

## Delegated Report

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**Application No:** 20230029

**Location:** Land Adjoining Wildacre, Camer Road, Meopham, Kent

**Description:** Change of use from horse field to dog exercise and training field.

**Applicant:** Ms M Hughes

**Site Visit Date:** 7 March 2022.

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### Submitted Documents/Plans

The application comprises the following documents and plans:

Application form  
Covering letter  
Drawing no. 962 (existing and proposed plans and site location plan)

### Relevant Planning History

|          |                                                                                                                                              |                             |            |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------|
| 20211565 | Application for change of use from horse field to dog exercise and training field.                                                           | Temporary consent           | 17.03.2022 |
| 20000706 | Retention of and re-siting of a field shelter for horses at the rear of existing building and use of part of site for the keeping of horses. | Permitted                   | 23.03.2001 |
| 19970322 | Application for prior approval as to whether planning permission is required for erection of agricultural storage building.                  | Prior approval not required | 04.06.1997 |
| 19970184 | Application for determination as to whether prior approval is required for 2no. agricultural buildings for storage and workshop/office.      | Prior approval is required  | 04.06.1997 |

### Development Plan

#### Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS07 – Economy, Employment and Skills

- CS11 - Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Design & Development Principles

Paragraph 33 of the National Planning Policy Framework (2021) sets out those policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and The review found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02 due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1<sup>st</sup> Review (1994) generally conform with the National Planning Policy Framework (2021), the Council will also seek to replace these saved policies via the emerging Local Plan.

#### Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network

#### **Other material considerations**

##### National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 6 - Building a strong, competitive economy
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 - Conserving and enhancing the natural environment

##### Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006)
- Gravesham Landscape Character Assessment (2009)
- Kent Downs Area of Natural Beauty Management Plan

#### **Consultations, Publicity and Representations**

##### KCC Public Rights of Way Officer

Public Rights of Way NS242 lies to the west of the site. The route may be affected by the application, and I therefore enclose a copy of the Public Rights of Way network map showing the definitive line of this path for your information.

It is important to advise the applicants that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.

##### Dickens' Country Protection Society

The Society would wish to comment that the change of use could generate more traffic.

##### GBC Environmental Protection

There have been no complaints received from neighbouring properties. The business appears to be professionally run however they do appear to be operating outside of daylight hours in the winter months and have lighting, both of which the temporary permission does not allow.

*Clarification was sought from the applicant on this point and they confirmed that the flood lights had been there for years and are only used to help with people leaving the last session of the day and to do checks once closed just during winter months.*

The applicant is providing poo bags and bins but it is not clear what happens to the waste each day. The fencing needs to be suitable to stop dogs from escaping. There should be a contact number of the applicant and emergency numbers in clear sight should there be any issues.

Meopham Parish Council (from previous application)

No objection to the application subject to if there is a need for any additional access, lighting or buildings then a further application is made.

Kent Downs AONB (from previous application)

The Kent Downs AONB Unit is currently experiencing unprecedented levels of major planning related work and is therefore unable to provide a detailed response on the application. This does not indicate that the AONB Unit considers the proposal would not impact on the statutory purposes of AONB designation and it is the responsibility of the Council to decide whether the application meets legislative and policy requirements in respect of AONBs.

The local planning authority has a legal duty to take account of the purposes of AONB designation in determining the application i.e. the conservation and enhancement of the area's natural beauty. In addition to consideration of the proposal against the local authority's development plan, account should be taken of paragraphs 176 and 177 of the NPPF and the principles and objectives of the Kent Downs AONB Management Plan, Third Revision 2021 to 2026. The Management Plan is adopted by all the local authorities in Kent as their policy for the management of the AONB and for the carrying out of their functions in relation to it. The national PPG confirms that AONB Management Plans can be a material consideration in determining planning applications.

We note that the site is relatively well served by the local highways network and benefits from an existing hard surfaced area for parking. It also appears to benefit from existing vegetative screening around the perimeter of the site. Should the principle of the proposal be considered acceptable, we would welcome opportunities for enhancing the existing hedgerow along the boundary with Camer Road to be explored, to help meet the policy requirement for AONBs to be enhanced as well as conserved. It is considered that permitted development rights for any lighting or paraphernalia associated with dog exercise such as agility training equipment is taken away so the acceptability of such facilities can be properly assessed. Details of fencing and gates should also be sought.

GBC Highway Development Management Officer (from previous application)

I cannot see people walking dogs in a field when there is no lighting, keeping track of an animal could be very difficult. I would suggest the time of opening is restricted between sun rise and sun set, this gives the twilight period for opening and catching any uncooperative dogs at the end of the day, unless it is intended that all animals will be kept on the lead at all times. This would also improve matters at the access where some daylight will be available whilst turning.

No parking plan is provided, I believe this should be a requirement to protect the car parking

provision.

All appointments should be booked with a clear 15 minute interval between someone leaving and the next person arriving.

Given there are no onsite facilities for the humans, one must question how the member of staff can deal with a call of nature, and customers' periods on site should be limited. Many public parks and country parks do have toilet facilities so the lack of facilities could be considered an oversight here.

In terms of traffic generation if vehicles are limited to 4 on site at any one time and say a 60 minute period on site to be reasonable in terms of exercise time for the dog, this would only result in some 8 vehicle movements an hour allowing for the 15 minutes between appointments. I cannot see sustaining an objection on the grounds of traffic generation.

So I do not object to the proposal, but suggest conditions, restricting the hours of operation to sunrise to sunset, a parking plan, and an appointment booking system with a minimum of 15 minute intervals between appointments. In addition there should be no on site lighting and I would suggest some toilet facilities should be available and maintained. You may also consider a temporary permission so the full impact of the proposal can be determined, in which case I would suggest three years may be appropriate, to allow the business to become established prior to making a final decision.

#### Neighbouring properties

The application has been advertised by site notice, press notice and individual letters to 2 properties.

No letters of representation have been received.

### **Analysis**

#### Proposal

The original planning application sought permission for a change of use from horse field to dog exercise and training field. The field is divided into two arenas by a 1.8m high mesh and post fence. The application was granted temporary consent for one year. The applicant has submitted a supporting statement with the application summarising how the business has worked over the last year:

#### Summary of Statement from Applicant:

- The business has been very successful and has run smoothly without any issues
- The business has received 5\* reviews on google and social media sites
- Customers have given positive feedback
- A good rapport has been built up with regular visitors
- Dog waste is removed twice a week on Monday and Thursday and disposed of appropriately off site
- There is an emergency contact number at the site
- The fencing is 6ft high and checks are made on a weekly basis
- The public right of way is not affected
- The booking system allows a 15min gap in between bookings so there are a maximum of 4 cars per hour
- The WC facility has been opened for clients to use

Site photo of the two arenas:



#### Procedural matter

The banners on display at the site do not have the express consent of the Local Planning Authority and are being dealt with separately.

#### Principle

Policy CS7 of the Gravesham Local Plan Core Strategy 2014 supports proposals that promote the appropriate expansion and diversification of the rural area economy. The principle of the proposals is acceptable providing they meet the criteria of the Policies below.

#### Green Belt

Para. 137 of the National Planning Policy Framework 2021 states that 'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'

Para. 147 states that 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

Para. 148 states that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

Para. 149 states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. The proposal does not involve the construction of any new buildings and therefore this paragraph does not apply.

Para. 150 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Point (e) relates to material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

In this case the land was formally used for the keeping of horses. There is a barn on site and some stables. The proposed use for dog walking and exercising is not too dissimilar to this. Within the original application the applicant has confirmed the following by email and in person:

- There will be no staff on site. The dog walkers pay for a one hour slot to use the field and are provided a code for the gate. There will be a maximum of four visitors at any one time.
- There will be no lighting.
- There will be no overlap of users. There will be 15 minutes between each slot.
- There will be no additional facilities for users. There is a toilet already on site and one picnic bench per arena.
- The fencing is post and mesh. This surrounds the site and divides the two arenas.
- There will be no exercise equipment

The proposed use is considered recreational and therefore accords with this paragraph of the NPPF. In terms of openness, the only change is the fencing, two bins and two picnic benches. The fencing is post and mesh and therefore views are not obstructed. Apart from the fencing dividing the arenas, the fencing is inside of the existing fencing and therefore not readily visible. The two bins are modest and located adjacent to the fencing. The picnic benches are to the edge of the arenas. There is no excessive paraphernalia and a condition is recommended that any exercising equipment is removed when not in use. The number of visitors is low and controlled and therefore, subject to conditions, the proposal for the use of the field for dog walking and exercising is considered acceptable.

#### AONB

The site is located within the Kent Downs Area of Outstanding Natural Beauty. The proposals will not result in any form of building development save for the fencing. As this is not considered excessive or dominant in appearance, no concerns are raised with regards to the impact on the AONB and therefore the proposals, subject to conditions relating to lighting and dog paraphernalia, accord with paras. 176 and 177 of the National Planning Policy Framework 2021.

#### Landscape Character and street scene

The site is located within the Meopham Downs Landscape Character Area. The key characteristics are a gently undulating topography with a mixture of arable and pasture farmland and a neat pattern of small square fields. As mentioned above, the use for dog walking is not dissimilar to the keeping of horses and the amount of proposed development is minimal. The proposals therefore will not detract from the landscape character and conform to the objectives of Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.

#### Neighbouring Amenity

There will be no building works on site and therefore there will be no impact on the amenities of neighbouring properties in terms of loss of outlook, privacy, sunlight or daylight.

The main concern relating to neighbouring amenity is the noise from the dogs and waste. The booking system currently allows for 15 minutes between each slot to ensure that there are no more than four visitors on site at any one time. There will be no more than 6 dogs on site at any one time. The main issue with the keeping of dogs and kennelling is the noise from barking. As this is not a boarding facility and numbers are to be limited, it is unlikely that there will be a noise nuisance however, under the original application it was stated that until the business had been running and has completed a full year to cover all seasons, would not be clear how much noise would be made. Now that the business has been operating for a year, and there have been no noise complaints, there is no objection to the granting of a permanent consent on this basis.

The waste is kept in two bins, one for each arena. These are emptied regularly and the contents taken off site. The applicant has confirmed that this has been the arrangement for the last year and will remain the same. The position of the bins are away from any residential property and therefore the smell from the waste is unlikely to cause any problems.

Any lighting would have an impact on the neighbouring amenities and the surrounding landscape. A condition was recommended on the temporary consent to ensure that there is no lighting and that the business is only operated during daylight hours. The same condition is deemed necessary on any permanent consent.

As this was a new business and nothing similar had been granted within the Borough, it was recommended that a temporary permission was granted for one year to allow the noise and smell impacts to be assessed. Now this year has passed and there have been no complaints or concerns raised regarding the business there is no reason why a permanent consent should be granted.

On this basis the proposed development accords with Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.

#### Parking and Highways

The temporary permission restricted the hours of operation to daylight hours only and that all users shall book a slot of no more than one hour with a 15-minute interval between each slot to allow for a change over in order to ensure there was no unacceptable traffic generation. Condition 9 required a parking plan to be submitted within two months of the bringing into use of the site. This was never submitted however no complaints have been raised about the parking and it is no longer considered necessary to impose such a condition.

No objection is therefore raised in terms of parking or highway safety.

#### **Conclusion**

The proposed change of use to dog walking field, subject to conditions, will have no detrimental impact on the character and appearance of the landscape, Green Belt, AONB, neighbouring amenities, parking or highway safety and therefore accords with the abovementioned Policies and is recommended for approval.

#### **Recommendation:**

Permit

**See draft Decision**

|                                                                                                    |                                                                                                     |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Case Officer:</b> AW                                                                            | <b>Team Leader:</b> Faye Hobbs                                                                      |
| <b>Signed:</b>  | <b>Signed:</b>  |
| <b>Dated:</b> 14 March 2023.                                                                       | <b>Dated:</b> 14 March 2023                                                                         |

