



NOTICE OF MEETING

Meeting:	Planning Committee
Date and Time:	Wednesday 17 August 2022 7.00 pm
Place:	Council Chamber
Enquiries to:	Committee Services committeeservices@hart.gov.uk
Members:	Quarterman (Chairman), Blewett, Cockarill, Forster, Kennett, Makepeace-Browne, Oliver, Radley, Southern, Worlock and Wildsmith

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA

This Agenda and associated appendices are provided in electronic form only and are published on the Hart District Council Website.

Please download all papers through the Modern.Gov app before the meeting.

- **At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.**
- **The Chairman will announce that this meeting will be recorded and that anyone remaining at the meeting has provided their consent to any such recording.**

1 MINUTES OF PREVIOUS MEETING (Pages 3 - 11)

The Minutes of the meeting held on 20 July 2022 to be confirmed and signed as a correct record.

2 APOLOGIES FOR ABSENCE

To receive any apologies for absence from Members*.

***Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they will be absent.

3 DECLARATIONS OF INTEREST

To declare disclosable pecuniary, and any other, interests*.

***Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they may have an interest to declare.

4 CHAIRMAN'S ANNOUNCEMENTS

5 DEVELOPMENT APPLICATIONS (Pages 12 - 17)

To consider the planning reports from the Head of Place, and to accept updates via the Addendum.

6 22/00778/FUL - LAND ADJACENT TO DAMALES FARM, BOROUGH COURT ROAD, HARTLEY WINTNEY, HOOK, HAMPSHIRE (Pages 18 - 33)

Date of Publication: Tuesday, 9 August 2022

Public Document Pack Agenda Item 1

PLANNING COMMITTEE

Date and Time: Wednesday 20 July 2022 at 7.00 pm

Place: Council Chamber

Present:

Quarterman (Chairman), Blewett, Butler, Cockarill, Dorn, Kennett, Makepeace-Browne, Southern, Worlock, Wildsmith

In attendance:
Councillor Smith

Officers:

Mark Jaggard, Head of Place
Stephanie Baker, Development Management & Building Control Manager
Tola Otudeko, Shared Legal Services
Miguel Martinez, Principal Planner
Kathryn Pearson, Principal Planner
Amy Harris, Senior Planner
Jenny Murton, Committee Services and Members Officer
Craig Harman, Planning Assistant

13 MINUTES OF PREVIOUS MEETING

Nine out of the 10 Committee Members voted to approve the Minutes of the previous meeting. Councillor Dorn voted against.

Members highlighted that the Minutes in the Agenda pack did not mention Members by name for the recorded vote.

The Committee Services Officer apologised for the administrative error and ensured that going forward Minutes would reflect this.

The Minutes of the Committee Meeting on 15 June 2022 should have contained for planning application 21/02782/OUT:

Members undertook a recorded vote and Grant was carried. The vote was:

For – Blewett; Cockarill; Kennett; Quarterman; Southern; Worlock; Wildsmith

Against – Forster; Makepeace-Browne; Oliver; Radley

Abstention – none

The minutes of the meeting held on 15 June 2022 were confirmed and signed as a correct record.

It was also agreed that Committee Services would look at version control for documents published in relation to all Committee meetings.

14 APOLOGIES FOR ABSENCE

Apologies had been received from Councillors Forster, Oliver and Radley.

Councillor Dorn was a substitute for Councillor Forster and Councillor Butler was a substitute for Councillor Oliver.

15 DECLARATIONS OF INTEREST

None.

16 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had two announcements.

1. An email poll would be set up to determine the most suitable September date to hold the tour of completed developments with an Urban Designer, which had to be postponed from February 2022.
2. His second announcement was that the Hares Hill meeting (relating to the sole agenda item from 15 June Planning Committee) had taken place between Members and Officers and there would be a follow-up meeting.

The Chairman also announced later in the meeting that he would move Item 9 to the end of the Agenda, after Item 11.

17 DEVELOPMENT APPLICATIONS

The planning reports from the Head of Place were considered and the updates via the Addendum paper were accepted.

18 21/01800/FUL - BUILDING 260, 270 AND 280 BARTLEY WOOD BUSINESS PARK, BARTLEY WAY, HOOK, HAMPSHIRE

The Principal Planner summarised the application as follows:

Redevelopment of the site to provide 10 industrial units (14,122 sqm of floorspace for Flexible Use Class B2/B8/E(g)(i)-(iii)), together with associated parking, a new vehicular access off Griffin Way South, landscaping, and other associated works (following demolition of existing buildings)

Members considered the application and asked the following questions:

- The possibility of removing Use Class B2 from the application.
- The description on the amended plan consultation letter that was sent to the Parish Council in April was discussed.
- Why the number of industrial units had changed from nine to 10 and noting the removal of the retail unit (food store) from the scheme to bring the proposal in line with policy

- How noise impact assessments and suitability for siting in residential areas differed between Use Classes B1 and B2.
- The time of year that the noise assessment for this application was undertaken as leaves on trees can change noise levels.
- The sort of activity that could be happening on the site late at night.
- Whether there were delivery restriction conditions on the lease and if any could be issued by the landowner.

Members debated:

- How B2 class is not specifically mentioned in the description on the response from Highways England
- More detailed discussion was needed relating to the Use classes.
- Hours of operation and usage would need careful control via condition
- Impact on the current residential area and residential occupiers in the future.
- The merits in taking the application away for further discussion
- Possible noise and air pollution that could occur because of the application being granted.
- Night-time activities at the site need to be properly defined and considered.
- Possible local employment opportunities the application may bring.
- The possibility of removing permitted development conditions.
- The lack of Section 106 contributions for this application.

A Member highlighted the importance of documentation and several typos in reports, and this was asked to be noted.

Councillor Smith addressed Members in his capacity as Ward Councillor for Hook and reiterated points of concern including neighbouring amenity, use class and consultation document descriptions.

Members undertook a recorded vote to Grant, subject to the conditions specified in the agenda which was not carried. The results were:

For: none

Against: Councillors Butler, Cockarill, Dorn, Kennett, Makepeace-Browne, Quaterman, Southern, Wildsmith and Worlock.

Abstention: Councillor Blewett.

Members undertook a second recorded vote for the recommendation to Grant, subject to conditions, and a referral to the Chairman and the relevant Hook Ward Councillor on Planning Committee, to review and agree the specific conditions. Delegated authority granted to the Head of Place to issue the permission once the conditions were agreed with the Chairman and relevant Ward Councillor.

Members voted unanimously for this second recommendation and the motion to Grant was carried.

DECISION – GRANT, subject to conditions, and in consultation with the Chairman and relevant Hook Ward Councillor on Planning Committee in respect of conditions, the Head of Place was delegated the authority to grant planning permission.

Notes:

No site visit took place.

Councillor John Orchard, from Hook Parish Council and Selena Coburn spoke against the application. Paul Newton, from Barton Willmore spoke for the application.

Selena Coburn was not speaking in her capacity as a Ward Councillor for Hook.

19 21/02749/FUL - LAND LYING TO THE NORTH OF VICARAGE LANE, HOUND GREEN, HOOK, HAMPSHIRE

The Principal Planner summarised the application as follows:

Construction of a temporary 17.87 MW Solar Farm, to include the installation of Solar Panels with LV switch/transformer, customer switchgear/T Boot enclosure, a DNO substation enclosure, security fencing, landscaping, and other associated infrastructure

Members considered the application and discussed:

- How the quality of the agricultural land could be monitored.
- Restrictions on working hours for construction vehicles.
- Potential noise pollution.
- The reason for the Planning Committee referral by the Head of Place Service

Members debated:

- The previous applications for solar development.
- Whether the location was appropriate.
- What would happen at the end of the 40-year temporary period
- Does solar farmland automatically mean it is previously developed land/ suitable for residential development

Members undertook a recorded vote on the recommendation set out in the agenda, which was unanimous, and the motion to Grant was carried.

DECISION – GRANT, subject to planning conditions.

Notes:

No site visit took place.

Mark Harding, from Barton Willmore spoke for the application.

20 22/00197/HOU - 87 ROSEMARY GARDENS, BLACKWATER, CAMBERLEY, GU17 0NJ

The Development Management & Building Control Manager summarised the application as follows:

Erection of a first-floor front, part single part two storey rear extension, replacement of garage flat roof with pitched roof, insertion of skylight into main roof and insertion of doors and windows into side elevation.

Members considered the application and debated:

- The difference between the current scheme and the previous refusal
- Clarification on how the parking spaces were shown on the site plan
- The length of construction and working hours and whether any restrictions could be placed on them.
- The number of parking spaces the property has.
- The minimum dimensions for a residential garage.
- Potential for condition to ensure garage retention, to ensure a garage would be used for parking only and not converted.
- Whether the proposal involved the removal of any trees.
- How the proposal could impact the existing street scene.
- Permitted development rights and householder rights under the General Permitted Development Order.
- Whether parking areas were permeable

A Member requested that the application be deferred to enable a site visit to be carried out. The Development Management & Building Control Manager reminded Members that a specific reason needed to be stated to request a site visit.

Members undertook a recorded vote on the recommendation, subject to conditions discussed and Grant was carried. The results were:

For: Councillors Butler, Dorn, Kennett, Makepeace-Browne, Quarterman, Southern, Wildsmith and Worlock.

Against: Councillors Blewett and Cockarill.

Abstention: none.

DECISION – GRANT, subject to the imposition of additional conditions discussed relating to garage conversion restriction; hours of construction works and permeable parking areas.

Notes:

No site visit took place.

There were no public speakers.

21 21/02743/FUL - THE ELVETHAM HOTEL, FLEET ROAD, HARTLEY WINTNEY, HOOK, HAMPSHIRE, RG27 8AR

The Principal Planner summarised the application as follows:

Alterations to and extension of The Elvetham Hotel (to include the provision of 46 guest accommodation units) including:

- Repair and restoration of chapel within Elvetham Hall
- Demolition of 1970s extension to Elvetham Hall and erection of a single storey extension to accommodate new rooms
- Partial demolition of existing extension and reinstatement of internal courtyard to Elvetham Hall
- Various other minor internal and external alterations to Elvetham Hall
- Demolition of underground air raid shelter
- Erection of an events centre featuring basement, ground floor and mezzanine floor and a subterranean access from service wing
- Demolition of glasshouses
- Erection of new building attached to existing garden wall and small buildings for use as a spa
- Renovation and conversion of St Mary's Church to provide function facility
- Refurbishment of water tower to include installation of platform lift and conversion to guest accommodation units
- Demolition of Bluebell Cottages and the erection of 2 two storey buildings to provide guest accommodation units
- Demolition of Heather Cottages and the erection of 3 two storey buildings to provide guest accommodation units
- Conversion of garden store and erection of a part single part two storey building to be known as Journeyman Cottages to provide guest accommodation units
- Erection of refuse storage building
- Erection of fuel tanks, generators
- Replacement of one and creation of one sewerage treatment plant and associated utilities
- Resurfacing, rearrangement, and extension to car parking
- Hard and soft landscaping works
- Replacement entrance gates
- Formation of gardener's yard
- Lighting Scheme.

Councillor Blewett left the room at 21:28 and returned at 21:31.

Members questions included:

- Whether any climate change elements had been explored for the development and PV cells on roofs etc.

- What could be done to reduce climate change implications during the construction phases and potential recycling opportunities during this construction.
- The potential impact of glazing and heat retention in the proposed spa area, potentially requiring air conditioning and how it could relate to Hart's climate change targets.

Members debated:

- The employment opportunities and benefits the application could bring to the local area as a destination.
- The positive impacts of the proposal to the heritage asset
- The Environment Agency's technical objection on flood risk was also discussed and the need for a referral to the Secretary of State to allow a 28-day period for call-in of the decision.

Members praised the application for balancing a modern design with conserving the building and site's heritage.

Members undertook a recorded vote on the revised recommendation, set out in the Addendum paper and subject to the required referral of the application to the Secretary of State, permission be GRANTED subject to the conditions and informatives set out on the Agenda.

The results of the vote were:

For: Councillors Blewett, Butler, Cockarill, Dorn, Kennett, Makepeace-Browne, Quarterman, Wildsmith and Worlock.

Against: none.

Abstention: Councillor Southern.

DECISION – GRANT, subject to referral of the application to the Secretary of State, subject to the conditions and informatives as set out on the Agenda.

The Principal Solicitor and Principal Planner reminded the Committee that if the Secretary of State does not call-in the application, the Head of Place be delegated authority to issue the decision. Members confirmed they understood this to be the situation when voting.

Notes:

A site visit was carried out on 19 July 2022 as set out in the Addendum paper.

Rebekah Jubb, on behalf of Bell Cornwell LLP, spoke for the application.

22 21/02744/LBC - THE ELVETHAM HOTEL, FLEET ROAD, HARTLEY WINTNEY, HOOK, HAMPSHIRE, RG27 8AR

The Principal Planner summarised the application as follows:

Alterations to and extension of The Elvetham Hotel (to include the provision of 46 guest accommodation units) including:

- Repair and restoration of chapel within Elvetham Hall
- Demolition of 1970s extension to Elvetham Hall and erection of a single storey extension to accommodate new rooms
- Partial demolition of existing extension and reinstatement of internal courtyard to Elvetham Hall
- Various other minor internal and external alterations to Elvetham Hall
- Demolition of underground air raid shelter
- Erection of an events centre featuring basement, ground floor and mezzanine floor and a subterranean access from service wing
- Demolition of glasshouses
- Erection of new building attached to existing garden wall and small buildings for use as a spa
- Renovation and conversion of St Mary's Church to provide function facility
- Refurbishment of water tower to include installation of platform lift and conversion to guest accommodation units
- Demolition of Bluebell Cottages and the erection of 2 two storey buildings to provide guest accommodation units
- Demolition of Heather Cottages and the erection of 3 two storey buildings to provide guest accommodation units
- Conversion of garden store and erection of a part single part two storey building to be known as Journeyman Cottages to provide guest accommodation units
- Erection of refuse storage building
- Erection of fuel tanks, generators Replacement of one and creation of one sewerage treatment plant and associated utilities
- Resurfacing, rearrangement, and extension to car parking
- Hard and soft landscaping works
- Replacement entrance gates
- Formation of gardener's yard
- Lighting Scheme

Members discussion and debate is listed in the Minutes for the previous item.

Members undertook a recorded vote on the recommendation set out in the agenda and subject to the revised condition wording for conditions 2 and 3 and additional condition 20 as set out in the Addendum paper together with all other conditions and informatives set out on the agenda, Listed Building Consent was granted.

The results of the vote were unanimous.

DECISION – GRANT, Listed Building Consent, subject to the revised conditions 2 and 3, additional condition 20, and all other conditions and informatives as set out on the agenda report.

Notes:

A site visit was carried out on 19 July 2022.

Rebekah Jubb, on behalf of Bell Cornwell LLP, spoke for the application.

23 22/01164/HOU - 79 WESTOVER ROAD, FLEET, HAMPSHIRE, GU51 3DE

The Senior Planner reminded Members of the update on the Addendum paper and summarised the application as follows:

Erection of a single storey side and rear extension and new front door and windows.

There were no questions from Members.

A Member commented that they believed the extension's wood cladding was not a material which was typical or in-keeping with the area. The Ward Councillor for the area advised that there is a mixture of designs and materials on Westover Road.

Members undertook a recorded vote, which was unanimous, and the motion to Grant was carried.

DECISION – GRANT, as per the officer's report and Addendum paper.

Notes:

There was no site visit.

There were no public speakers.

The meeting closed at 10.00 pm



HEAD OF PLACE
REPORT TO THE PLANNING COMMITTEE OF
2022-23

1. INTRODUCTION

This agenda considers planning applications submitted to the Council, as the Local Planning Authority, for determination

2. STATUS OF OFFICER'S RECOMMENDATIONS AND COMMITTEE'S DECISIONS

All information, advice, and recommendations contained in this agenda are understood to be correct at the time of preparation, which is approximately two weeks in advance of the Committee meeting. Because of the time constraints, some reports may have been prepared before the final date for consultee responses or neighbour comment. Where a recommendation is either altered or substantially amended between preparing the report and the Committee meeting or where additional information has been received, a separate "Planning Addendum" paper will be circulated at the meeting to assist Councillors. This paper will be available to members of the public.

3. THE DEBATE AT THE MEETING

The Chairman of the Committee will introduce the item to be discussed. A Planning Officer will then give a short presentation and, if applicable, public speaking will take place (see below). The Committee will then debate the application with the starting point being the officer recommendation.

4. SITE VISITS

A Panel of Members visits some sites on the day before the Committee meeting. This can be useful to assess the effect of the proposal on matters that are not clear from the plans or from the report. The Panel does not discuss the application or receive representations although applicants and Town/Parish Councils are advised of the arrangements. These are not public meetings. A summary of what was viewed is given on the Planning Addendum.

5. THE COUNCIL'S APPROACH TO THE DETERMINATION OF PLANNING APPLICATIONS

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. This means that any discussions with applicants and developers at both pre-application and application stage will be positively framed as both parties work together to find solutions to problems. This does not necessarily mean that development that is unacceptable in principle or which causes harm to an interest of acknowledged importance, will be allowed.

The development plan is the starting point for decision making. Proposals that accord with the

development plan will be approved without delay. Development that conflicts with the development plan will be refused unless other material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date the Council will seek to grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Local Plan taken as a whole; or
- Specific policies in the development plan indicate that development should be restricted.

Unsatisfactory applications will however, be refused without discussion where:

- The proposal is unacceptable in principle and there are no clear material considerations that indicate otherwise; or
- A completely new design would be needed to overcome objections; or
- Clear pre-application advice has been given, but the applicant has not followed that advice; or
- No pre-application advice has been sought.

6. PLANNING POLICY

The relevant development plans are:

- Hart Local Plan (Strategy and Sites) 2032, adopted April 2020
- Saved Policies from the Hart Local Plan (Replacement) 1996-2006 (updated 1st May 2020)
- Policy NRM6 (Thames Basin Heaths Special Protection Area) of the South East Plan (adopted May 2009)
- Hampshire, Portsmouth, Southampton, New Forest National Park and South Downs National Park Minerals and Waste Local Plan 2013
- 'Made' Neighbourhood Plans for the following Parishes: Crondall; Crookham Village; Dogmersfield; Fleet; Hartley Wintney; Hook; Odiham and North Warnborough; Rotherwick; Winchfield.

Although not necessarily specifically referred to in the Committee report, the relevant development plan will have been used as a background document and the relevant policies taken into account in the preparation of the report on each item.

7. THE NATIONAL PLANNING POLICY FRAMEWORK AND PLANNING PRACTICE GUIDANCE

Government statements of planning policy are material considerations that must be taken into account in deciding planning applications. Where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them.

The Government has also published the Planning Practice Guidance which provides information on a number of topic areas. Again, these comments, where applicable, are a material consideration which need to be given due weight.

8. OTHER MATERIAL CONSIDERATIONS

Material planning considerations must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest. Relevant considerations will vary from circumstance to circumstance

and from application to application.

Within or in the settings of Conservation Areas or where development affects a listed building or its setting there are a number of statutory tests that must be given great weight in the decision making process. In no case does this prevent development rather than particular emphasis should be given to the significance of the heritage asset.

The Council will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations or the Water Industries Act. The grant of planning permission does not remove the need for any other consents, nor does it imply that such consents will necessarily be forthcoming.

Matters that should not be taken into account are:

- loss of property value
- land and boundary disputes
- the impact of construction work
- need for development (save in certain defined circumstances)
- ownership of land or rights of way
- change to previous scheme
- or matters that are dealt with by other legislation, such as the Building Regulations (e.g. structural safety, fire risks, means of escape in the event of fire etc.). - The fact that a development may conflict with other legislation is not a reason to refuse planning permission or defer a decision. It is the applicant's responsibility to ensure compliance with all relevant legislation.
- loss of view
- matters covered by leases or covenants
- property maintenance issues
- the identity or personal characteristics of the applicant
- moral objections to development like public houses or betting shops
- competition between firms,

The Council will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations or the Water Industries Act. The grant of planning permission does not remove the need for any other consents, nor does it imply that such consents will necessarily be forthcoming.

9. PLANNING CONDITIONS AND OBLIGATIONS

When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. Planning conditions should only be imposed where they are:

- necessary;
- relevant to planning and;
- to the development to be permitted;
- enforceable;
- precise and;
- reasonable in all other respects.

It may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation. In such cases the Council will use a condition rather than seeking to deal with the matter by means of a planning obligation.

Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are:

- necessary to make the development acceptable in planning terms,
- directly related to the development, and
- fairly and reasonably related in scale and kind.

These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010. There are also legal restrictions as to the number of planning obligations that can provide funds towards a particular item of infrastructure.

10. PLANNING APPEALS

If an application for planning permission is refused by the Council, or if it is granted with conditions, an appeal can be made to the Secretary of State against the decision, or the conditions. Reasons for refusal must be:

- Complete,
- Precise,
- Specific
- Relevant to the application, and
- Supported by substantiated evidence.

The Council is at risk of an award of costs against it if it behaves “unreasonably” with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:

- Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
- Failure to produce evidence to substantiate each reason for refusal on appeal.
- Vague, generalised or inaccurate assertions about a proposal’s impact, which are unsupported by any objective analysis.
- Refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead.
- Acting contrary to, or not following, well-established case law
- Persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.
- Not determining similar cases in a consistent manner
- Failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances.
- Refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage.
- Imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the NPPF on planning conditions and obligations.
- Requiring that the appellant enter into a planning obligation which does not accord with the law or relevant national policy in the NPPF, on planning conditions and obligations.
- Refusing to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal.
- Not reviewing their case promptly following the lodging of an appeal against refusal of planning permission (or non-determination), or an application to remove or vary one or more conditions, as part of sensible on-going case management.
- If the local planning authority grants planning permission on an identical application where the evidence base is unchanged and the scheme has not been amended in any

way, they run the risk of a full award of costs for an abortive appeal which is subsequently withdrawn.

Statutory consultees (and this includes Parish Council's) play an important role in the planning system: local authorities often give significant weight to the technical advice of the key statutory consultees. Where the Council has relied on the advice of the statutory consultee in refusing an application, there is a clear expectation that the consultee in question will substantiate its advice at any appeal. Where the statutory consultee is a party to the appeal, they may be liable to an award of costs to or against them.

11. PROPRIETY

Members of the Planning Committee are obliged to represent the interests of the **whole** community in planning matters and not simply their individual Wards. When determining planning applications, they must take into account planning considerations only. This can include views expressed on relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded upon valid planning reasons.

12. PRIVATE INTERESTS

The planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can be difficult to distinguish between public and private interests, but this may be necessary on occasion. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Covenants or the maintenance/protection of private property are therefore not material planning consideration.

13. OTHER LEGISLATION

Non-planning legislation may place statutory requirements on planning authorities or may set out controls that need to be taken into account (for example, environmental legislation, or water resources legislation). The Council, in exercising its functions, also must have regard to the general requirements of other legislation, in particular:

- The Human Rights Act 1998,
- The Equality Act 2010.

14. PUBLIC SPEAKING

The Council has a public speaking scheme, which allows a representative of the relevant Parish Council, objectors and applicants to address the Planning Committee. Full details of the scheme are on the Council's website and are sent to all applicants and objectors where the scheme applies. Speaking is only available to those who have made representations within the relevant period or the applicant. It is not possible to arrange to speak to the Committee at the Committee meeting itself.

Speakers are limited to a total of three minutes each per item for the Parish Council, those speaking against the application and for the applicant/agent. Speakers are not permitted to ask questions of others or to join in the debate, although the Committee may ask questions of the speaker to clarify representations made or facts after they have spoken. For probity reasons associated with advance disclosure of information under the Access to Information Act, nobody will be allowed to circulate, show or display further material at, or just before, the Committee meeting.

15. LATE REPRESENTATIONS

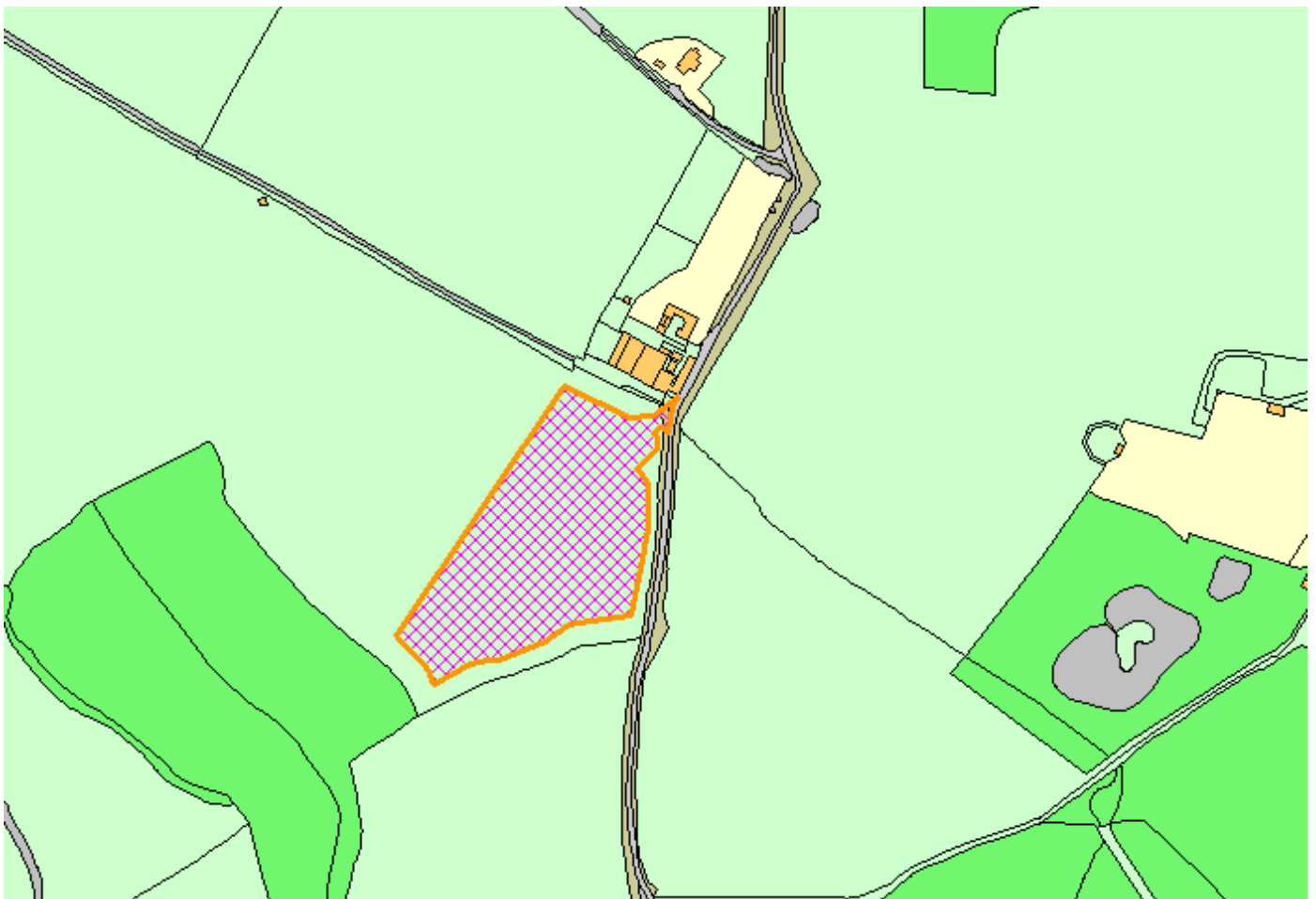
To make sure that all documentation is placed in the public domain and to ensure that the Planning Committee, applicants, objectors, and any other party has had a proper opportunity to consider further, or new representations no new additional information will be allowed to be submitted less than 48 hours before the Committee meeting, except where to correct an error of fact in the report. Copies of individual representations will not be circulated to Members.

16. INSPECTION OF DRAWINGS

All drawings are available for inspection on the internet at www.hart.gov.uk

COMMITTEE REPORT

APPLICATION NO.	22/00778/FUL
LOCATION	Land Adjacent to Damales Farm Borough Court Road Hartley Wintney Hook Hampshire
PROPOSAL	Change of use from agricultural land to a dog walking site with associated parking
APPLICANT	Mr D Mitchell
CONSULTATIONS EXPIRY	27 May 2022
APPLICATION EXPIRY	28 June 2022
WARD	Hook
RECOMMENDATION	Refuse



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. **Please Note: Map is not to scale**

BACKGROUND

This planning application has been brought to Planning Committee at the request of three local Ward Councillors and the Chairman of Planning Committee.

SITE DESCRIPTION

1. The application site comprises an agricultural field to the west of Borough Court Road, measuring 1.74 hectares. To the immediate north is an agricultural track and modern agricultural barn, and beyond that, Damales House, which is a statutorily listed building at Grade II. There is a 5-bar gate providing access from the highway to the north-eastern corner of the site. The site is enclosed along the roadside with hedging, and is enclosed by trees to the southwestern boundary.

PROPOSAL

2. The proposal is for the change of use of the land to a dog-walking facility. The application form states that the opening hours for the facility would be 08:00 to 20:45 Monday to Sunday and the same on bank holidays. The Design and Access Statement indicates that in 'winter hours' this would only be 08:30am to 15:45pm.
3. The Design and Access Statement outlines that there would be an expected customer number of up to 16 daily bookings in summer and 10 daily bookings in winter. This however is not stipulated on the application form and is expected levels and not upper limits.
4. The proposal would involve the erection of fencing and formation of parking spaces at the north-eastern end of the field, which would be sub-divided into two separate areas by hedging.
5. The Design and Access Statement submitted with the application indicates the proposed use would extend beyond simple dog walking and would include dog training, agility training and other dog related activities including charity events. No information has been submitted to enable a full assessment of these additional activities. The application has therefore been assessed only in relation to the proposed use as a dog-walking facility.

RELEVANT PLANNING HISTORY

None.

RELEVANT PLANNING POLICY

Section 38(6) of the Planning and Compensation Act 2004 (as amended) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted plan for Hart comprises the Hart Local Plan (Strategy and Sites) 2032 (HLP32), the saved policies of the Hart District Local Plan (Replacement) 1996-2006) (HLP06) and Saved Policy NRM6 of the South-East Plan 2009. Adopted and Saved Policies are up to date and consistent with the NPPF (2021).

Also, of relevance in the determination of this application is the Hook Neighbourhood Plan 2032 (HNP32) which is part of the development plan. the application site is within the HNP32 Neighbourhood Area boundary.

Hart Local Plan (Strategy and Sites) 2032 (HLP32):

Policy SD1 - Sustainable Development
Policy SS1 - Spatial Strategy and Distribution of Growth
Policy ED3 - The Rural Economy
Policy NBE1 - Development in the Countryside
Policy NBE3 - Landscape
Policy NBE4 - Biodiversity
Policy NBE5 - Managing Flood Risk
Policy NBE8 - Historic Environment

Policy INF3 - Transport
Policy INF4 - Open Space, Sport and Recreation

Hart District Local Plan (Replacement) 1996-2006 'saved' policies (HLP06):

Policy GEN1 - General Policy for Development
Policy GEN2 - Changes of Use
Policy GEN6 - Noisy Unneighbourly Development

Hook Neighbourhood Plan 2018-2032 (HNP32):

HK1 - Spatial Policy
HK5 - Landscape

Other relevant planning policy documents:

National Planning Policy Framework 2021 (NPPF) National Planning Practice Guidance (PPG)
Hart Landscape Assessment (1997)
Hart Parking Provision Interim Guidance (2008)
Likelihood of 'Best and Most Versatile' (BMV) Agricultural Land London and South East Region
from Defra and Natural England Dated 18/08/2017. Map Reference : NE170809-1016-779d

CONSULTEE RESPONSES

HCC Local Lead Flood Authority

No objection.

Landscape Architect (Internal)

None received.

Environment Agency Thames Area

No comment.

Streetcare Officer (Internal)

No objection.

Environmental Health (Internal)

No objection.

No objection.

Hartley Wintney Parish Council

“No objection.

The number of dogs on the site could create additional unwanted noise disturbance to residents in the adjacent dwellings, therefore Councillors would like the hours of operation to be considered and the number of dogs in any one session to be reduced. Councillors would welcome consideration of screening between the two proposed areas to reduce the impact of different groups of dogs meeting/seeing each other to help reduce noise levels.”

PUBLIC COMMENTS

Five letters of public objection have been received raising the following concerns:

- No upper limit on number of dogs to control impact
- Proposal includes other training activities with no information on how any equipment would be stored/located on land
- Noise impact - use of music, whistles etc. which could be detrimental for walkers and cyclists
- Proposal is for two separate areas - will not provide a 'safe space' for dogs, as proposed, how will this be controlled?
- Proposal does not make economic sense
- Impact on wildlife from noise and risk of injury from fencing etc.
- Increased traffic on single track lane - with very limited passing spaces, impact on motorists, cyclists, runners and horse riders from additional traffic.

Twelve letters of public support have been received expressing the following:

- Welcome use of an area to train dogs away from general public
- Good use of land
- Limiting numbers will control noise and traffic
- Proposal will make people better and safer dog owners
- Proposal will encourage wildlife habitat

PRINCIPLE OF DEVELOPMENT

6. The site is located within the open countryside, outside of any defined settlement policy boundary according to the inset maps of the adopted HLP32 and maps for the HNP32. Policy SS1 of the HLP32 states that development will be focused within defined settlements, on previously developed land in sustainable locations, and on allocated sites as shown on the Policies Map.
7. The application site is located outside a defined settlement boundary, in the open countryside wherein the countryside will be protected for its intrinsic character and beauty. In principle therefore, the site is in an unsustainable location on an unallocated site, it must therefore be assessed against the criteria of the relevant countryside Policies; NBE1 and ED3 of the HLP32.

LOCATION AND COUNTRYSIDE CONSIDERATIONS

8. Policy NBE1 of the HLP32 indicates that new, non-residential development proposals in the countryside will only be supported where they, inter alia:
 - b) provide business floor space to support rural enterprise; or,
 - c) provide reasonable levels of operational development at institutional and other facilities; or,
 - d) provide community facilities close to an existing settlement which is accessible by sustainable transport modes; or,
 - j) are located on suitable previously developed land appropriate for the proposed use; or,
 - k) are for small scale informal recreation facilities such as interpretation centres and car parks which enable people to enjoy the countryside; or,
 - l) secure the optimal viable use of a heritage assets or would be appropriate enabling development to secure the future of heritage assets.
9. The proposal fails to satisfy any of the relevant criterion in relation to Policy NBE1 of the HLP32.
10. The application site is undeveloped agricultural land which has no permanent buildings at present. The land does not constitute previously developed land (PDL) and is remote from the nearest existing settlements at Hartley Wintney, Hook and Winchfield. Based on the type of use proposed, it is fair to assume that visiting customers will be reliant upon the use of private vehicles to gain access to the facility and given the nature of the use it is unlikely that customers would visit on foot, using cycles or via public transportation.
11. Whilst the proposed use would be for canine recreational purposes, it would not be for a type of activity which can only take place in a countryside location. The applicant has clarified that in addition to secure dog walking for sensitive and/or reactive and injured dogs, dog training would also take place, including agility training, hoopers training, puppy training/recall and behavioral training. Whilst no details have been submitted, these activities are not considered to be commensurate with purely dog-walking activities and involve elements of professional animal training requiring specialist staff or volunteers with the relevant skills and expertise. These activities are not, first and foremost, activities which enable recreational enjoyment of the countryside by people.
12. The proposal is a private commercial venture, therefore the provisions of Policy ED3 need to be satisfied. Policy ED3 of the HLP32 states that to support the rural economy, development proposals for economic use in the countryside will be supported where they:
 - a) Are for a change of use or conversion of a suitable permanent building or for a new small-scale building that is appropriate to a rural area, located in or on the edge of an existing settlement; or
 - b) Are for a replacement building or extension to a building in line with Policy NBE1; or
 - c) Enable the continuing sustainability or expansion of a business or enterprise, including development where it supports a farm diversification scheme and the main agricultural enterprise; or
 - d) Provides business floorspace that would enable the establishment of rural enterprises;
 - e) In the case of new buildings, and extensions to existing buildings, are supported by evidence of need for the scale of the proposed development.

13. The proposal relates to a parcel of undeveloped agricultural land which features no existing buildings upon it. The operational development proposed within the application would be minimal consisting only of creation of parking spaces and perimeter fencing of the site.
14. The applicant has set out in supporting information that the proposal is required not only from a business opportunity point of view, but for the ongoing sustainability of the farming business. It is stated that changes to funding and prices mean that farmers are looking to re-purpose less productive area of land and buildings which are no longer required. The proposal is stated as enabling an existing farming business to diversify, ensuring its sustainability in the farming market without negatively impacting the remaining agricultural operations. Whilst Policy ED3(c) states that such development would be supported, in this instance insufficient information has been provided to demonstrate that this criterion would be met.
15. Further information from the applicant indicates that the proposal is required to provide a more consistent income to the arable farming enterprise in respect of cash flow. It is stated in the submission that the proposal would give the applicant a diversified income allowing them to weather against changes in the farming market. However, no business plan for the farm has been produced to support these claims. No financial projections have been prepared for the existing agricultural unit and operations, and information relating to the extent and nature of the unit to which this proposal relates has not been provided. There is currently insufficient information provided to support a business argument of rural diversification from this scheme.
16. The application submission sets out that the application site is arable agricultural land with 'low yield' however the grade of agricultural land, in terms of Agricultural Land Classification, has not been set out. There is currently insufficient information to assess whether this proposal would result in the loss of Best and Most Versatile Agricultural Land (BMV Land). The Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. The NPPF 2021 defines Best and most versatile agricultural land as land in Grades 1, 2 or 3a of the ALC.
17. With regards to the sustainability of the location, the proposal would be sited outside of any defined settlement policy boundary and is not close in proximity to existing public transport modes. Travel to the site would likely be almost entirely by private vehicle. The proposal would therefore not promote the use of sustainable travel modes and would not improve accessibility to services and support the transition to a low carbon future. There is no evidence submitted that this type of canine facility could not be located within an urban location, well served by public transportation, pedestrian or cycle links for example.
18. The Hart Local Plan 2032 seeks to direct development to sustainable locations which have access to services and facilities. However, there may be cases where small scale and well-designed new rural enterprise may be appropriate. Proposals will need to comply with Policy NBE1 and in accordance with Policy ED3, provide clear justification for any commercial use of land, including the provision of information on the business requirement for the development and on the long-term viability of the enterprise. This submission does not provide sufficient information to enable an assessment to be made.
19. Therefore, it has not been demonstrated that the proposal would be necessary to meet the policy requirements for new, sustainable development in the countryside in this instance. There has not been robust economic and business evidence provided to support a case for business diversification. The proposal would conflict with Policies SS1, NBE1, ED3 and INF3 of the HLP32, Policy HK1 of the HNP32 in addition to conflicting

with the aims of the NPPF 2021.

VISUAL LANDSCAPE IMPACTS

20. Policy NBE2 of the HLP32 seeks to achieve development proposals which respect and wherever possible enhance the special characteristics, value, or visual amenity of the district's landscapes. This policy contains five criteria to assess development proposals in relation to landscape impacts. It also states that, where appropriate, proposals will be required to include a comprehensive landscaping scheme to ensure that the development would successfully integrate with the landscape and surroundings.
21. In principle, due to the minimal nature of the operational development set out within the application, overall, the visual landscape effects are unlikely to be significant.
22. The use of the land for dog walking purposes would not be likely to have a material impact on the wider landscape, given that any equipment necessary to facilitate the use, such as barriers or defined walking routes within the land would be likely to be moveable or temporary and would be unlikely to amount to development requiring planning permission. However, it is likely that any temporary equipment would require storage on-site. In this respect, the application does not detail any such on-site storage or how this would otherwise be managed.
23. The application form indicates that no employees would be employed at the site. This conflicts with the information within the submitted Design and Access statement which refers to the "other" activities and uses on the land which extend beyond dog walking activities. Officers are concerned that even limited activities on the land would necessitate provision of minimal levels of facilities to accommodate the comfort of users, for example, toilets for customers, handwashing facilities and general shelter for both people and animals from extremes of weather which are clearly essential components of a commercial facility. No welfare facilities appear to be proposed for customers.
24. In terms of waste, the application form and Design and Access Statement mention use of a registered waste collection service and that there would be provision of "yellow waste boxes", again, no details are provided of their size and position to enable further assessment.
25. There has been no information submitted relating to temporary or permanent lighting which may be needed on the site, particularly in winter months. This could impact the visual amenity of the area, introduce light pollution and it could also have biodiversity implications particularly for bats which are a European protected species and are sensitive to artificial lighting.
26. The proposal includes the creation of 4 parking spaces, accessed from the farm track to the north, along with fencing and gates. Whilst no details have been provided as to the surfacing materials or types of enclosure, it is considered that these would be small-scale and could be controlled by way of a condition to ensure they are of an appropriate design to not harm the wider rural landscape.
27. Officers are concerned with the general lack of information provided within the application which could lead to the proliferation of other paraphernalia on the site. Whilst it is likely that additional temporary or permanent structures would be required on the land to facilitate the proposed use and that these may require planning permission, there is no detail within the submission for Officers to assess in respect of landscape impact. As the proposal's description and accompanying information does not outline the provision of such structures, buildings or facilities, the lack of information in this respect does not form a separate reason for refusal.

28. On the basis of a small-scale dog walking use, minimal car parking and fencing, the proposal would appear to comply with Policy NBE2 of the HLP32 and Policy HK5 of the HNP32 in landscape terms.

HERITAGE IMPACTS

29. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that, when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
30. Paragraphs 189 - 197 of the NPPF 2021 set out the national policy in relation to proposals affecting heritage assets. Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable and finite resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
31. In determining applications, Local Planning Authorities (LPAs) should require applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance. LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise.
32. When determining applications LPAs should take account of:
- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) The desirability of new development making a positive contribution to local character and distinctiveness.
33. Damales House is a Grade II Listed building, comprising elements from the C16, C18 and more modern additions. The structure has a timber frame, with red brick infilled walls. To the west are the remains of a barn, re-built to a lower level using old timbers, and this is attached to the house by a connecting north wing by a later extension.
34. The application site and the proposed activities would be separated from Damales House by intervening modern agricultural buildings. The operational development proposed would be minimal involving only the creation of parking spaces and installation of fencing. The proposed development is therefore unlikely to result in harm to the heritage asset or its setting. On balance, the proposal is considered to have a neutral impact in heritage terms and accordingly, the proposed use of the site would preserve the setting of the Listed building.
35. The proposal would therefore satisfy the statutory test at Section 66 of the LBCA Act 1990, the requirements of Section 16 of the NPPF 2021 (Conserving and enhancing the historic environment) and would comply with Policies NBE8 and NBE9 of the HLP32.

36. Policy NBE11 of the HLP32 supports development which does not give rise to, or would not be subject to, unacceptable levels of pollution. Saved Policy GEN1 of the HLP06 supports development that, amongst other requirements, causes no material loss of amenity to adjacent properties. Saved Policy GEN6 states that development which generates volumes of traffic unsuited to the local area will only be permitted where the proposal incorporates adequate noise abatement measures to alleviate any material loss in amenity. The NPPF 2021 advises that planning decisions should ensure that developments achieve a high standard of amenity for existing and future users and do not undermine quality of life for communities,
37. The site is located in open countryside, which features sporadic residential properties.
38. The nearest residential property to the application site is Demales Farm, which is within the same ownership as the application site. There are other scattered residential dwellings in the vicinity.
39. No information has been provided within the application to clarify either the number of visiting dogs at each “session” of dog walking, and particularly, no information has been supplied in relation to the “other” proposed events such as charity events, training, dog agility and so forth. Noise associated with the exercising of numerous dogs would be appreciable rather than negligible and the comments of the public and Parish Council in this respect are acknowledged. In this case, noise would be likely to travel, particularly in a quiet rural environment, however no information has been provided to enable a robust assessment of impact on the amenities of occupiers of dwellings in the vicinity of the site.
40. The application was submitted without any noise assessment, it therefore provides insufficient information to clarify whether the proposal accords with Policies NBE11 of the HLP32 and Policy GEN1 of the HLP06 in respect of noise and amenity impacts.

ACCESSIBILITY, HIGHWAY SAFETY AND PARKING

41. Policy INF3 of the HLP32 states that development should promote the use of sustainable transport modes prioritising walking and cycling, improve accessibility to services and support the transition to a low carbon future.
42. Saved Policy GEN1 of the HLP06 supports developments that do not give rise to traffic flows on the surrounding road network which would cause material detriment to the amenities of nearby properties and settlements or to highway safety, do not create the need for highway improvements which would be detrimental to the character or setting of roads within conservation areas or rural lanes and do not lead to problems further afield by causing heavy traffic to pass through residential areas or settlements, or use unsuitable roads.
43. Paragraph 111 of the NPPF 2021 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
44. The applicant has indicated that there would be up to 16 bookings a day in the summer and up to 10 bookings a day in the winter; as maximum. It is unknown whether these bookings would be restricted to single dog visits, or would include the “other” events referenced. The Design and Access Statement confirms that there would be an online booking system in place, which would email a 4-digit access code for the gate to the field; which is a fully automated gate. The submission sets out that no staff would be on-site, it appears that this would be an entirely ‘self-service’ offer as the proposal mentions within the Design and Access Statement (DAS) that customers would be ‘emailed all check in

details and terms of use of the field' (2.13 of the DAS). The submission contains no detail on how the security of the gate and access would be controlled remotely or otherwise or how the maintenance of fencing would be checked on a regular basis to ensure that animals could not escape.

45. The Local Highway Authority has assessed the proposal and raises no objection in terms of highway safety and capacity. The proposal would include 4 parking spaces. In addition, details of on-site turning and a travel plan could also be secured via condition if all other matters were acceptable. The Interim Parking Guidelines do not provide standards for this type of development, and other categories of development are not considered comparable.
46. An individual assessment has therefore been made based on the information provided regarding the number of intended bookings. The bookings are assumed to be split between the two parts of the field, and therefore it can be assumed that only two parking spaces would be available per section of the field at any one time. Due to the lack of information concerning the "other" events/training which could potentially take place, there may be greater demand for parking if trainers or higher numbers of dogs (and their owners) also attend the site.
47. As such, insufficient information has been provided to clarify there would be no conflict with Policies NBE9 and INF3 of the HLP32.

FLOOD RISK AND DRAINAGE

48. Policy NBE5 of the HLP32 states that development will be permitted providing over its lifetime it will not increase flooding elsewhere and will be safe from flooding. For major developments, Sustainable Drainage Systems should be used unless demonstrated to be inappropriate, and within Causal Flood Risk Areas all development should take opportunities to reduce the causes and impacts of flooding. If development is located within an area at risk from any source of flooding, it should be supported by a site-specific FRA and comply with national policy tests.
49. Proposals should not compromise the integrity and function of a reservoir or canal embankment. Paragraph 159 of the NPPF states that development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).
50. The site is within Flood Zone 1, which is the area least at risk of flooding. However, as the site area exceeds 1ha, a flood risk assessment (FRA) is required. The submitted FRA indicates that there will be no change to levels or impermeable surfaces on the site, and as such the development would not lead to an increased risk from fluvial or pluvial flooding. Surface water will continue to drain into field ditches. The Environment Agency (EA) has raised no objection on flood risk grounds.
51. As such the proposal is acceptable in terms of flood risk and drainage in accordance with Policy NBE5 of the HLP32.

BIODIVERSITY, TREES AND LANDSAPING

52. Policy NBE4 of the HLP32 states that in order to conserve and enhance biodiversity, new development will be permitted where it does not have an adverse effect on the integrity of an international, national or locally designated site. Proposals should not result in a loss or deterioration of irreplaceable habitats, unless the need for, and benefits of the development in that location clearly outweigh the loss. Opportunities to protect and enhance biodiversity and to contribute to wildlife and habitat connectivity should be taken wherever possible. All development proposals will be expected to avoid negative impacts

on existing biodiversity and provide a net gain where possible.

53. Policy NBE3 of the HLP32 and Saved Policy NRM6 of the South-East Plan relate to the Thames Basin Heaths Special Protection Area and control impact on the ecological integrity of the designated area. The site is located within the 5km buffer zone.
54. No biodiversity information has been provided with the application and accordingly it is unknown whether the agricultural land provides habitat which would be suitable for protected species at present. The proposal would involve a limited amount of operational development, comprising parking spaces and fencing/gates. Whilst subdivision of the site is proposed, it would comprise of hedging which would encourage biodiversity. Additional tree planting is also proposed to the western part of the site. The species and specification of any planting and hedging could be controlled by condition, if permission were granted.
55. The proposal would not involve the creation of new residential development and as such would not have a likely significant effect on the SPA in combination with other plans and projects.
56. The application provides insufficient information to clarify if it accords with Policies NBE3 and NBE4 of the HLP32, however it appears to comply with the provisions of Policy NRM6 of the South-East Plan 2009.

CLIMATE CHANGE

57. On 29th April 2021 Hart District Council agreed a motion which declared a Climate Emergency in Hart District.
58. Policy NBE9 of the HLP32 requires proposals to demonstrate that they would: i) reduce energy consumption through sustainable approaches to building design and layout, such as through the use of low-impact materials and high energy efficiency; and j) they incorporate renewable or low carbon energy technologies, where appropriate. Permanent buildings will use low carbon technologies as far as possible.
59. The applicant has set out that the proposal would have environmental benefits in terms of reducing the travel of people to other sites and reducing use of the SPA for dog walking. The applicant also contends that the proposal would be carbon neutral owing to the planting of trees and hedging, and the reduction in CO2 emissions compared to the agricultural use of the site.
60. The applicant has not provided any robust evidence to support either assertion.
61. It is clear that customers visiting this commercial enterprise would be highly likely to be entirely reliant upon private motor vehicles. Due to both the nature of the use and the location of the site other means of transport would be either unfeasible (in the case of public transport) or unlikely, such as the use of bicycles or travel to the site on foot.
62. Officers therefore consider insufficient information has been provided to clarify the impact of the development on climate change issues.
63. In this case, the proposal includes no provision of new buildings, as a result officers consider there is no conflict with the requirements of Policy NBE9 of the HLP32 and the NPPF in terms of sustainability/renewable or low-carbon energy technologies to address climate change.

64. With regard to equality, the Council has a duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics and those who do not under the Equalities Act. The application raises no concerns about equality matters.

OTHER MATTERS

65. The points raised in the letters of representation have been noted. With regards to the letters of objection, officers note the concerns regarding the use of the site for dog training purposes instead of dog walking, and these matters are discussed in the relevant sections above. The letters of support and comments of the Parish Council are also noted; however, for the reasons given, the proposal is not considered to be a justified form of development in the countryside.

CONCLUSION

66. Section 70(2) of the Town and Country Planning Act 1990 ("TCPA 1990") provides that the decision-maker shall have regard to the provisions of the development plan, so far as material to the application. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Hart Local Plan (Strategy & Sites) 2032 is a recently adopted and up to date development plan document. In determining an application, the decision maker must also have due regard to the NPPF, in particular paragraph 11 (ii).
67. The proposal would not represent a justified form of development appropriate to the countryside. The proposed use of the site has not been demonstrated to be necessary to support a rural business or agricultural diversification. The proposal would also be in an unsustainable location and customers would likely be reliant on the private vehicle to visit the facility. This harm weighs heavily against approving the development.
68. The development could provide some benefits to the climate in terms of reducing CO2 emissions compared to the farming use, although detailed information has not been provided to evidence this stated benefit. It is therefore attributed little weight.
69. The proposal would have social and health benefits in terms of providing a private commercial facility for people to walk, exercise and train their dogs safely; however, there is no evidence to suggest these benefits could not be achieved in existing locations in the district, within a defined settlement boundary or at more sustainable sites. A limited amount of weight is therefore attached to these elements of the scheme.
70. The development could result in a form of agricultural diversification; however, limited information has been submitted. This benefit could be a form of public benefit, however, due to lack of information, it is attributed limited weight.
71. A benefit might also result to the economy resulting from creation of a new commercial use. Due to the limited information provided, again, this is attributed limited weight in the balance.
72. Overall, the proposal will result in harm to the intrinsic character and beauty of the countryside and the unsustainable nature of the proposal and site would outweigh the limited benefits identified above. Whilst personal benefits may result to the applicant and potentially to the users of the facility, these would also be limited in scope and weight.

73. On balance, the development conflicts with the adopted Development Plan and should be refused.

RECOMMENDATION - Refuse REASONS FOR REFUSAL

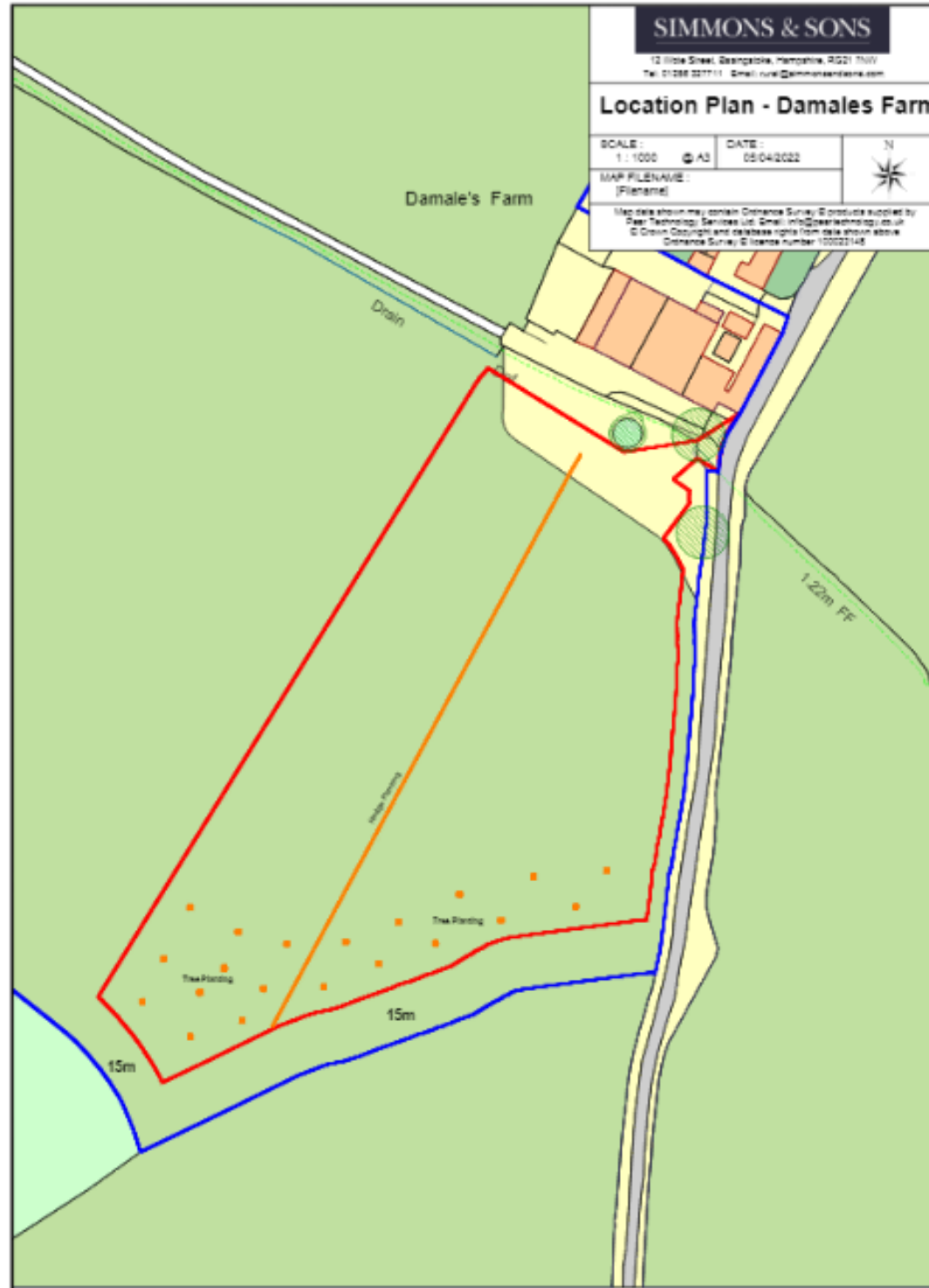
- 1 The proposal would result in the inappropriate development in the countryside. The site is not allocated for development within the Local Plan and there is no material planning justification for a departure from the Local Plan. As no exceptional circumstances apply, the proposal is contrary to the aims of the Local Plan. Insufficient information has been provided to establish that the proposal would not result in the loss of productive arable agricultural land within the definition of Best and Most Versatile Land. The proposal would conflict with Policies SS1, NBE1, ED3 and INF3 of the Hart Local Plan (Strategy and Sites) 2032 and Policy HK1 of the Hook Neighbourhood Plan 2018-2032 and the aims of the NPPF 2021.
- 2 In the absence of supporting information, the proposal provides insufficient information to clarify whether the proposed use would have detrimental noise impacts on the amenity and enjoyment of the countryside by its users and residential amenity of nearby occupiers. Without a suitable noise assessment, the proposal fails to demonstrate whether the proposal accords with Policy NBE11 of the Hart Local Plan (Strategy and Sites) 2032 and Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 'saved' policies or the aims of the NPPF 2021 in respect of noise and amenity impacts.
- 3 In the absence of supporting information, the proposal provides insufficient information to clarify the maximum number of people who will be using the site during the stated activities and uses. Without suitable information it cannot be concluded that the proposal would not conflict with Policies NBE9 and INF3 of the Hart Local Plan (Strategy and Sites) 2032 or the aims of the NPPF 2021.
- 4 In the absence of supporting information, the proposal fails to demonstrate the impact of the proposal on habitats or protected species. Without suitable information it cannot be concluded that the proposal accords with the requirements of Policies NBE3 and NBE4 of the Hart Local Plan (Strategy and Sites) 2032 or the aims of the NPPF 2021.

INFORMATIVE

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance: The applicant was advised of the necessary information needed to process the application and was advised of the issues with the proposal during the course of the application.

22/00778/FUL – Land adj to Damales Farm, Borough Court Road, Hartley Wintney,
Hook

Location Plan



Proposed Site Plan – parking and access

