

**REPORT SUMMARY**

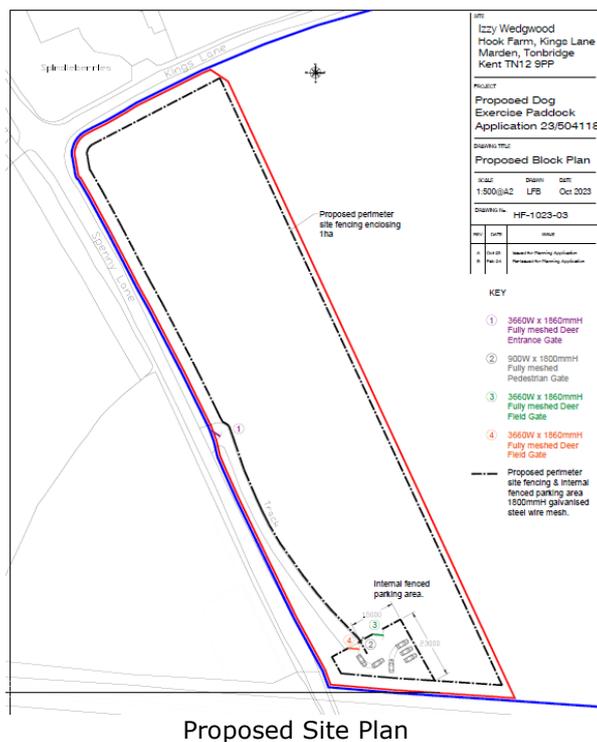
<b>REFERENCE NUMBER:</b> 23/504118/FULL		
<b>APPLICATION PROPOSAL:</b> Change of use of 1 hectare (2.5 acres) of agricultural land to use as a dog walking paddock with associated 1.8metre height fencing, gate, and parking.		
<b>ADDRESS:</b> Hook Farm Kings Lane Marden Kent TN12 9PP		
<b>RECOMMENDATION: GRANT PLANNING PERMISSION</b> subject to planning conditions in Section 5 of this report.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> <ul style="list-style-type: none"> <li>• Minimal level of harm to the character and appearance of this rural area.</li> <li>• Acceptable in relation to neighbour amenity and access and parking arrangements.</li> <li>• Whilst a departure from the Local Plan, material considerations indicate that planning permission should be approved.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The application is a departure from the development plan.		
<b>WARD:</b> Marden And Yalding	<b>PARISH COUNCIL:</b> Collier Street	<b>APPLICANT:</b> Wood & Wedgwood <b>AGENT:</b> BTF Partnership
<b>CASE OFFICER:</b> Chloe Berkhauser-Smith	<b>VALIDATION DATE:</b> 02/10/23	<b>DECISION DUE DATE:</b> 31/05/24
<b>ADVERTISED AS A DEPARTURE:</b> Yes		

**1. BACKGROUND**

- 1.01 This application was first considered by members at the Planning Committee Meeting held on 22<sup>nd</sup> February 2024. The Committee report to this meeting is provided as an appendix to this report.
- 1.02 The Committee resolved to defer a decision on the application for the following reasons:
- a) Seek an ecological survey particularly in relation to the impact of intensive dog activity on the grassland and wildlife (nutrient enrichment issues, dog waste, disturbance and smell etc.).
  - b) Seek a mixed native hedge along the fence across the field to soften the impact visually and on wildlife.
  - c) Seek information about how the grassland and hedgerows will be maintained and further details of access, egress and the turning head, and safeguards in terms of potential conflict between dogs and the access track.

**2. PROPOSAL**

- 2.01 This application seeks the change of use of 1 hectare (2.5 acres) of agricultural land to use as a dog walking paddock with associated 1.8metre high fencing, gate, and parking.
- 2.02 The proposed 1.8 metre high fencing would be situated around the perimeter of the site and constructed of galvanised steel wire mesh. The posts would be round timber stakes, 2.5m in height and 0.75m in diameter, placed approximately 10m apart. There would be straining posts every 400m and on every corner which are proposed to be 2.8m in height and 1.25m in diameter.
- 2.03 There would be 3 fully mesh deer gates, one located at the entrance along Spenny Lane, one taken from the access track into the parking area and one from the parking area into the dog walking area. There would also be one fully mesh pedestrian gate from the parking area into the dog walking area.



Proposed Site Plan

### 3. APPRAISAL

3.01 This report seeks to address the following three points as set out in the Committee minutes from the meeting on 22<sup>nd</sup> February 2024:

- a) Seek an ecological survey particularly in relation to the impact of intensive dog activity on the grassland and wildlife (nutrient enrichment issues, dog waste, disturbance and smell etc.).
- b) Seek a mixed native hedge along the fence across the field to soften the impact visually and on wildlife.
- c) Seek information about how the grassland and hedgerows will be maintained and further details of access, egress and the turning head, and safeguards in terms of potential conflict between dogs and the access track.

3.02 These three points in the minutes are considered in turn below:

- a) Seek an ecological survey particularly in relation to the impact of intensive dog activity on the grassland and wildlife (nutrient enrichment issues, dog waste, disturbance and smell etc.).

3.03 The applicant has now submitted an ecology assessment which includes a study carried out by Pieter de Frenne of Ghent University in Belgium looking into the impact of dog waste on nature reserves.

3.04 The study found that "each year dog faeces and urine add an average of 11kg of nitrogen and 5kg of phosphorus per hectare..." The study then went on to explore the impacts of dogs on leashes and owners removing faeces. It found that when dogs were kept on leashes there were concentrated areas around paths and it found that where owners picked up their dog's faeces, "this reduced fertilisation levels by 56% for nitrogen and 97% for phosphorus..."

3.05 Within the dog walking area, the dogs would be able to roam freely and therefore this would not lead to any concentrated areas. The applicant has confirmed within the statement that all faeces will be removed on a daily basis. Additionally, the statement confirms that the grass will be maintained to ensure owners are able to see and bag faeces. Furthermore condition 5 seeks details of the procedures for the disposal of waste from the site.

- b) Seek a mixed native hedge along the fence across the field to soften the impact visually and on wildlife.

- 3.06 The wording of condition (11) has been amended to include the requirement of a new hedgerow along the eastern fence line to soften the visual impact of the proposed fence and enhance biodiversity. The condition now states:  
*"At the end of the first planting season (October to February) following the commencement of the approved use, landscaping shall be in place that is in accordance with landscape details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The landscape details shall*  
*(a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012) <https://tinyurl.com/4a7uhhz5>*  
*(b) show all existing trees, hedges, and blocks of landscaping on, and immediately adjacent to, the site.*  
*(c) provide details of new on-site planting along the eastern fence line boundary in a planting specification (location, species, spacing, quantity, maturity) and including the gapping up and strengthening of the existing hedgerow consisting of double staggered hedgerow with approximately 45cm spacing with 30cm between rows and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree.*  
*(d) provide landscape implementation details and timetable.*  
*(e) provide a [5] year landscape management plan.*  
*Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development."*
- c) Seek information about how the grassland and hedgerows will be maintained and further details of access, egress and the turning head, and safeguards in terms of potential conflict between dogs and the access track.
- 3.07 Within the submitted ecology assessment the applicant states:
- *The dog paddock will be managed positively for nature and the intended usage. The grass will still need to be mown; owners need to be able to see and bag faeces and very long grasses which go to seed can irritate dogs' eyes, nose and paws.*
  - *Grass will need to be verdant and healthy, both for the enjoyment of dogs and their owners and for wildlife biodiversity. It will be managed to be both beneficial for wildlife and for users of the facility.*
- 3.08 In terms of the hedgerow maintenance, the statement sets out that the applicant intends to allow the hedgerows to grow to mask the fencing. The hedgerows would be managed to stewardship standards and are consistent with good farming practice.
- 3.09 Furthermore, condition 5 requires a maintenance and management plan which shall incorporate a schedule of maintenance which is required to be submitted and approved prior to the commencement of the use.
- 3.10 In regard to details in terms of access, egress and the turning head, and safeguards in terms of potential conflict between dogs and the access track. The submitted block plan has been amended to show turning space within parking area which ensures people are able to leave the site in a forward-facing gear.
- 3.11 The block plan has also been amended to move the western fence line further into the field to exclude the car track to ensure there is no potential conflict between dogs and the access track. This ensures that no vehicles would be within the dog walking area.

#### **PUBLIC SECTOR EQUALITY DUTY**

- 3.12 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

#### **4. CONCLUSION**

- 4.01 The proposal is found to be acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this rural area. The proposal is acceptable in relation to neighbour amenity and the access and parking arrangements are all acceptable. A planning condition will require a further application for the display of any advertisements or signs.

- 4.02 It is concluded that whilst the application is not in accordance with the development plan (a departure) these material considerations that have been outlined and the minimal level of harm indicate that planning permission should be approved.

**5. RECOMMENDATION**

**GRANT PLANNING PERMISSION subject to the following conditions** with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with the provisions 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 be carried out in accordance with the following approved plans:  
Application Form – Received 08/09/2023  
Planning Statement – Received 08/09/2023  
Fence Specifications - Proposed Dimensions Highlighted – Received 26/08/2023  
Site Location Plan – Drawing No. HF-1023-01 – Received 02/10/2023  
Proposed Block Plan – Drawing No. HF-1023-03 – Received 12/04/2024  
Proposed Fence and Gate Elevations – Drawing No. HF-1023-04 – Received 02/10/2023  
Ecology Assessment – Received 12/04/2024  
Reason: To clarify which plans have been approved
- 3) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall: a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, GN01, dated 2011 (and any subsequent revisions) (Environmental Zone E1), and b) follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.  
c) include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill.  
The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.  
Reason: To safeguard the character and appearance of the countryside, protected species and in the interests of residential amenity.
- 4) No activity in connection with the use hereby permitted shall take place outside the hours of 8am and 6pm and within these 10 hours, no activity in connection with the use hereby permitted shall take place outside of daylight hours.  
Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers and to protect the rural character of the locality.
- 5) Prior to commencement of the approved use, a maintenance and management plan shall be submitted to and approved in writing by the local planning authority. It shall include details of the following:
  - The booking system for use of the dog walking area
  - How access will be restricted to only those with a booking.
  - The booking time intervals / slots including the length of time between them for each session throughout the year.
  - Details of procedures for the disposal of waste
  - Policies on the supervision of dogs on site
  - Site notices to be secured on site advising of steps to be taken in case of the escape of a dog.
  - Schedule of maintenance
  - a grass (sward) cutting regime to achieve variation in grass lengths on different parts of the site to maintain a rural appearance.The site shall only operate in accordance with the approved plan thereafter.  
Reason: To protect neighbouring amenity and highway safety.

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- 6) Notwithstanding the provision of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 no advertisements or signage shall be displayed at the site without the consent of the local planning authority.  
Reason: To safeguard the character and appearance of the surrounding area.
- 7) Prior to commencement of the approved use, the approved parking areas shall be provided, kept available for such use, and permanently retained.  
Reason: To ensure that adequate off street car parking space is provided.
- 8) The use shall only accommodate a maximum of 10 dogs at any one time and the land shall be used for as a dog care facility only and for no other purpose (including any other purpose in Classes E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).  
Reason: Unrestricted use of the land could potentially cause harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.
- 9) Prior to the commencement of the approved use, a noise management plan covering the operation shall be submitted to and approved in writing by the local planning authority. The plan shall include but not be limited to the hours of operation and measures to minimise potential noise nuisance. The plan should include procedures for responding to complaints from residents or the local authority. The noise management plan should include a review mechanism in response to justified complaints. The use shall only be carried out in accordance with the approved details.  
Reason: To protect residential amenity.
- 10) The fencing hereby approved shall be as shown in the approved Proposed Fence and Gate Elevations – Drawing No. HF-1023-04, with 30cm by 30cm gaps added at ground level to allow the passage of wildlife. The fencing shall be retained as such.  
Reason: To ensure a satisfactory appearance to the development.
- 11) At the end of the first planting season (October to February) following the commencement of the approved use, landscaping shall be in place that is in accordance with landscape details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The landscape details shall
  - (a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012) <https://tinyurl.com/4a7uhhz5>
  - (b) show all existing trees, hedges, and blocks of landscaping on, and immediately adjacent to, the site.
  - (c) provide details of new on-site planting along the eastern fence line boundary in a planting specification (location, species, spacing, quantity, maturity) and including the gapping up and strengthening of the existing hedgerow consisting of double staggered hedgerow with approximately 45cm spacing with 30cm between rows and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree.
  - (d) provide landscape implementation details and timetable.
  - (e) provide a [5] year landscape management plan.  
Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development
- 12) Any of the approved landscaping which fails to establish or any trees or plants which, within five years from the commencement of the approved use are removed, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme. Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the

**INFORMATIVES**

- 1) The applicant is advised to contact the Upper Medway Internal Drainage Board (planning@medwayidb.co.uk, 01622 934500) to find out if separate consent is required under separate legislation.
- 2) The applicant is advised to consult Designing out Crime Officers to address Crime Prevention Through Environmental Design and incorporate Secured by Design as appropriate.