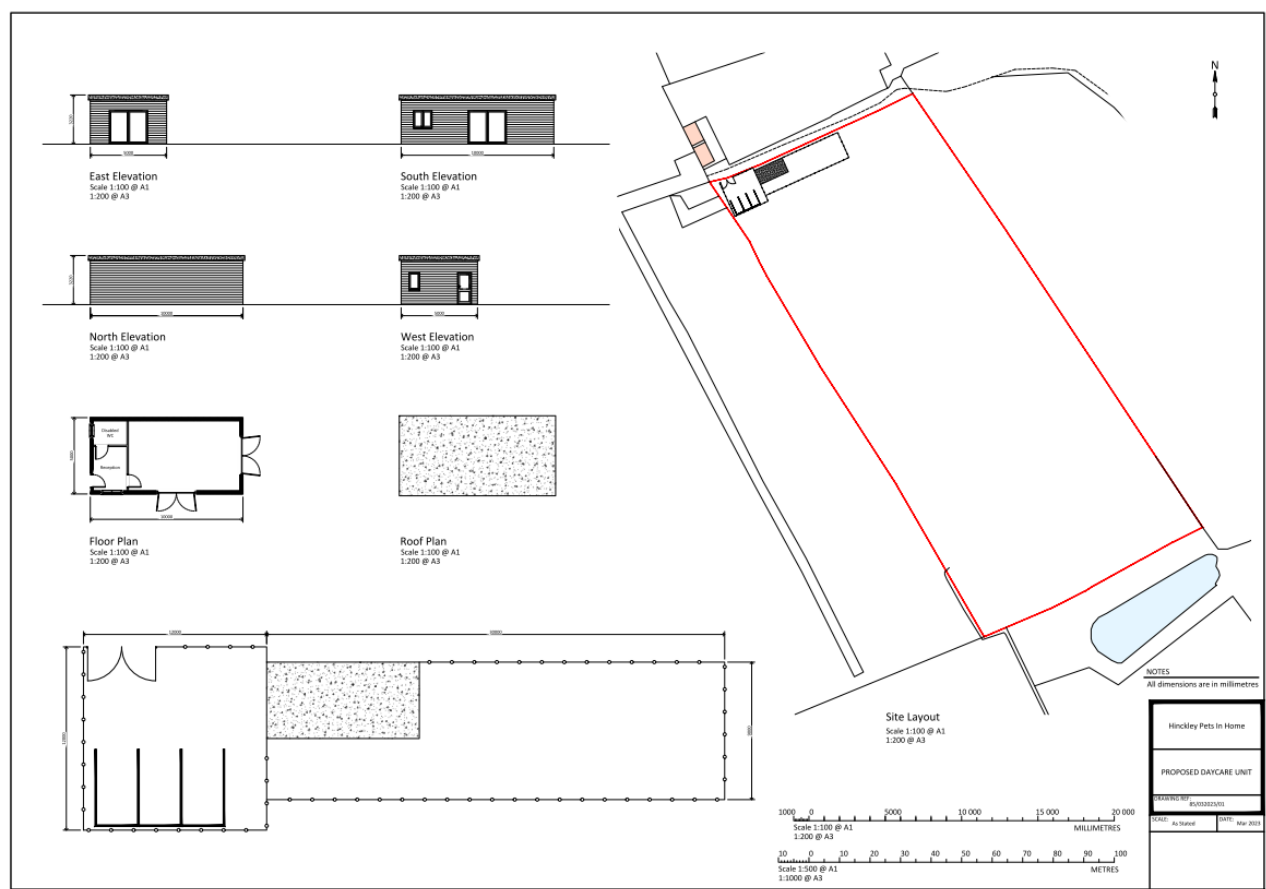
2. The Site and the Surroundings

- 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.
- 2.4 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.



- 2.5 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.

- 2.6 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.
- 2.7 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.
- 2.8 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 270m2. Gates that reach a height of 2.4m in the centre have been erected to deter and prevent trespassers onto the land. These gates and the associated fencing have been erected in direct response to a spate of thefts that have been reported to Leicestershire Police.
- 2.9 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.



- 2.10 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.

2.11 Planting regime to date:

- 25 Hazel whips have been planted to start coppice area
- 58 Willow Whips planted
- 30m of Hawthorne hedgerow to create new border
- 6 blackthorns have been planted in the hedgerow to plug gaps in hedgerow
- 14 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

2.12 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 Hectare 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.

SADM Policy DM10 – Design and Development

- 3.17 Policy DM10 is criteria based policy to ensure the high quality of design and development. The 9 criteria identify a simple development control checklist for compliance that addresses, inter alia, residential amenity of existing and proposed residents, design and external appearance, landscaping, energy conservation, drainage and security. This is a permissive policy that positively supports developments in compliance with the criteria.

4. Addressing the Previous Refusal of Planning Permission.

4.1 The LPA cited 3 reasons for refusal in the decision notice dated xxx. RfR 1 and 2 is set out below:

- 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.***

4.2 It is accepted that the proposed site is outside (but adjacent to) the settlement boundary within the open countryside and falls within the green wedge.

4.3 The desire for the LPA to protect the green wedge from undesirable and incongruous development is set out in the development plan policies. However, these policies do not advocate a blanket ban on development and are criteria based as set out earlier on in this statement. This development should be taken on its merits as it clearly demonstrates sustainable rural diversification.

4.4 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.

4.5 On 6th December 2022 Hinckley Pets in Home met with representatives of Hinckley and Bosworth Borough Council to discuss alternative locations for siting day care.

4.6 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

4.7 No further suitable land was identified.

4.8 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 th April	Swallow Meadows Bulkington	£425,000 .80 acre 2 barns with planning for conversion	Unable to afford asking price. Too far from current customer base
	Mill View, Hinckley	£7500 Strip of land for parking 15 vehicles	Situated in urban area and land too small
	Station Road, Elmsthorpe	£75,000 Parcel of land in between no 2 & 3 Station Road, Elmsthorpe. 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 Barwell	£130,000 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 Single building plot with planning permission to building 6 bed home	Price Location Building plot in urban environment
18 th April	Land to the rear of 10 Wykin Road, Hinckley	£70,000 (guide price Auction) 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 Single freehold allotment plot approximately 480 square yards.	The land is surrounded by other allotments and has no vehicle access. Not appropriate location as no vehicle access and use would impact on other users
23/4	Swallows Meadows Farm, The Birches, Bulkington	£425,000 Planning permission for 2 residential properties in place of current barns	Land ideal Agricultural buildings idea Out of our price range Distance just outside our catchment area but would allow us to expand into Nuneaton

4.9 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.

- 4.10 It is Hinckley Pets in Homes policy to reduce the carbon foot print of its business by harvesting rain water for use in flushing toilets. Utilising solar panels to power lighting and electrical items.
- 4.11 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.
- 4.12 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.
- 4.13 The new building and associated fencing and entrance gates have 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. this was on the recommendation of the LPA in a meeting on 15th February 2023. The building and fencing accounts for only 2% of the land available.
- 4.14 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.

- 4.14 Reason for Refusal 3 states:

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.

- 4.15 RfR 3 is an unsubstantiated claim that the proposed development will lead to issues of highway safety. It is important to note that Leicestershire County Council, as the statutory highway authority, raised no objection to the development. RfR 3 cites that the development is contrary to Policy DM18. This is slightly curious as DM18 refers to the provision of an appropriate level of car parking, which this development clearly addresses.
- 4.16 The LPA needs to consider that Poors Platts allotments have approximately 50 allotments for rent. This brings a regular level of vehicle movements along Dawsons Lane that is not in any way restricted by planning conditions. In a two week period of monitoring there was a range between 2 and 11 vehicles parked by the allotment users.
- 4.17 It may be the case that the LPA has cited the wrong Policy as highway safety is addressed in Policy DM17 (subsection (c)). However, even if this is the case, the LPA is misplaced in suggesting that any impact arising is "significant". The level of usage is minimal and

commensurate with the existing use of the site. It cannot be the case that such a level of patronage along the lane can meet the NPPF test of being 'severe'.

5.0 Conclusions/The Planning Balance

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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.
- 5.5 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.
- 5.6 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.
- 5.7 The revised proposal significantly reduces the scale and size of the proposed building and is relocated to a position close to the entrance to the site which, in turn, results in significantly less surfacing for vehicles than the original proposal.
- 5.8 The revised proposal is the result of extensive pre-application discussions with the Local Planning Authority. The Local Planning Authority has worked constructively and proactively with the applicants to develop an acceptable solution to enable this vital business to operate and thrive in this demonstrable acceptable location.
- 5.9 The entirety of the changes now being presented are materially different from the original proposal and clearly and demonstrably address the previous reasons for refusal in full.
- 5.10 For the above reasons, it would be appropriate to grant planning permission for this revised proposal as the benefits clearly outweigh any potential harm.