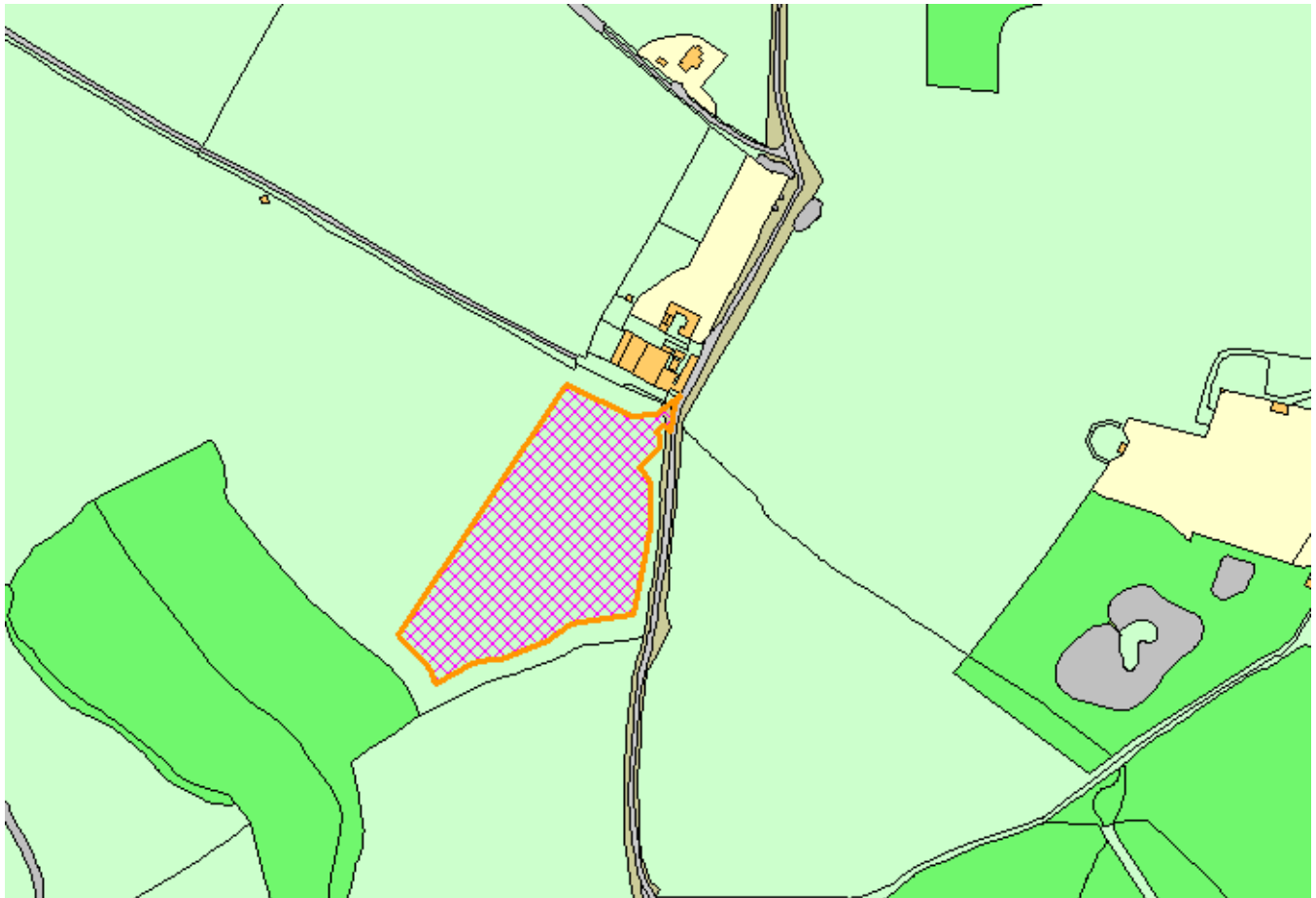


## COMMITTEE REPORT

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

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## **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**

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 south western boundary.

## **PROPOSAL**

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.

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.

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.

The applicant has clarified in further documentation submitted to the Council that the proposal would comprise solely a dog walking facility. The assessment has been made on this basis only.

## **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 Technical Advice Note (TAN) (August 2022) 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.

**Hampshire County Council (Highways)**

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**

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.

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**

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.

The proposal fails to satisfy any of the relevant criterion in relation to Policy NBE1 of the HLP32.

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.

The applicant has clarified that the proposed use of the site would be limited to dog walking only and would not involve canine training. However, it is considered that the proposal would still involve a form of development which would not solely be related to a countryside activity. Dog walking, whilst common in the countryside, can also take place in other, more sustainable locations within, or adjoining, settlement. The use is not dependent on the countryside location proposed.

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.

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.

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.

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. Additional information has been provided which indicates that the overall agricultural enterprise comprises 11 acres of woodland, 44 acres of pasture and 119 acres of arable land. The holding also includes 7 storage and light industrial units at White Knights Farm. It is stated that in recent years, the annual income from the agricultural enterprise has ranged from £12,000 profit to £8000 losses. It is stated that the income from the agricultural enterprise is currently insufficient to support the two families who jointly own the farm.

It is unclear from the submission what the overall operational costs of the agricultural enterprise are, and how much profit is made from both the agricultural business and other diversification projects already undertaking, including the commercial units at White Knights Farm. In this respect, officers are unable to conclude that the proposal is truly necessary to ensure the long-term viability of the agricultural unit.

The applicant has also confirmed that the agricultural land falls within Classification 3b - moderate quality agricultural land with strong limitations that affect the choice of crop, timing and type of cultivation/harvesting or level of yield. This land produces moderate yields of a narrow range of crops, low yields of a wide range of crops and high yields of grass. Whilst the land may not represent the best and most versatile agricultural land, it could still make a viable contribution to the agricultural business as a whole.

Paragraph 85 of the NPPF sets out that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

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.

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 that assessment to be made.

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**

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.

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.

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.

The application form indicates that no employees would be employed at the site and the applicant has clarified that no other canine training would take place which might require instructors to be present. However, Nonetheless, officers remain 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.

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.

There has been no information submitted relating to temporary or permanent lighting which may be needed on the site, particularly in winter months. The applicant has confirmed that dog-walking would take place in daylight only but given the safety aspect of people coming and going from the site at dawn and dusk, particularly in the winter months, there could be significant future pressure for such lighting which would be difficult to resist once the facility is established. 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.

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.

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.

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**

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.

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.

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.

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.

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.

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.

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.

## **RESIDENTIAL AMENITY**

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.

The site is located in open countryside, which features sporadic residential properties.

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.

The applicant has clarified that there would be a maximum of 16 bookings per day during summer and 10 bookings per day during winter, when daylight hours are shorter, with a maximum of 2 cars, 2 people and 4 dogs per field, per session. At maximum capacity, for the two fields combined, this would mean that there would be a total of 32 car movements to and from the site, with up to 32 people on site and 64 dogs in any one day. 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.

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**

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.

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.

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.

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. 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.

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 recently endorsed Parking Technical Advice Note (TAN) (August 2022) does not provide standards for this type of development, and other categories of development are not considered comparable.

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.

As such, there would be no conflict with Policies NBE9 and INF3 of the HLP32.

## **FLOOD RISK AND DRAINAGE**

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.

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).

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.

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**

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.

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.

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.

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.

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**

On 29th April 2021 Hart District Council agreed a motion which declared a Climate Emergency in Hart District.

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.

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.

The applicant has not provided any robust evidence to support either assertion.

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.

Officers therefore consider insufficient information has been provided to clarify the impact of the development on climate change issues.

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.

## **EQUALITY**

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**

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**

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).

The proposal would not represent a justified form of development appropriate to the countryside. The proposed use of the site has not been adequately 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.

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.

The proposal would have social and health benefits in terms of providing a private commercial facility for people to exercise 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.

The development could result in a form of agricultural diversification; however, limited information has been submitted. Whilst the applicant has provided some figures regarding the profit and loss associated with the arable farm, and mentions diversification in other areas of the farm, it is not clear how, overall, this contributes to the agricultural business and its long term sustainability. This benefit could be a form of public benefit, however, due to the limited information provided it is attributed limited weight.

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.



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.

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 fails to demonstrate the impact of the proposals on habitats or protected species. Without suitable information it cannot be concluded that the proposal accords with the requirements of Policies NB£3 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.