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<b>APPLICATION NO.</b>	22/00605/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	03.03.2022
<b>APPLICANT</b>	Miss O Hardy
<b>SITE</b>	Land at Newtown Road, Newtown Road, Sherfield English, <b>SHERFIELD ENGLISH</b>
<b>PROPOSAL</b>	Change of use of agricultural land to secure off leash dog exercise facility, provision of a new access and gate, deer fencing, parking and other associated works
<b>AMENDMENTS</b>	Various amendments have been submitted in terms of landscaping and ecological information
<b>CASE OFFICER</b>	Nathan Glasgow

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

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## 1.0 INTRODUCTION

1.1 The application is presented to the Southern Area Planning Committee at the request of the local Ward members.

## 2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site concerns a parcel of land that is located on the eastern side of Newtown Road, at its southern end and approximately 130m north of its junction with Salisbury Road. The site is open countryside.

## 3.0 PROPOSAL

3.1 Change of use of agricultural land to secure off leash dog exercise facility, provision of a new access and gate, deer fencing, parking and other associated works.

## 4.0 HISTORY

4.1 **21/01884/FULLS** – Change of use of agricultural land to secure off leash dog exercise facility, provision of a new access and gate, deer fencing, parking and other associated works – *Withdrawn*

## 5.0 CONSULTATIONS

5.1 **Ecology** – *No objection subject to condition*

“Following previous comments, clarity has been provided over the extent of the visibility splay, indicated in red on the map submitted within the Tree Protection Plan and Landscape Management Plan. It is specified that the visibility splay will be maintained via coppicing on a 3-5 year rotation. While it is my recommendation that coppicing should be conducted on a 7-year rotation, in line with good management practices, it is acknowledged that trees themselves are not planned to be removed and therefore the extent of tree removal appears to be limited to the 5m access.

I would advise that the coppicing and pruning works required to facilitate the visibility splay is conducted in conjunction with mitigation measures outlined within the Ecological Impact Assessment and under the guidance of a suitably qualified ecologist. Provided the proposed visibility splay can be accomplished in accordance with the details submitted in the LMP and EIA, I would raise no further concern”.

5.2 **Environmental Protection** – No objection subject to a condition restricting the use of external lighting.

5.3 **Landscape** – Three consultation responses were received from the Council’s Landscape Officer; the first providing a comment and the latter two providing no objection. These are summarised below.

*Comment:*

“The proposal would require a break in the established native hedgerow which runs along this side of the land. Whilst the hedge is tall currently, there is a glimpse into the site from an existing access and this new access would also create a view into the site.

There is evidence that in previous years the hedge had been managed at a much lower height and there were clear views into the site and adjacent areas for most of the length of the view between Salisbury Road and Doctors Hill. This led to a wide open view of the informal open pasture and wooded edge. This would be achieved if the hedge is maintained as such in future – it contains hazel and coppicing (which does not require permission) would open up views.

The current view through the access is open paddock/pasture towards the woodland and a simple landscape characteristic of a countryside view through a field gate. The woodland forms a large visible landscape feature seen in the wider context. There are no landscape designations on the site.

The nearest built form and obvious subdivision on this side of the road is 50m north; this is a horse paddock and stable shed-type building, seen from the lane as vegetation is less dense and the stable shed is set close to the road. The paddocks are divided with low key timber rail fencing only, preserving a fairly open character. So the division of the paddocks is seen with existing development of a countryside character in view and within its context.

The proposal would subdivide a piece of open land partway in the top third of the paddock, with hedges and fences along the north and south boundaries only, to create a dog activity area with a mid-section to separate the two fields. A PRoW runs 50m east of the site edge in the wooded area, in a north-south direction, but due to vegetation there will not be views through to the application site.

The gate will be in-keeping with other field gates; parking on reinforced grass keeps the site greened. No lighting is proposed.

It is agreed that there are some subdivisions north of the site into paddocks which has been done with simple fencing. It remains a fact that further subdivision removes some of the more open character of this parcel of land, however the hedging has biodiversity benefits, though would make the subdivision more apparent. None of the proposal negatively impacts upon the woodland physically or visually and the woodland remains the dominant landscape feature in views through any accesses”.

*No objection 1:*

“The 5m gap in the hedge with new field gate is similar to one set just north with access to an existing paddock. This has an open view into the open grassed area with woods to the rear. The plan now provided confirms that the rest of the existing hedge is retained, with supplementary planting and coppicing to maintain visibility splays only.

The majority of the hedge that runs alongside the roadway could undergo coppice management regardless of any field activity or developments. Historically it has been maintained much lower allowing views into the site towards the woods. Any coppicing would open up views into the pasture/grassed area towards the tree wooded character that is set to the back. This tree line is seen currently over the top of the hedge and through existing field gate or any hedge gaps. The new opening will open up a new view similar to the existing at gates or hedge gaps.

The view in will be to the grassed areas, which will be partly stock fenced for the dog run areas – areas set north have been partially subdivided for equestrian uses previously with light fencing.

As per the tree report and seen on site visits, the existing hedge is largely hazel and will respond to coppicing. The plan says approximately 3 years but this should be detailed in a management plan and should be reviewed and monitored to be coppiced when required – not as an automatic routine – leave the coppice longer may be applicable and beneficial. A management plan should detail how the site is to be reviewed and then managed according to the hedge size/condition.

Apart from a new section of non-migratory materials required by highways, the ground surfacing is retained grass or reinforced grass for parking areas only. This means the view is largely still a simple green grassed area with some fencing. The new native boundary hedges are unlikely to be key in most views. The cars, when parked for short periods of use, will be mostly set out of the main gate view, the southern space when it has a car may be seen in glimpse when passing on the road only.

Landscape harm is minimum as the built structures (fencing) could be removed in the future to retain a larger field structure – the new hedging has a biodiversity benefit and is not the main focus of any views, the woods remain the main landscape feature seen running to the rear and seen in views through the new gate”.

*No objection 2:*

“The submitted Landscape Management Plan contains suitable and sufficient planting details including specification, size, percentage mix, plants per linear metre and a maintenance regime for coppice of the entrance and management of the new trees and hedging. No further condition is likely to be required for landscaping”.

**5.4 Planning Policy – Comment (summarised):**

“In principal, a use of this nature would be considered appropriate in a countryside location, given the amount of open space required for exercising the animals and the characteristics of the use. It is noted that the proposal appears to offer a low key leisure-related use/activity and that no buildings are proposed. It is also recognised that a use of this kind may encourage enjoyment of the countryside whilst supporting the rural economy, providing employment for 1 full-time person.

The location, context and character of the site and the scale of activity proposed is a matter for assessment and planning judgement. Further assessment has to be considered in relation to paraphernalia linked to the use (such as raised platforms, jumps, waste bins etc.), noise disturbance and highway safety. It may be suitable to consider additional details as the site operation and management on a day-to-day basis”.

**5.5 Trees – Two consultation responses were received, the first a comment and then a no objection. These are again summarised below.**

*Comment:*

“Although there is no objection to this in principle, there is a discrepancy between the block plan and the plan within the Arboricultural impact assessment and method statement. The block plan shows the deer fencing tight up against the boundary of the site next to the TPO’d woodland, whereas the plan within the AIA shows it within the site and states the fencing will be erected outside the RPA of the woodland trees (allowing a clearance of 4m from the boundary). The location outside the RPA woodland is the preferred fence location to avoid damage to the woodland”.

*No objection:*

“No objection from a tree point of view”.

**5.6 Highways (HCC) – No objection**

“The Highway Authority has provided previous consultation responses to this application site and undertaken dedicated site visits. This previously culminated in the offering of no objections. The main focus of previous comments was that of vehicular visibility splays. The proposal represents a resubmission of the previous scheme and updated plans have been provided to this effect.

The submitted plans demonstrate the achievability of adequate visibility splays. The Highway Authority has been contacted directly by 3<sup>rd</sup> parties in relation to this application in regard to the likely removal of hedgerows in order to achieve the required visibility. This is likely to be the case, however the removal of vegetation and its impact does not fall under the consideration or remit of the Highway Authority.

If planning permission is granted, the Highway Authority would require a suitably worded condition requiring the visibility splays to be constructed before development commences and for this visibility splay to be maintained for the lifetime of the development. TVBC will need to determine in their capacity as local parking authority that the level of parking provision falls in line with adopted standards. Given the nature of the proposal, the Highway Authority is satisfied that the proposal would not lead to any material detrimental impact upon the safety and efficiency of the highway network.

In terms of site layout, a gate is proposed within is set back sufficiently from the highway. Consideration should be given to the appropriate surface treatment for vehicle parking.

## 6.0 **REPRESENTATIONS** Expired 01.11.2022

### 6.1 **Sherfield English Parish Council – Objection**

- a) It is part of the designated wildlife corridor in our Neighbourhood Development Plan
- b) It is part of the open countryside
- c) Noise pollution from dogs barking
- d) Vehicle movements on a road which it is not designed for
- e) Its importance was underlined by the removal of Permitted Development rights.

### 6.2 A number of additional objections have been received throughout the lifetime of this planning application. These are summarised below in categories relevant to their context.

#### *Ownership of the land*

- The applicant does not own the land where she proposes to make a new entrance to the field, therefore it would be illegal. TVBC planning cannot give permission for this application
- Site is equestrian, not agricultural
- Inaccuracies in the supporting information re. ownership

#### *Essential for use to be located in the countryside*

- Use of land in the countryside is opinion, not fact
- No need for a dog walking facility here
- No suggestion from local residents suggesting there is a need in our parish for a business like this
- Land is unsuited to the proposed request
- No proven need for proposed use
- Measures in the proposal cannot compensate for its adverse effects
- No consideration to 60 dogs visiting per day, with up to 4 at any one time, 7 days a week and up to 10 hours per day

- An “overriding need” should be evidenced, not just a suitable use

#### *Access/highways*

- Suggestion that the site does not benefit from an access is incorrect, due to access available to the north
- Incorrect siting of access gate
- Difficulty accessing the smaller of the two runs
- Access is dangerously located on a blind bend – harm to children walking along the road
- Access has to cross the access strip, inside the hedge, intended for pedestrian access to all plot. The applicant does not own this strip; a separate entrance to the site cannot be granted for each of the plots on this site
- Excessive development and activity will conflict with activity opposite at Sandhill Game Farm
- No parking provided on-site
- No tracked diagram for internal passing vehicles
- Standard field gates are 3.7m so 5m is too large

#### *Environment/landscape*

- Incorrect to state there are no known environmental or landscape designations. The site is bordered on the west by a protected ‘Ancient’ Hedgerow and forms part of an important wildlife corridor recognised by the draft Neighbourhood Plan. TPO and Article 4 also exists.
- Incorrect siting of rear boundary fencing
- 16m/27m of hedgerow will be removed, not 5m
- Cars will be visible at all times
- Inaccuracies in size of the hedgerow
- Land is dry in the summer and saturated in winter; card would make this a muddy swamp
- Land is an ecological goldmine
- Loss of countryside to a potential brownfield site
- Inappropriate division of an open field
- Intensive use of the land will damage the land
- Deer fencing visually intrusive
- Access breaches an ‘ancient’ hedgerow which is protected
- Ecological vandalism due to dog excrement
- ‘Hoopers Rule’ suggests the hedgerow is 1000 years old
- ‘Ancient’ hedgerow is a “High Priority Habitat”
- Fencing should be located at least 1m away from adjoining plot
- Hardstanding for parking will alter the character
- Article 4 in place in recognition of the sites’ habitat importance
- Dog walking is a nuisance to neighbouring existing wildlife project
- Landscape comments ignore the damage that will be caused to flora of the field

### *Business plan/economic matters*

- Incorrectly states hours of use and no external lighting, due to opening hours post-4pm in winter time
- No economic benefit to Sheffield English. Purely a 'money-making' scheme
- Unlikely that the business will thrive

### *Noise/amenity*

- Dog barking will be highly intrusive
- Urge the council to consider the acoustic amplification of any noise (traffic and dogs) affecting Doctors Hill, A27, Caravan Park and Birchwood Farm
- Loss of hedgerow provides security concerns for pedestrians, animals or vehicles to 'set up camp'

### *Neighbourhood Plan*

- The meadow is an important habitat site that will receive special recognition and protection in the NDP
- The meadow will form an important part of a formally-defined Wildlife Corridor
- Its ancient importance to deer continues
- TVBC has already recognised the habitat importance of this meadow by permanently removing permitted development rights

### *Other matters*

- Serious site security issues and nothing to stop dogs walking out of the meadow
- Planning Officer provided an assurance that this would be approved
- Large parcel of land has been split and sold as individual plots, and now one owner is attempting to destroy this land by running a business here following the purchase of the plot, how is this right?
- Main concern is the assumption you can buy land, remove 'ancient' hedgerow, destroy grassland and run a business
- Should this be approved, we should expect applications from the other plot owners on this field as it will set a precedent
- The last thing we as homeowners in a beautiful peaceful area want is dogs barking day-in and day-out, the kind of dogs that need to be caged in are unlikely to be quiet
- Appalled by the disingenuous methods used by the proposer (applicant) to try and push this application through
- Dismayed that that proposer (applicant) may have received some assurance that this application will be successful, despite the objection by the parish council. This is a flagrant abuse of the planning process and shows a lack of consultation or consideration of local feeling
- Sets a precedent for the owners of the other plots of land
- The previous application was refused
- Lack of relevance to other similar applications
- 'Ancient' hedgerows are protected because they cannot be replaced. A 5m section is not a 'small' section

- Inaccuracies in site plans and depth of verge/hedgerow
- Planning condition for any future building on site
- Such developments should not be allowed to go ahead by default, and Test Valley should protect us against such developments and abominations. Why was this not quashed instantly and isn't this the reason we pay Council Tax?
- If the proposal was for anti-flooding or road safety, Test Valley could embark on 'necessary PR' to sell the project to the community
- There is a hidden agenda here

## 7.0 **POLICY**

### 7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

### 7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

SD1: Sustainable Development

COM2: Settlement Hierarchy

E1: High Quality Development in the Borough

E2: Protect, Conserve and Enhance the Landscape Character of the Borough

E5: Biodiversity

E6: Green Infrastructure

E8: Pollution

LHW4: Amenity

T1: Managing Movement

T2: Parking Standards

### 7.3 Neighbourhood Plan

Sherfield English Neighbourhood Plan – Area designation approved

### 7.4 Supplementary Planning Documents (SPD)

Sherfield English Village Design Statement

## 8.0 **PLANNING CONSIDERATIONS**

### 8.1 The main planning considerations are:

- Principle of development
- Impact on character and appearance of the area
- Impact on biodiversity
- Impact on neighbouring amenity
- Impact on highway safety
- Sherfield English Village Design Statement
- Sherfield English Neighbourhood Plan
- National Planning Policy Framework
- Other matters

8.2 Principle of development

The application site is located within the countryside, as defined by the Inset Maps of the Revised Local Plan. Policy COM2 of the Revised Local Plan seeks to restrict development to areas of settlement unless it is considered to either a) be appropriately located in the countryside as set out in policies COM8-COM14, LE10, LE16-LE18, or b) is otherwise essential to be located in the countryside.

8.3 The scheme is not considered to be one which is appropriately located in the countryside as set out in the policies listed above. Therefore, the scheme is assessed against Policy COM2b.

8.4 The Revised Local Plan is silent on what forms of development are considered to be essential, and this assessment is taken on a case-by-case basis. The proposal seeks to change the use of agricultural land in the countryside, to be used as a dog-walking/exercise facility. The area of land proposed is 1,489m<sup>2</sup>, which is to accommodate a maximum of four dogs at any time, spread across two exercise “runs”. The proposed use of this land, to enable outdoor exercise for dogs, is considered to be a commensurate use for a countryside location, due to the requirement of a large field that is isolated from dwellings. The scheme does not result in any built development in the countryside, other than an access gate and protective deer fencing. In order to assess the scheme as being essential to be located in the countryside, the main matters are outlined and assessed below.

8.5 Change of use of the land

The land at present is agricultural and the change of use of land to a dog walking/exercise use is considered to be a practical and essential use of the land. Areas of land within the settlement, of the size set out above, are not frequent and are likely to be affronted with external interruptions. A countryside location would appear to be essential for enabling a small-scale business such as the one proposed.

8.6 Fencing

The fencing is essential for matters that are directly practical and required by the proposed change of use. Fencing will provide security for the dogs that will be brought onto site, and to stop them from roaming along the remaining areas of land.

8.7 Access/gate

It has been noted within the objections that an existing access is available and that this could be utilised to provide access to the plot. However, it is considered that this existing access is not safe due to poor visibility, particularly from the south-west, and would require additional tree/hedgerow loss to make safe.

- 8.8 Furthermore, despite easements being provided to the owners of the relevant plots, the logistics of visitors using this access, driving along the easement and the manoeuvring of vehicles into the plot itself would be extremely difficult. This would also require some form of hardstanding to be provided, to enable cross to traverse the uneven and bumpy land levels along the easement, causing further harm to the hedgerow, trees and general landscape setting of the area.
- 8.9 The scheme is considered to be an essential form of development for a countryside location and is therefore considered to be in accordance with policies SD1 and COM2 of the Revised Local Plan.
- 8.10 Impact on the character and appearance of the area  
The existing site is located on the eastern side of Newtown Road, towards its southern junction with the A27. The site is bounded on its east by a hedgerow, with open fields to both the north and south, and a woodland protected by TPO to the east; it is characterised by its rural landscape and countryside setting.
- 8.11 At present, views are screened into the field from Newtown Road along the stretch of road opposite the site, although historical imagery has confirmed that historic maintenance of the hedgerow was much lower, allowing for open views into the site. Views would be visible into the site from an existing access to the north. A public right of way is located more than 60m to the east, but is separated from the site by the extensive woodland and upon the Case Officer's site visit, it was apparent that the thick and dense woodland screened views from the footpath to the application site. At the very most, the proposed hedgerow may be seen in glimpsed views through the woodland, a natural verdant feature not dissimilar to what is seen currently.
- 8.12 The scheme includes a small opening up of the hedgerow to enable vehicular access to the site; this would provide a new vantage point into the site. However, the vantage point would be limited to mainly passing vehicles glimpsing through a 5m gap in the hedgerow, with the predominant view being the new access gate and deer fence beyond (9m and 15m respectively, from the road verge).
- 8.13 The Council's Landscape Officer has assessed the scheme and considers that the access gap would be similar to the one located just north of the site, and that the dominant feature of the area is the woodland to the rear of the site, which is to remain as the dominant feature. Views into the site will remain largely of grass and verdant features, which is not considered to be a detrimental change to what currently exists. It is acknowledged that parked vehicles may provide additional lighting to the area but this is not considered to be a frequent nature or a departure from the headlights from passing cars that would alter the character of the area.

- 8.14 It has been assessed that there is minimal landscape harm in the form of subdivision of the field, but the only built structures (fencing and gates) could be easily removed in the future. However, subdivision is always likely when parcels of land are sold separately, and this has taken place to the field directly north of the application site, where post and rail fencing demarcates an (assumed) equestrian site to the north-east. This is considered to be overcome however by the ability to remove these structures, and the provision of new hedgerow providing an additional verdant feature and a net-gain in biodiversity overcomes the concern with subdivision.
- 8.15 The scheme seeks to limit its impact upon the character of the area by omitting any built form and using features that assimilate into the rural setting of the site (reinforced grass, hedging and deer fencing) that are considered to respect and complement the character of the area. The dominant feature (the woodland to the rear) is not impacted by the proposed scheme and makes an efficient use of the land whilst respecting the character of the surrounding area. The scheme is considered to accord with Policy E1 of the Revised Local Plan.
- 8.16 Furthermore, the scheme would not have a detrimental impact on the appearance of the immediate area and the landscape character of the area, while the hedgerows to be planted ensure the health and future retention of landscape features will not be prejudiced. In addition to this, and following consultation with the Council's Tree Officer, the siting of the exercise "runs" have been brought away from the ancient woodland, removing any harm to this protected landscape feature. There is also no external lighting proposed as part of the scheme, and a condition has been recommended to reflect this on grounds of protecting the landscape, residential amenity and for foraging bats. These features enable the scheme to integrate into the landscape character of the area and it is considered the scheme also accords with Policy E2 of the Revised Local Plan.
- 8.17 Impact on biodiversity  
The application site is not located in any protected or designated sites, although is within the 7.5km foraging buffer of the Mottisfont Bats SAC. An appropriate assessment has informed that there would not be any harm to protected species as set out in the SAC. It has been advised by the Council's Ecologist that the woodland to the rear is the main foraging feature of the area, not the hedgerow.
- 8.18 The comments received from the Ecologist focuses upon the access gap that is created and the proposed coppicing that will take place. It must be noted that coppicing is not development and does not require any form of permission from the local planning authority. The Ecologist is content that the scheme, inclusive of the hedgerow gap, would not harm on-site biodiversity and that the new planting of hedgerow around the site is actually a net-gain for biodiversity, a clear enhancement for green infrastructure.

- 8.19 Policy E5 of the Revised Local Plan requires development to conserve, and where possible restore and/or enhance biodiversity. It is accepted that a gap in the hedgerow is proposed, but at the size proposed (5m), it is not considered to amount in a loss or interruption of habitat. For instance, in terms of the 5m gap, this is considered to be insufficient to undertake a dormouse licence. To the contrary, the scheme would result in a net-gain for biodiversity, which would both restore and enhance local biodiversity. The scheme is considered to accord with Policy E5 of the Revised Local Plan.
- 8.20 It has been mentioned within the objections that the use of the land as proposed would block or intervene with local nature movements. It should be highlighted however that the site area has been shifted away from the woodland to the rear, and the access strip running adjacent the hedgerow provide adequate movement across the field for biodiversity. The proposal would not result in the fragmentation or severance of the function of this open space for biodiversity movement, and as noted above, the additional hedgerow will provide additional habitat features. The scheme is considered to accord with Policy E6 of the Revised Local Plan.
- 8.21 Impact on neighbouring amenity  
As assessed above, the site is located in near-isolation, set within a field with extensive boundary features to both sides (east and west). The nearest residential property is Sandhill Farm, located approximately 45m to the north-west. Further residential properties are continue along Newtown Road in a northerly direction.
- Notwithstanding the above, it is essential to note that there is an extant planning permission in place for a residential mobile home to be located at Sandhill Farm (the industrial site, not the dwelling adjacent). This has not been constructed at the time of this application/recommendation, but the planning permission in place deems an assessment of the amenities of the future occupants. This mobile home would be the closest residential site to the application site, but as outlined in the paragraphs below, it is not considered that any adverse harm will be afforded to the future occupants of this site.
- 8.22 Concern has been raised by members of the public that a dog-walking facility would result in noise pollution to those nearby residents. However, there are factors to consider that suggest this would not result in a loss of amenity to those occupants. Firstly, the separation distance is quite extensive, and is aided by the various intervening boundary treatments that separate the site, such as the hedgerow, tree belt and Newtown Road itself.
- 8.23 Furthermore, the proposed use of the site is for enrichment dog walking and stimulation of senses in the natural environment. It is not a dog training or other types of activities; it is to provide those without gardens (or those that are nervous in public settings) a safe and secure place for dogs to get outside. This is not considered to result in intrusive noise. To this point, the Council's Environmental Protection team has no concerns with regards to noise pollution.

8.24 The scheme does not provide any built development that may produce lighting or overlooking facilities. A condition has been recommended that no external lighting is installed, from both an ecological and amenity perspective. Car lights may be visible in the dark skies, but this would not be any different to those headlights on cars using Newtown Road and parking/visiting the residential properties to the north. The scheme is not considered to amount in a loss of amenity in terms of noise or any light pollution, and accords with policies E8 and LHW4 of the Revised Local Plan.

8.25 Impact on highway safety

The scheme seeks to create a gap in the existing hedgerow to provide direct access to the site. The gap would be 5m in width and would incorporate vehicular access gate, set back approximately 9m from the hedgerow. The County Council have been consulted on the scheme and have no objection, citing that the visibility splays are considered to be appropriate and that the proposal would not lead to any material detrimental impact upon the safety and efficiency of the public highway network.

8.26 The proposed access provides appropriate visibility splays as assessed by the Highway Authority, while the set back of the gate and dedicated parking/turning areas internally mitigate against any harm to highway safety and the scheme is considered to accord with Policy T1 of the Revised Local Plan.

8.27 The proposal includes a single parking space for each “run”, two in total. There is no standard for the proposed use within the Revised Local Plan in relation to parking, so an assessment is carried out on the merits of the layout that has been submitted. Each parking space is located within its relevant “run” and is spacious enough for turning and manoeuvring. The applicant’s business plan states that only one vehicle will be permitted per booking, reducing the threat of overlapping and having an excess of cars parked on-site. Notwithstanding this, a small area of land is available between the two runs to enable adequate space and movement should this situation occur. The scheme is considered to provide adequate parking provision and the scheme is considered to accord with Policy T2 of the Revised Local Plan.

8.28 Sherfield English Village Design Statement (VDS)

The majority of the guidelines that are included within the VDS relate to development of built form, such as dwellings. Section 8 of the VDS does however refer to important open spaces in the village, and loosely refers to the “wide sweep of fields...across south of Newtown”. However, Guidance Note 13 states that “any developments should not significantly degrade the visual amenity of the open spaces and visible woodland across the parish”.

8.29 As assessed above, the Council’s Landscape Officer considers that the dominant feature of the area is the woodland to the rear. This feature will retain its dominance, and may even be improved given the gap in the hedgerow. The scheme is not considered to significantly degrade the visual amenity of open spaces and therefore accords with Guidance Note 13 of the VDS.

- 8.30 Sherfield English Neighbourhood Plan (NP)  
The Sherfield English NP has not yet been 'made'. At present, the NP is still in the consultation period, and the Council's Planning Policy team have confirmed that "area designation up to Regulation 14 Consultation has no weight at this stage".
- 8.31 National Planning Policy Framework (NPPF)  
The NPPF sets out the Government's planning policies and how these should be applied; it provides a framework to achieve sustainable development. It achieves this through social, economic and environmental benefits.
- 8.32 Section 6 of the NPPF refers to 'building a strong, competitive economy. At paragraph 84, it states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas and the development and diversification of agricultural and other land-based rural businesses. Furthermore, they should enable sustainable leisure developments which respect the character of the countryside.
- 8.33 Section 8 of the NPPF refers to promoting healthy and safe communities. Although the proposal seeks only a dog-walking facility, it can be considered that this provides exercise for visitors/users of the site.
- 8.34 Section 15 of the NPPF refers to the natural environment. Here it seeks to conserve, restore and enhance the natural environment, of which an assessment has been carried out above in line with the requirements of Policy E5 of the Revised Local Plan. Furthermore, it states that proposals should only be refused when development is on or in land that is a Site of Special Scientific Interest, or such as an ancient woodland. It goes on to state that biodiversity enhancement should be supported, which this proposal would provide.
- 8.35 It is acknowledged that a single, small-scale business such as this would not weigh heavy in terms of an economic benefit, although it is a benefit nonetheless with the provision of a paid employee. However, the proposal is considered to provide biodiversity enhancements and a safe place for both humans and dogs, which are considered to amount to social and environmental benefits. It is considered the scheme accords with the aims of the NPPF.
- 8.36 Other matters  
A number of objections have been received throughout the consideration of this planning application. These have been summarised above in section 6 of this report. Many of those comments are not considered to be material considerations, while others have been assessed throughout section 8 of this report. Those remaining matters not included are assessed below.

- 8.37 No need for a dog-walking facility/no community need  
There is no requirement for the applicant to evidence a “need” for a dog-walking facility and Section 38 (6) of the Planning and Compulsory Purchase Act 2004 is clear on this where it requires that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. The assessment of the application is based on the site/proposed use being essential to be located in the countryside. It has been assessed that a countryside site such as this is essential for a use such as which has been proposed. Applications also do not have to come explicitly from local communities expressing a desire for such development.
- 8.38 Land is unsuited to the proposed request  
The proposed use is for dog walking/exercise. There is no built development proposed. A field, whether dry, wet or anything else, is suitable for dog walking.
- 8.39 Consideration of 60 dogs per day  
The submitted business plan suggests that there could be, at a maximum, 60 dogs per day. It is not likely that the site will be at capacity every single day (just as any other business). Notwithstanding this, the Council’s Environmental Protection team have no concern that the proposed site/use would result in a loss of amenity to residents.
- 8.40 An overriding need should be evidenced, not just a suitable use  
Again, as set out in Policy COM2, the policy test is based upon the use being essential. There is no threshold or characterisation as to what essential could mean and this is assessed on a case-by-case basis. The essential test has been carried out above.
- 8.41 Assertion that the site does not benefit from an access is incorrect/ownership of shared access strip  
As outlined above, the site does not have a ‘direct’ access from the road, although access is available from the existing access to the north of the site with easements afforded to the site owners. The applicant has served the relevant notification to the landowner of the easement/shared access strip.
- 8.42 Incorrect siting of access gate/inaccuracies of site plans  
The access gate is shown clearly on the submitted plans, as is the gap in the hedge and the visibility splays. These drawings are based on OS based maps, which is the standard required for planning applications. All the consultations, who are qualified in their respective fields, have viewed these plans and have raised no concern over their accuracy.
- 8.43 Access is dangerously located on a blind bend  
The access has been assessed by the Highway Authority and consider the visibility splays to be adequate. The access is not on a blind bend, and is approximately 30m from the bend to the north, and at a further distance from the ‘bend’ in the road than the existing access to the north.

- 8.44 Vehicle movements on a road it was not designed for  
Roads are designed for the carrying of motor vehicles. It is not known how a vehicular access onto a road is not what the road was designed for.
- 8.45 No parking provided on-site  
Parking is provided on-site.
- 8.46 No tracked diagram for passing vehicles  
As above, the Highway Authority have assessed the scheme and have not requested tracking diagrams/information. The use is small-scale and will not result in a large turnover of vehicles. Nonetheless, there is adequate space, as shown on the block plan, of cars being able to pass/park where necessary.
- 8.47 Proposed field gate is too large  
There is no definition or regulation which stipulates the size of an access gate.
- 8.48 Incorrect assertion that there is no environmental or landscape designation  
As confirmed by the Landscape Officer, there are no landscape designations on the site, or off-site that are affected by the site. The wildlife corridor that has been highlighted is intended to be adopted within the NP – this has not been adopted/made and therefore carries limited weight in the planning balance. The hedgerow along Newtown Road is an old hedgerow, but is protected solely by the Hedgerow Regulations. The Hedgerow Regulations allow for accesses to be opened when “another means of access is not available or is available only at disproportionate costs” and for “carrying out development for which planning permission has been granted. It has been considered that the alternative access would not be suitable for the scheme as proposed.
- 8.49 Length of fencing to be removed  
The supporting information states that a 5m gap would be removed to make way for the access, with additional coppicing on either side to enable visibility sight-lines. Any planning permission would require this to be carried out. As noted above, coppicing does not require permission.
- 8.50 Loss of countryside to a potential brownfield site  
It is unsure and unknown how the proposed use of the site for dog walking would result in a potential brownfield site.
- 8.51 Inappropriate division of an open field  
This has been assessed by the Landscape Officer, who concurs that this does result in minimal harm. However, this is overcome by the biodiversity enhancements that are proposed, while a subdivision with post and rail fences is sited directly to the north.

8.52 Deer fencing visually intrusive

The deer fencing is a safety requirement for the dogs (and on-site biodiversity). The deer fencing is minimal in its visual appearance and is not visually intrusive; the hedgerows that are proposed will also provide natural, verdant screening. It must be highlighted also that to the north of the site, adjacent the access to the public right of way, is a large swathe of deer fencing.

8.53 Ecological vandalism due to dog excrement

It has been acknowledged by residents that the site has historically been used as an equestrian site for horse grazing. It is therefore unknown how dog excrement is worse for ecology than horse excrement.

8.54 Hardstanding for parking will alter the character

There is no hardstanding proposed.

8.55 Article 4

The Council served an Article 4 on the site so that permitted development rights were removed, limiting the ability for people to carry out works that can't be controlled through the planning process. Such works can be harmful to the character and appearance of an area and the Article 4 direction provides an element of control, but what the Article 4 doesn't do is prohibit development. The applicant has sought to submit a planning application to determine these matters and to consider whether the works are acceptable or not.

8.56 Incorrect statement of hours and no external lighting due to opening hours post-4pm in winter time

There is no external lighting proposed. Lighting isn't a requirement for dog walking.

8.57 No economic benefit to Sherfield English

As assessed above, there is only a minimal economic benefit that arises from this proposed use. This is however still a benefit, no matter how large or small.

8.58 Unlikely that the business will thrive

This is not an assessment that is required under Policy COM2.

8.59 Dog barking will be highly intrusive

The proposed use is for dog walking/exercise in a natural field setting. It is not likely that the noise that comes from the site would be different to that of dogs going for walks across public fields. There are various industrial sites in proximity of the application site, with two roads (Newtown Road and the A27) – these are likely to provide more noise pollution than the dogs. Once more, Environmental Protection have raised no concern regarding dogs.

8.60 Council should consider acoustic amplification of any noise

The Council's Environmental Protection team have assessed the application and have no concern.

- 8.61 *Loss of hedgerow provides security concerns for pedestrians, animals or vehicles to 'set up camp'*  
There are no security concerns that arise from the opening of the hedgerow. There is a gated access to the north which can provide access to pedestrians (it was how the Case Officer and consultee's visited the site). Access can also be made via the public right of way to the North east and east, beyond the woodland (another access point taken by the Case Officer). The site has been described as a "wildlife corridor" and so it is only normal for animals to traverse the field.
- 8.62 *Security issues relating to dogs leaving the meadow*  
The site will be completely enclosed by deer fencing, other than the access gate. The gate, it can only be presumed, would not be open other than to allow access. It is not known how a dog is likely to escape.
- 8.63 *Planning Officer provided an assurance that this would be approved despite objection by the Parish Council*  
The Planning Officer did not provide any assurances or suggestion that an application would be approved. The applicant submitted a pre-application advice request, to which the Planning Officer advised that he believed the proposal would be policy compliant and would likely be supported at officer level were a planning application submitted. This is the standard procedure for pre-application advice. The Parish Council have objected to the scheme, who are within their rights to do so. They are not however the determining authority for planning applications.
- 8.64 *Applications will come from other plot owners/setting a precedent*  
There is no such thing as a precedent in planning, and the Council cannot control the content and type of applications it receives. Each application is considered on its own merits.
- 8.65 *Disingenuous methods used by the applicant to push this application through/flagrant abuse of planning as no public/local consultation carried out*  
It is unsure as to what this concern can refer to. The applicant has submitted a planning application, following pre-application advice. This is standard procedure. In terms of local consultation, there is no requirement for this on the applicant's behalf. Pre-application requests are confidential, between applicant and the planning authority. The site is also in private ownership.
- 8.66 *Previous application was refused*  
The previous application was not refused. It was withdrawn, due to the unknown ownership details regarding the shared access along the hedgerow. The new scheme has been amended to provide ample space for the continuation of this shared access, with the relevant owner being served notice.
- 8.67 *Planning condition for any future building on site*  
This condition is not required and would not meet the six tests of the NPPF. Furthermore, there are no permitted development rights on site, and any building would have to be subject to a planning application in its own right.

8.68 Developments such as this should not be allowed to go ahead by default/why do we pay Council Tax?

The Town and Country Planning Act enables developers (householders, businesses, anybody) to submit a planning application. The Council cannot simply refuse to register/validate an application on the basis that it is not liked/supported by others. It is the Council's duty to assess and consider each and every application that is submitted.

8.69 If the proposal was for anti-flooding or road safety, Test Valley could embark on 'necessary PR' to sell the project to the community

The application is for a dog-walking exercise, and has been submitted by an applicant who owns the land. Test Valley have not submitted the application. Test Valley do not 'embark' on PR for such applications, and neither do Test Valley attempt to 'sell a project' to a community. Test Valley's role, as the planning authority, is to assess a proposal against both local and national planning policy, and recommending permission or refusal based on the merits of the application.

8.70 There is a hidden agenda here

It is not known what agenda is being hidden. As above, the application has been submitted by someone who seeks to create a dog walking business, on private land in private ownership. The Council have a duty to assess the application on its merits.

9.0 **CONCLUSION**

9.1 The application is considered to be a form of development that is essential to be located in the countryside. Although minimal harm has been provided in the subdivision of the plot, this is overcome by the provision of biodiversity enhancement. Furthermore, the dominant feature of the ancient woodland to the rear would be retained, as well as the hedgerow that borders Newtown Road. It has not been demonstrated that the scheme would result in a loss of amenity to nearby residents, and highway safety is maintained. The scheme is considered to accord with the Test Valley Borough Revised Local Plan.

9.2 The application also accords with the guidance as set out in the Sherfield English Village Design Statement, and results in social, economic and environmental benefits that are supported by the National Planning Policy Framework. The scheme is therefore considered to be acceptable.

10.0 **RECOMMENDATION**

**PERMISSION subject to:**

1. **The development hereby permitted shall be begun within three years from the date of this permission.**

**Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**

2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans/numbers:**

**Location Plan - 755.01 B**

**Block Plan - 755.02 G**

**Details - 755.03**

**Access/Visibility - NJC-001**

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

- 3. Development shall proceed in accordance with the measures set out in Section 5.0 'Assessment of Ecological Effects and Mitigation/Compensation/Enhancement Measures' of the Land At Newtown Road, Awbridge, Romsey, Ecological Impact Assessment (ECOSA, September 2021). Thereafter, the mitigation and enhancement measures shall be permanently maintained and retained in accordance with the approved details.**

**Reason: To ensure the favourable conservation status of protected species and enhance biodiversity in accordance with the Natural Environment and Rural Communities Act 2006, the NPPF and Policy E5 of the Test Valley Revised Local Plan (2016).**

- 4. Prior to commencement, a Construction Environment Management Plan (CEMP) and an Ecological Management Plan (EMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.**

**Reason: To avoid impacts to protected species and to conserve and enhance biodiversity in accordance with Policy E5 of the Test Valley Borough Revised Local Plan (2016).**

- 5. At no times shall any external lighting be installed and/or used within or around the site.**

**Reason: To safeguard the amenities of the area and local residents and to avoid impacts to protected species in accordance with Test Valley Borough Revised Local Plan (2016) Policies E2, E5, E8 and LHW4.**

- 6. The development hereby permitted shall not be brought into use until the access has been constructed with the visibility splays, and these visibility splays shall be maintained and retained for the lifetime of the development.**

**Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.**

- 7. The development hereby approved shall be undertaken in full accordance with the provisions set out within the Helen Brown Treescapes Arboricultural Impact Assessment and Method Statement (reference HBD2112IAMSR5 dated June 29, 2022), and the Landscape Management Plan (reference HBD2222LS dated October 4, 2022).**

**Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan (2016) Policy E2.**

8. **At no times shall there be more than 4 dogs on-site.**  
**Reason: To protect the amenity of local residents in accordance with Policy LHW4 of the Test Valley Borough Revised Local Plan (2016).**
9. **The use hereby permitted shall only open for business between the hours of 08:00 and 18:00 Monday to Friday and 09:00 and 17:00 Saturday and Sunday/Public Holidays.**  
**Reason: In the interest of the amenities of [the local area] [local residents] and the character of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.**

**Notes to applicant:**

1. **In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
  2. **Separate permission is required from the Highway Authority to create the proposed vehicle access, in the form of both a Section 171 and Section 184 Licence. This may lead to the requirement of formal engineering drawings and Section 278 application to the Highway Authority. Please contact the Head of Highways, Hampshire County Council, Jacobs Gutter Lane, Hounslow, Totton SOUTHAMPTON, SO40 9TQ, Tel. No. 03005551388 or at roads@hants.gov.uk at least 12 weeks prior to the access works commencing.**
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