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| 4/00718/19/FUL | Change of use from agricultural land to dog walking paddock with associated car parking and new vehicle crossover. | |
| Site Address: | Land South The Brambles, Flaunden Lane, Bovingdon | |
| Applicant/Agent: | Paddocks For Paws | |
| Case Officer: | Elsbeth Palmer | |
| Parish/Ward: | Flaunden | |

1. Recommendation

1.1 That planning permission be **GRANTED**.

2. Summary

2.1 This application seeks retrospective planning permission for a change of use from agricultural land to dog walking paddock with associated parking. A new vehicle crossover is proposed. It is proposed that the 2.7 acre field be used for dog owners to walk their dogs.

2.2 The site is located within the Green Belt wherein the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, are not inappropriate in the Green Belt – Para 145 of the NPPF.

2.3 The facilities and change of use would preserve the openness of the Green Belt by nature of the small car parking area being the only physical change to the site.

2.4 There would not be an adverse impact on neighbouring properties as a result of the proposals and satisfactory parking has been provided on site. The access to the development would not compromise highway safety. The design and form of the development would be in character with the area which is open and rural in appearance.

3. Site Description

3.1 The site is located on the eastern side of Flaunden Lane, 180 metres from the junction of Flaunden Lane and Chipperfield Road. The field was part of a local farm's orchard and contains fruit trees of some considerable age.

3.2 The land is adjacent to the dwelling "The Brambles" – the residents of this dwelling are operating the dog walking paddock.

- 3.3 The site is fully fenced and hedging has been planted to complement the fencing. The applicant has advised that the fencing and gate was constructed when the field was bought. The fencing is approx. 1.5 metres – 1.67 metres around the field depending on the slope of the land and 1.2 metres high between the owners land and the car parking area.
- 3.4 The nearest dwellings from the boundary of the field are some distance, the nearest being Southcoombe some 25m to the north. 1-18 Boundary Cottages, Maulischau and Longdene (facing onto Chipperfield Road) are 65-75m from the closest boundary of the field. The field is bounded by agricultural and business buildings at Greinan Farm to the east. The nearest dwellings to the west on the opposite side of Flaunden Lane (Copse Hill House, Hunter Lodge and Heathfield) are at least 100m distant from the boundary of the field.
- 3.5 The gate was constructed to allow access by UK Power Network who need access across the site.

4. Proposal

- 4.1 The application seeks retrospective planning permission for a change of use from agricultural land to dog walking paddock (the 2.7 acre field is being used for dog owners to walk their dogs) with associated parking. The changes to the car park are proposed and the new vehicle crossover is proposed.
- 4.2 The existing parking area is considered too large so it is proposed to return some of this area back to open land with adequate room for two vehicles to park and manoeuvre.
- 4.3 All dog walking sessions are pre-booked for a half-an-hour or hour slot. Dog walkers cannot turn up speculatively. The field is booked exclusively for the dog or dogs and their owners and the owners walk their own dogs. The average for January 2019 was 1.5 dogs per session booked.
- 4.4 The field is not lit. No walks take place before dawn nor after dark and no additional lighting is installed or proposed.
- 4.5 The reasons that people use a dog walking area include:
- dog owners have a safe and secure enclosed space for dogs to roam off a lead;
 - many countryside and park walks are intersected by roads or fields occupied by animals, making off-lead walking more difficult;
 - some dogs are aggressive with other dogs and some timid or nervous;
 - the benefits of the walking field is that it is a safe, controlled and enclosed space.

4.6 The proposed operating hours are 8am – 4pm weekdays and weekends in Winter and 8am – 6pm in the Summer.

5. Relevant Planning History

5.1 None for the subject site.

6. Policies

6.1 National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

6.2 Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS9 - Management of Roads
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

6.3 Saved Policies of the Dacorum Borough Local Plan

Policy 13

7. Constraints

- Green Belt
- Area of Special Control for Adverts
- LHR Wind Turbine
- 10.7m AIR DIR LIMIT
- CIL2

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix A

Neighbour notification/site notice responses

8.2 These are summarised in Appendix B.

8.3 All members have received a copy of the document submitted in objection to

the proposal.

9. Considerations

9.1 Main Issues

- Policy and principle
- Impact on openness
- Impact on neighbours
- Impact on Highway safety and Parking Provision

Policy and Principle

9.2 The site is located within the Green Belt wherein the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, are not inappropriate in the Green Belt – Para 145 of the NPPF.

9.3 Policy CS5: Green Belt states that the Council will apply national Green Belt Policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.

9.4 The application site is located within the green belt and the proposal will provide an outdoor recreation use and small parking area for those visiting the site. It is considered that the use and facilities will preserve the openness of the Green Belt.

Impact on Neighbours

9.5 As a result of local objection a Noise Report was submitted by the applicant. This assessment was carried out during the operation of the dog walking paddock between 25th July and 30th July, 2019. The owners dogs were kept inside during the operation of the dog walking paddock.

9.6 The Noise Assessment concluded that there should be no reason on the basis of noise that consent should not be granted for dog exercising in the paddock.

9.7 The Noise Pollution Officer has no objection to the development proceeding.

9.8 Operating hours and the total number of dogs allowed to use the paddock at any one time will be controlled via condition.

Impact on Highway safety and parking provision

9.9 The Highways Authority have no objections to the proposed use or the new vehicle cross over subject to suggested conditions.

Response to Neighbour comments

9.10 All those comments which are planning considerations have been addressed above. These include impact on openness, noise and highway safety.

10. Conclusions

10.1 The impacts of the proposal have been taken into consideration, along with representations received from consultees and the neighbouring properties. The proposal is considered acceptable in terms of impact on openness, neighbours and highway safety.

11. Recommendation – That planning permission be GRANTED for the reasons referred to above and 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 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. The dog walking paddock shall only be open to customers between 8am – 4pm weekdays and weekends in Winter and 8am – 6pm in the Summer.

Reason: In the interests of the amenities of the occupants of neighbouring dwellings and to comply with CS12.

3. Within 4 months of this planning permission the vehicular access shall be provided, the construction of such works to be undertaken to the Highway Authority satisfaction and specification, and by a contractor who is authorised to work in the public highway. The vehicular access thereafter shall be retained at the position shown on the approved plan drawing number 1852-001_BOUND[2654] Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Core Strategy Policy 12.

4. Within 4 months of this planning permission visibility splay (shown on the approved plan drawing number 1852-001_BOUND[2654]) measuring 2.4 x 66 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Core Strategy Policy 12.

5. Within 4 months of the date of this planning permission any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards set

back and thereafter retained a minimum distance of 5.5 metres from the edge of the highway.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Core Strategy Policy 12.

6. The maximum number of dogs to use the approved dog walking paddock at any one time is 4.

Reason: In the interests of the amenities of the occupants of neighbouring dwellings and to comply with CS12.

7. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

location and site plan

visibility splays Drawing No. 1852-001_BOUND[2654]

proposed car parking area

Environmental Noise Survey Prepared by AAD Applied Acoustic Design on 4th September, 2019

Design and access statement revision A

CIL

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

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Informatives:

Informatives HCC as Highway Authority recommends inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> by telephoning 0300 1234047.

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this

development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 Mud on highway

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Appendix A

Bovingdon Parish Council

Comments dated 25th October

If the Planning Officer confirms that this is an accepted use in the Green Belt, then we would ask that there is a time limit restriction between 10.30 - 15.30 , Monday to Friday and not weekends.

Comments dated 23rd April

Our Planning Committee met on 15 April and considered this application and their comments are as follows:

Object:

- no very special circumstances advanced for development;
- destroy openness of Green Belt;
- barn is too large;
- 7-day a week operation unacceptable;
- new entrance to car park is dangerous as on apex of curve in road;
- site is surrounded by housing on three sides;
- noise from dogs will disturb local residents;
- new car park unnecessary as sufficient car parking in front of property
- boundary fencing is not high enough
- contrary to DBC Policy CS11

If the Case Officer is minded to recommend acceptance of this application, then it is suggested that conditions should be attached to the approval. That is, restrict hours of operation from 10:30 to 15:30 Monday to Friday only; maximum of four dogs at any one time; not allow dog boarding and increase height of perimeter fence.

Noise Pollution Officer

Comments dated 9/12/19

The obligation is on the applicant to provide the noise assessment. If any assessment (regardless of any development site) does not come up to standard the obligation continues to sit with the applicant to demonstrate this is a sustainable development. We would only conduct our own noise survey if we were challenging the existing survey as grounds for objection and needed our own evidence.

If an objector is making an issue of the owners dogs being shut indoors during the noise survey I do struggle to understand how this might be fraudulent. The purpose of the noise assessment is to account for noise from the development being formed, and which may consider cumulative impact. From memory the diary evidence submitted by the objector showed very limited barking, and not in my opinion of a significant observed adverse effect level (SOAEL). I assume there has been no further evidence since the last submission.

Comments dated 2/10/19

I have no objection to the development proceeding.

This is based on the apparent frequency of dog barking, rather than the assessment of noise levels which I feel under-represents the change in sound levels when having considering dog barking is an impulsive noise event. However as the assessment indicates, barking from the use of the paddock are short-lived and sporadic events which are unlikely to result in significant impact.

Comments dated 27th May

Picking up on an earlier email from the Case Officer and that local residents have raised objection on noise grounds it would be reasonable to ask for a noise assessment to determine if the development is, or can be made acceptable. You can accept this latest email as a revision to any earlier comments which I believe may have recorded no obs on noise or AQ grounds.

I am not aware of ECP having received any complaints of noise nuisance arising from the use of the site, but I would certainly suggest that objectors are actively encouraged to file logs of noise disruption when considering the application. We can pick up a noise complaint re nuisance if residents wish to complain, but what I would want to highlight is that a noise assessment might not effectively characterise noise from the application site, i.e. how often and for how long noise persists. It would be useful to compare and contrast resident testimony against any noise report.

Comments dated 15th April

The site is proposed close to existing residential and there are some concerns of noise from the development proposal. I have read the supporting design and access statement and note that the applications would be content to accept a condition that restricts the number dogs that could be walked in any one session to no more than 4 (paragraph 1.21). I would advise this is secured as a condition against the development as well as condition on the hours as put forward of 08:00 – 16:00 weekdays and weekends in winter and 08:00 – 19:00 in British Summer Time (paragraph 1.20).

The reason reflects guidance contained in Policy CS32 - Policy CS32 – any development proposals which could cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell light, noise or noxious substances, will not be permitted.

Highways

Comments dated 2nd December

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County

Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Subject to the conditions and informatives, the proposals are unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity.

Conditions

Con1) Within 4 months of consent the vehicular access shall be provided, the construction of such works to be undertaken to the Highway Authority satisfaction and specification, and by a contractor who is authorised to work in the public highway. The vehicular access thereafter shall be retained at the position shown on the approved plan drawing number 1852-001_BOUND[2654] Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Con2) Within 4 months of consent a visibility splay (shown on the approved plan drawing number 1852-001_BOUND[2654]) measuring 2.4 x 66 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Con3) Within 4 months of consent of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards set back and thereafter retained a minimum distance of 5.5 metres from the edge of the highway.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Informatives

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development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 Mud on highway

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Comment / Analysis The proposals consist of a change of use from agricultural use to Dog Walking Paddock (sui generis use class) with associated car parking (retrospective) and a new proposed vehicle cross over and erection of new, open timber barn The site is situated on Flaunden Lane which is an unnumbered classified road and provides a local access function within the road hierarchy; it is subject to a 40mph speed limit. The Highway Authority has commented previously on a similar application and the remarks remain the same as follows: The proposals are retrospective and include a new vehicle crossover. The existing access from Flaunden Lane to a car parking area is over a standard kerb. The applicant should note that driving up over a kerb / verge is an offence which the HA has powers to enforce. I further note that the access is gated this needs to be built in accordance with the Highway Authority standards and specification as seen in the condition above. Subject to the conditions and informatives, the proposals are unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity

Comments dated 1st October

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Subject to the conditions and informatives, the proposals are unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity.

Conditions

Con1) Within 4 months of consent the vehicular access shall be provided, the construction of such works to be undertaken to the Highway Authority satisfaction and specification, and by a contractor who is authorised to work in the public highway. The vehicular access thereafter shall be retained at the position shown on the approved plan drawing number 1852-001_BOUND[2654] Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so

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Comment / Analysis

The proposals consist of a change of use from agricultural use to Dog Walking Paddock (sui generis use class) with associated car parking (retrospective) and a new proposed vehicle cross over and erection of new, open timber barn. The site is situated on Flaunden Lane which is an unnumbered classified road and provides a local access function within the road hierarchy; it is subject to a 40mph speed limit. The Highway Authority has commented previously on a similar application and the remarks remain the same as follows: The proposals are retrospective and include a new vehicle crossover. The existing access from Flaunden Lane to a car parking area is over a standard kerb. The applicant should note that driving up over a kerb / verge is an offence which the HA has powers to enforce. I further note that the access is gated this needs to be built in accordance with the Highway Authority standards and specification as seen in the condition above. Subject to the conditions and informatives, the proposals are unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity.

Appendix B

Comments received from local residents:

One large document already circulated to members and also appended to this document. There is a total of 2 objections to this application.

2 neighbour objections

- The fence is only 4ft high – this will not contain large or aggressive dogs. Fencing needs to be a minimum of 1.5 metres high increasing to 2 metres.
- Solar Lanterns have been placed, from time to time, on the fences nearest to Flaunden Lane;
- The applicant has dogs which bark when dogs visit the paddock creating a cacophony of noisy barking;
- The noise report is misleading, unreliable and most probably significantly understated;
- The statistics provided are meaningless;
- Car parking area is a destruction of Green Belt;
- The barn is a destruction of Green Belt;
- No need for a large barn;
- Vehicle cross over is a blind exit;
- Opening times are unacceptable as they don't take into account the noise or nuisance;
- Flaunden Lane is a busy rat run and cars leaving the site cannot see far enough; and
- Traffic congestion.

3 emails of support

As a neighbour within 250 meters of this property I very much support this application as the work done so far has been exemplary and has greatly improved the vista and view of this part of Flaunden Lane.

The attention to detail and care that has been taken is second to none. It would also appear that all reasonable care has been taken as to not inconvenience the local neighbours.

With this level of care and attention then I could only hope that planning is granted as we need more neighbours like this that really care about the countryside and how it looks.

I support this application. The incumbents have improved the property immeasurably.

My only reservation is that the timber barn should not be used for housing dogs and that noise during unsocial hours be restricted.

We support this application. Much improved view from the lane and there has been no nuisance whatsoever (there are so many dogs around here anyway - we regularly

hear a dog barking after 10pm from bedroom - nothing to do with this dog walking paddock). Good use of the land and these changes do not impact on the Greenbelt in our view.

Good luck with the new venture.