



**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 10 April 2018

**DEVELOPMENT:** Change of use from unused field to recreational area for dog owners/carers.

**SITE:** Land South of Mole Cottage Faygate Lane Rusper Horsham West Sussex RH12 4RF

**WARD:** Rusper and Colgate

**APPLICATION:** DC/17/2642

**APPLICANT:** **Name:** Ms Miranda Luck **Address:** Hale Cottage Cricketers Close OCKLEY RH5 5BA

**REASON FOR INCLUSION ON THE AGENDA:** More than eight letters of representation contrary to the officer recommendation

**RECOMMENDATION:** To grant planning permission subject to appropriate conditions

**1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

**DESCRIPTION OF THE APPLICATION**

- 1.1 The application seeks a change of use from land formerly in equestrian use to provide a recreational area for dog owners and carers. The application is retrospective and is currently in operation. The application includes a small shed building to the northern end of the site and the erection of 2 metre high wire stock fencing around the perimeter. The applicant has advised that the field is used by owners and dogs who may not want to mix with others; but also for owners who are disabled, elderly or have injuries and cannot walk very far.

**DESCRIPTION OF THE SITE**

- 1.2 The application site comprises a field of approximately 0.44 hectares is situated on the Western side of Faygate Lane, almost directly adjacent Lambs Green Road. The field is fully enclosed by hedging and trees, and contains a very small shed which is used to store dog toys, a guest book, a first-aid kit, dog waste bags and information notices for the field users. On the outside of the shed is a water tap and a bowl which provides fresh water for the dogs; as well as a rubber mat to prevent the grass being eroded by footfall in a potentially damp area (due to the nearby tap). Furthermore there is a small black bin next to this shed for disposal of dog waste.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

#### 2.2 **National Planning Policy Framework**

#### 2.3 **Horsham District Planning Framework (HDPF 2015)**

Policy 10 - Rural Economic Development

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 41 - Community Facilities, Leisure and Recreation

### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The Parish of Rusper has been designated as a Neighbourhood Development Plan Area. There is currently no 'Made Plan' for the Parish.

#### 2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

None relevant to this application.

## 3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

### INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** No objection

Recommend conditions relating to operating hours and external lighting.

### OUTSIDE AGENCIES

- 3.3 **Environment Agency:** No comments received.

- 3.4 **Highways:** Comments awaited, will be reported at Planning Committee.

- 3.4 **Rusper Parish Council:** Objection

Objection on the basis of the objections raised by the neighbours.

### PUBLIC CONSULTATIONS

- 3.5 14 representations supporting the application for the following reasons:-

- Safe environment for dog walkers
- Prevents dog thefts and attacks
- It is secluded and totally off the highway
- Cars would be one at a time, and most households with children have more than that amount of activity
- Allows disabled, elderly and injured people to exercise their dogs in a secure place

- Will not cause bother to neighbours
- Allows dogs to naturally explore the countryside
- Provides a training environment for dogs with behavioural issues and those who don't respond to recall
- There is currently a need for this business, which is insufficiently met in the area.
- The dogs have no need to bark in the peaceful environment of this field
- This use is a very quiet activity
- The objectors have a poor understanding of the use and value of secure dog walking fields
- The type of dogs that use these fields are termed "reactive", meaning that they may not get on with other dogs, and so are generally walked alone – therefore it is very rare for a crowd of people or dogs to use a secure dog walking field.
- Prevents farmers/landowners being harassed by loose dogs causing havoc to livestock and crops
- There are currently public footpaths nearby which allow people to walk their dogs off the lead in an uncontained environment
- No building work is necessary

3.6 11 representations objecting to the application for the following reasons:-

- Intrusive noise generated by numerous dogs, shouting and whistles
- Increase of traffic movements entering and exiting the gated access and parking on the land
- Outlook onto people and dogs will be a disturbance
- The field could potentially be used for dog shows and training
- The proposal has already taken place without planning permission
- This proposal could lead to further development on the land
- Mud will be deposited all over the road
- Invasion of privacy
- Virtually no screening
- Question why the land owner is not applying for permission
- The peaceful setting of the rural location will be ruined
- There is a danger of dogs escaping onto the highway or into neighbouring fields which host sheep and horses
- The application states that the stables are disused, but this is untrue
- The application is in the same field as a second hand car business and a further application is applying for demolition of a stables and the building of a bungalow
- The application states the proposal will "benefit the community", but none of the letters of support are from local people
- The application states that parking onsite is already available, however this was put in just before the application
- Cars are parking on the verge of the road while waiting to access the field, which is causing visibility issues
- The shelter will lead to further development
- The access gate should be moved into the field, so that vehicles can pull off the highway whilst the gate is being unlocked
- The highway has a speed limit of 40mph, which is often exceeded; and the Design and Access Statement is wrong in stating that the highway is a 30mph zone; the access is dangerous
- People are using a private driveway to turn around and damaging the lawn
- It will set a precedent for conversion of a green field site in a rural area by converting it to a non-agricultural business use
- Hazard to recreational horse riders
- The application states that there will be a maximum of 4 dogs per field, however there have been two occasions where the user has 6 dogs

- There has been field use on Saturday afternoons and Sundays
- It is very stressful to live near
- The dogs which will use these fields will be vicious and dangerous
- There is a flood risk
- The proposal will bring strangers to the area who will be able to observe vulnerabilities in neighbouring properties, which is a security risk
- Professional dog walking companies are using the field which is generating an exceptionally high level of noise and dogs

#### **4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

#### **5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

#### **6. PLANNING ASSESSMENTS**

##### **Principle**

- 6.1 As a matter of principle, the proposed development is considered to be a sui generis use with no specific development plan policy directing its siting to a particular location. The proposed use is self-evidently a non-urban use, the intention being to create a facility for dogs away from heavily populated areas and / or other dogs. The application site comprises a countryside location where Policy 26 of the HDPF is of relevance.
- 6.2 Policy 26 of the HDPF is a Strategic Policy relating to Countryside Protection. It states, *“Outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria:*
- 1. Support the needs of agriculture or forestry;*
  - 2. Enable the extraction of minerals or the disposal of waste;*
  - 3. Provide for quiet informal recreational use; or*
  - 4. Enable the sustainable development or rural areas”.*
- 6.3 It further continues to state, *“In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located.*
- 6.4 It is considered that a countryside location can be justified for the proposed use and as a semi-public recreational facility available for hire, the development would potentially provide for quiet informal recreational use while enabling the sustainable development of the rural area. The proposal would not therefore harmfully conflict with the above policy and is considered acceptable in principle, subject to detailed considerations.

## **Character and appearance**

- 6.5 The permanent changes to the field as a result of this proposal include the 2m high wire fencing to secure the field and a shed. Policy 32 of the HDPF confirms that high quality and inclusive design will be required for all development across the district, with policy 33 stating that permission will be granted for developments which ensure the scale, massing, and appearance of the development is of a high standard of design.
- 6.6 The fencing, although taller than is typical, is of an 'agricultural' nature and allows a reasonable degree of visual permeability to avoid the undue urbanisation of the area that a solid timber fence would provide. It is noted that the fencing has been installed and is located as close to the curtilage border as possible, immediately abutting the existing boundary hedging and trees. This will mean that the hedging and boundary vegetation will grow through the fencing, reducing its prominence, and as such reducing its impact upon the surrounding area. As such the fencing as installed does not unduly intrude into or otherwise harm the appearance of this field or the wider countryside
- 6.7 The shed is of modest dimensions built from wood and felt. The shed has been sited away from the main entrance gate and cannot be easily seen from the road. It is considered that the size, scale, materials and situation of the shed are acceptable and are considerate to the surrounding countryside.

## **Impact on neighbouring amenity**

- 6.8 Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.9 The supporting statement advises that the site would only be used by individuals with a maximum of 4 dogs with time frames of approximately 1 hour, with the expectation that there would not be multiple vehicles entering or leaving the site at the same time. It is considered that this intensity of use would not generate a significant increase in the level of activity in this countryside location. A condition is recommended to prevent the installation of any lighting at the site and to limit the number of dogs to 4 at any one time. These measures would limit any potential disturbance, with use of the site otherwise self-limited to daylight hours. In terms of the management of dog mess, suitable disposal facilities are provided on site and it is not considered that a more robust form of control is warranted in this case.
- 6.10 It is considered that the nature of the proposed use coupled with the recommended conditions would prevent any unacceptable harm to neighbouring amenity. The proposal would therefore accord with the above policy.

## **Highways**

- 6.11 There is an existing access in the southeast corner of the site and sufficient space adjacent within the field for parking and manoeuvring. The low intensity nature of the use would not generate significant numbers of trips to or from the site resulting in undue pressure on local infrastructure or highway safety issues. A condition is recommended to secure a layout plan for parking / manoeuvring and this would ensure adequate and appropriate arrangements are put in place.

## Conclusion

- 6.12 It is considered that the change of use does not result harm to landscape character or visual amenity, neighbouring amenity or highway safety, and therefore complies with relevant local and national planning policies.

## 7. RECOMMENDATIONS

- 7.1 That planning permission be granted subject to the following conditions:-

1 **List of approved plans**

- 2 **Pre-Occupation Condition:** Within 2 months of the date of this permission, details of the parking, turning and access arrangements for users of the field shall be submitted to the Local Planning Authority for approval in writing. The approved parking, turning and access facilities shall be fully implemented within 2 months of the date of approval and be retained as such thereafter.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 3 **Regulatory Condition:** The application site shall only be used for the purposes of a dog exercise field and associated vehicle parking and for no other purpose.

Reason: The proposed use is acceptable but the Local Planning Authority wish to retain control over future changes of use due to the countryside location of the site and to accord with policy 26 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** The field shall only be used by a maximum of four dogs at any one time.

Reason: In the interest of ensuring noise is kept to a minimum, to protect neighbouring amenity as highlighted by Policy 33 of the Horsham District Planning Framework.

- 6 **Regulatory Condition:** No external lighting shall be installed on the site at any time.

Reason: In the interest of visual and neighbouring amenity and to accord with Policy 33 of the Horsham District Planning Framework (2015).