

Delegated Report

Planning Ref: 23/00326/FUL
Applicant: Mr William Oliver
Ward: Nuneaton



Hinckley & Bosworth
Borough Council

Site: Osbaston House Farm, Lount Road, Osbaston,
Nuneaton, Leicestershire

Proposal: Proposed Change of use of land to from agriculture to dog walking field (Class E) with associated fencing and car parking

1. Recommendations

- 1.1. **Approve planning permission** subject to the conditions at the end of this report.

2. Planning Application Description

- 2.1. The applicant seeks planning permission for the change of use of an agricultural field from agricultural to a secure dog walking paddock with associated fencing and parking.
- 2.2. The proposed development has been put forward by the applicant, A H Oliver and Son, as a farm diversification initiative. A H Oliver and Son operate a farming business in the locality which is predominantly based on arable cropping. The applicants have other farm diversification projects at Osbaston House Farm which includes a successful Glamping site.
- 2.3. The dog walking paddock would be accessed through the existing farm entrance with vehicles passing by several farm buildings leading to a car parking area. The proposed parking area is approx. 150m to the west of the proposed paddock and provides 4 parking spaces as well as space for cars to reverse out of the space and leave in a forward gear. The parking area proposed is an existing hardstanding area approx. 120m from the highway entrance & makes use of the sites existing features. The parking is shown on the site plan & is outlined and hatched in black. Customers would walk along an access path to the dog walking field. On the perimeter of the paddock a 2m high security fence will be installed as this height is recommended for dog paddocks.
- 2.4. The operation of the project will be controlled by a web-based booking system. Customers will book and pay for a time slot on the website, and this will provide a keypad access code to the dog field. Time slots will be for an hour, and there will be a maximum of 1 customer allowed within the site for each time slot. The development will be open between the maximum hours of 06.00 and 20.00 but limited to daylight hours depending on the time of year. Management of the site will include mowing the grass on a weekly basis during the growing season, checking the fences, and picking up of any dog deposits. A commercial waste bin would be provided within the car parking area. The field rules will require dog owners to collect dog waste from within the dog walking field area and deposit them in the commercial waste bin. A plastic bag dispenser will also be available on the site.
- 2.5. The purpose of the application is to create a secure dog walking environment where the public can make use of this paddock & walk their dogs in a safe and managed environment. No buildings are being built or converted. The existing buildings are not included with the proposal.

3. Description of the Site and Surrounding Area

- 3.1. The site is in the open countryside approx. 1k West of Barlestone and 2k from Barton in the Beans. The site is a rectangular shaped paddock of 0.9 hectares in size approx. 100m south of Lount Road. The site is within a countryside location. The land parcel is on a local dog walking route. The site is bound by hedgerows on 3 sides.
- 3.2. The site is surrounded by farmland on all sides. The nearest residential properties are approx. 30m away along Lount Road.

4. Relevant Planning History

Various planning history on site including permissions for agricultural buildings and extensions to agricultural buildings and also the following:

07/00391/COU

- Change of use of agricultural land for the siting of 5 tents with shower block and associated parking
- Planning Permission
- 30.05.2007

09/00625/CONDIT

- Variation of Condition 5 of 07/00391/COU to increase the number of tents from 5 to 9
- Planning Permission
- 05.11.2009

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. 2 letters of objection have been received. The main points of objection are summarised below:
- The field has only 2 entrances with one being behind a neighbours property
 - The proposed would be intrusive
 - The area should be completely fenced off with 2m fencing
 - The footpath should also be secure
 - Opening times should be restricted
 - How will it be ensured that only 4 vehicles are on site at any one time?
 - Only dog walking should be allowed
 - The proposed should be relocated to the top of the field which would avoid any intrusion, noise or litter

6. Consultation

- 6.1. Osbaston Parish Council- No comments received
- 6.2. LCC Highways- No objection subject to Conditions if planning is granted
- 6.3. HBBC Waste- No comments or objections
- 6.4. HBBC Environmental Services- No objections
- 6.5. HBBC Pollution- No objections following re-consultation

7. Policy

- 7.1. Core Strategy (2009)
- No relevant Policies
- 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 DM7: Preventing Pollution & Flooding
- 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. As the site is located outside of the settlement boundary of Barlestone, within open countryside, Policy DM4 of the SADMP is 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; 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 proposal involves the change of use, re use or extension of existing buildings which lead to the enhancement of the immediate setting; it significantly contributes to economic growth, job creation and/or diversification of rural business; it relates to the provision of stand alone renewable energy developments; it relates to the provision of accommodation for a rural worker.

8.4. In terms of justification the applicant has stated the parcel of land is located on a local dog walking route and has a high level of footfall from dog walkers from Barlestone and the surrounding villages. The proposal would allow the public to make use of the site approximately 1km from the settlement boundary and allow them to walk their dogs in a safe and managed environment. The proposal would provide a valuable community facility. The proposed would also provide additional income for the applicant. Due to the limit on dog numbers and handlers on the site at any one time it is not expected that traffic to the site would increase significantly. The booking system will limit the numbers of people coming to and from the site, bookings are on the hour to prevent any crossover. The access is well established having been used by the current and previous owners to tend livestock and produce hay/silage. Policy DM4 of the SADMP also states that the development should significantly contribute to economic growth and diversification of a rural business. The applicants have other farm diversification projects at Osbaston House Farm which include a successful Glamping site. The proposed would add to this farm diversification. The current piece of land is an open field in agricultural use. The proposal to operate a dog walking facility from the land would further diversify an

existing rural business. The proposal does not create a significant amount of economic growth but the development will create additional part time work to support existing employment within the business. It is therefore considered that the development would comply with Policy DM4 of the Site Allocations and Development Management Policies DPD.

- 8.5. It is therefore considered that the proposed development would constitute sustainable development within the countryside and would comply with Policy DM4 of the SADMP subject to other material considerations as outlined below.

Design and impact upon the character of the area

- 8.6. 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.
- 8.7. 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.
- 8.8. No additional built structures will be introduced. The site would look the same as it does now apart from the proposed 2m fence around the site. The access and the parking area are existing. Due to only 1 dog being on site at any one time it is not considered acoustic fencing is required. The fence is proposed to be a wooden post and mesh fence, whilst it is higher than typical rural fences the proposed materials/design would be rural in appearance. It is not considered the proposed would have a detrimental impact on the countryside and the proposal therefore complies with Policy DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

Impact upon neighbouring residential amenity

- 8.9. 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.
- 8.10. The nearest residential property is over 30 metres away with mature trees and hedgerow in between the site and this dwelling. Acoustic fencing is not being proposed. The applicant has outlined a booking procedure which would mean that only 1 customer would be allowed within the site for each 1 hour time slot, it is therefore judged to be a low key dog walking facility subject to this control.
- 8.11. The applicants proposed that the development will be open between the maximum hours of 06:00 and 20:00 but limited to daylight hours. Whilst generally acceptable, it is judged reasonable to limit the mornings to a 7am start to avoid disturbance to surrounding residents to the north in the early morning.
- 8.12. A soft & hard landscaping Condition is recommended to ensure any small gaps in screening along the northern boundary of the site are improved to prevent any overlooking/ loss of privacy. No other neighbour would have the potential of being affected by the proposal in terms of amenity.
- 8.13. Subject to a condition requiring only 1 customer on site at one time in accordance with the submitted details and opening hours of 7am to 8pm 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. It is noted that the applicants proposed opening hours of 6am-8pm however, in this rural location in reasonably close proximity to residential properties it is judged that 7am is more appropriate.

Impact upon highway safety

- 8.14. 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.
- 8.15. The proposal could lead to 28 (two-way) trips per day, including an additional two trips during the AM/PM peaks. As such the LHA would not be able to demonstrate the proposals would have a severe impact on the highway contrary to Paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) 2021.
- 8.16. The LHA are satisfied the Applicant has provided off-street car parking in accordance with Paragraphs 3.151 (Quantum of Spaces), 3.165 (Parking Space Dimensions) and Figure DG13 (On-site Turning) of Part 3 of the Leicestershire Highway Design Guide (LHDG). As such, the LHA would not seek to resist the proposals in these site specific circumstances subject to conditions.
- 8.17. As such the proposal satisfies the requirements of Policy DM17 & DM18 in regard to appropriate levels of parking provision & highway safety.

Other Issues

- 8.18. 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.

9. Equality Implications

- 9.1. 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.
- 9.2. 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.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The development proposes the use of an existing agricultural field in the countryside as a dog walking facility, which is diversification of an existing rural enterprise, and would be acceptable in principle. As a result of the nature of the development and its layout, the proposed development would not have any significant adverse impact on the character of the area or residential amenity,

subject to the imposition of conditions. It is considered the proposed development would be in accordance with Policies DM1, DM4, DM10, DM17 and DM18 of the SADMP and the overarching principles of the NPPF.

11. Recommendation

11.1. Grant planning permission subject to the following conditions

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 requirements 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan Drg No. IP/AHO/01 submitted on 03/04/2023
Site Plan Drg No. IP/AHO/02 submitted on 03/04/2023
Section Through Proposed Fencing Drg No. IP submitted on 03/04/2023
Access Details Drg No. IP/AHO/04 submitted on 07/06/2023

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Site Plan A1, drawing number IP/AHO/02. Thereafter the onsite parking and turning provision shall be kept available for such use(s) in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2021).

4. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 200 metres to the west and 2.4 metres by 120 metres to the east have been provided at the site access as demonstrated on Access Details A1, drawing number IP/AHO/04. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2021).

5. The site shall be used as a dog walking field only and for no other use (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use

Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: To ensure that the proposed development is compatible with existing development in the locality and the countryside in accordance with Policy DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

6. There shall be no more than 1 customer on site at any one time.

Reason: In the interests of protecting residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

7. There shall be no dogs on site in connection with the business hereby approved except between the hours of 7 a.m to 8 p.m daily.

Reason: To ensure that the use is compatible with the surrounding countryside and to protect the amenities of neighbouring residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

8. Prior to first use of the development hereby permitted, a hard & soft landscaping scheme shall be submitted to & approved in writing by the LPA.

Reason: To improve the screening along the northern side of the dog walking paddock/ access track and to ensure no adverse impacts on the amenity of the occupiers of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) .