

Change of use of an agricultural grazing paddock to also be used as two secure dog walking fields at Land Parcel West of 4 Parkers Lane Moreton-In-Marsh Gloucestershire

Full Application 23/01045/FUL	
Applicant:	Mrs Christina Oughton
Agent:	
Case Officer:	Sophie Browne
Ward Member(s):	Councillor Daryl Corps
Committee Date:	11th October 2023
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Principle of Development
- (b) Character, Appearance and Landscape Impact
- (c) Highway Safety
- (d) Residential Amenity
- (e) Biodiversity
- (f) Other Issues

2. Reasons for Referral:

2.1 Objections received.

2.2 The Ward Member has called the application before the Planning and Licensing Committee for the following reasons:

2.2.1 "I request that this application is presented to the Planning Review Panel to be called to the Planning and Licensing Committee. Issues including the Principle of Development, Amenity and disturbance concerns need to be explored further.

2.2.2 This is a very unusual application, certainly one never explored before in Moreton-in-Marsh. The Vice Chair of Moreton Town Council also believes that this application requires deeper scrutiny to expose unforeseen consequences. Change of use from agricultural grazing should not be undertaken lightly and this application will inevitably lead to a peripheral urbanisation.

2.2.3 Local Plan Policy EC5 (Rural Diversification) c. the scale and design of the development contributes positively to the character and appearance of the area. It has not been established adequately that application complies with this policy.

2.2.4 Furthermore, your report only references dwellings to the East of the proposed site. The properties to the North East of the site, Swan Close, back onto

Parkers Lane. It is these properties which would be most affected to regular disturbance from increased traffic and associated noise.

2.2.5 The conditions you suggest are to be welcomed, however I believe that deeper scrutiny from the Planning and Licensing Committee will further develop important conditioning."

3. Site Description:

3.1 The application site comprises a 2.8Ha parcel of agricultural land located to the west of the town of Moreton-In-Marsh, immediately outside the Development Boundary and adjacent to a residential area. The land comprises rough grassland with native hedgerows to the boundaries. The site is surrounded by open countryside to the north, south and west, with the settlement to the east, and is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). It is within a red impact risk zone for great crested newts as identified by District Licence mapping tools.

3.2 The site is accessed via Parkers Lane, a short straight lane which runs west from Stow Road, the main through-road onto the Fosse Way before turning south and running alongside the application site for approximately 100m before terminating at a car park. Parkers Lane is also shared by the adjoining housing development, along with an ambulance station and a fire station that are located approximately 55m and 95m east of the site respectively, and leads onto a Public Right of Way known as Moreton-in-Marsh Footpath 7. The footpath continues south along the eastern site boundary after the termination of Parkers Lane.

4. Relevant Planning History:

N/A

5. Planning Policies:

- TNPPF The National Planning Policy Framework
- EC3 All types of Employment-generating Uses
- EC5 Rural Diversification
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN8 Bio & Geo: Features Habitats & Species
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF4 Highway Safety
- INF5 Parking Provision

6. Observations of Consultees:

6.1 Environmental and Regulatory Services (ERS) Officer: No objection subject to condition.

6.2 Biodiversity Officer: No objection subject to conditions.

6.3 Newt Officer: No comment response.

6.4 Highways Officer: No objection subject to conditions.

7. View of Town/Parish Council:

7.1 "Moreton in Marsh Town Council objects unless there are agreed restrictions on opening hours, numbers of dogs and vehicles to address concerns of local residents."

8. Other Representations:

8.1 23 objections have been received from 20 members of the public, primarily local residents. In summary, the following concerns are raised:

- Impacts on the AONB: noise and activity disturbing the tranquillity of the site, and of walkers' experience of the PROW along the eastern boundary; adverse impacts on the beauty of the site, from introduction of deer fencing and hardstanding; the 2021 Site Assessments SHELAA identifies the site as sensitive within the AONB on the approach to the settlement; harm to the ancient ridge and furrow landscape
- Impacts on residential amenity: barking could result in a noise nuisance for close residents and no noise assessment has been submitted; adverse impacts arising from increased traffic and associated noise; adverse impacts arising from increased noise associated with site use (opening and closing of gates etc); loss of privacy/overlooking; potential compromise to security
- Impacts on ecology: proposed deer fencing will result in loss of habitat; increased traffic and canine activity will disturb local wildlife
- Impact on highway safety: adverse impacts for other users of the lane, both vehicular and pedestrian, due to increased traffic; potential impacts on emergency vehicle access to/from fire and ambulance station on the lane; no indication of how parking would be monitored; increased congestion through the town
- Lack of need: no requirement for a dog-walking facility in the town as there are a number of parks and numerous PROWs in the countryside; several existing secure dog-walking fields in the District so an additional one is unnecessary; no business case has been presented to evidence the likely success of the venture
- Drainage: the field floods in the winter; the proposed use may affect the nearby ditch and culvert and thereby increase flood risk to the town
- Air ambulances land on the field, and would not be able to do so should the development be permitted
- The development could be a pre-cursor for future housing or other development at the site

- Proposed hardstanding is unnecessary as there is an under-utilised car park approximately 75m south of the proposed site entrance, further along Parkers Lane
- Potential introduction of further associated paraphernalia in future (e.g. tyres/tunnels/etc, running water, electricity) that would further degrade the rural character
- Site management, including control of access and how anti-social behaviour and disputes between users would be managed
- Other similar facilities approved within the District are further away from residential properties, and are smaller

8.2 17 comments have been received in support of the application, including one duplicate submission. These are from a mixture of residents of, and visitors to, Moreton-in-Marsh. In summary, these express the following:

- No other secure dog-walking facilities in Moreton-in-Marsh to allow nervous/easily spooked dogs off lead
- Development would provide a useful facility for safely doing off-lead training
- Reduction in potential for livestock attacks/worrying
- Other secure facilities in the area are often fully booked
- Dogs are meant to be kept on leads in the public parks, which in any case are not secure and many have roads nearby
- Useful facility for professional dog-walkers to safely manage multiple dogs off-lead
- Would provide safe space for people with special needs who do not cope well with unknown dogs or people to walk and/or play with their dogs
- Improvement to general amenity of town by encouraging better behaved dogs
- Additional asset to town for residents and visitors

8.3 A letter of support has also been received from the NFU, on the following grounds:

- Diversification of farm businesses helps them to survive in a volatile climate such as the present one (post-pandemic, rising inflation, cost of living crisis)
- Diversification is often crucial to the viability of modern agricultural businesses;
- Dog attacks on livestock have increased in recent months, with both financial and emotional ramifications for farmers, and the provision of secure dog-walking facilities can help to address this.

9. Applicant's Supporting Information:

- Proposed plans
- Planning Supporting Statement
- Noise Management Plan
- Supporting information regarding use of the site

10. Officer's Assessment:

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011-2031.

10.2 The Council must also have regard to other material considerations when reaching its decision. In particular, it is necessary to have regard to guidance and policies in the National Planning Policy Framework (NPPF).

Proposal and Background

10.3 This application seeks the change the use of the application site from agricultural land to be used as two dog-walking fields (Sui Generis), with associated development. The existing 1.4m post and wire boundary fence would be supplemented by 1.8m high post and wire stock fencing with two metal field gates and two self-closing pedestrian gates. The new fencing would be sited 3-4m in from the site boundary, with a wider margin along the northern edge to allow access to the western field from the parking area. 1.8m high fencing would subdivide the site roughly in half on a north-south axis, along the line of an existing hedgerow that partially divides the site.

10.4 Two vehicular parking spaces would be provided on new hardstanding in the north eastern corner of the field, at the western end of Parkers Lane, with surrounding timber post and rail fencing.

10.5 The site would be available for booking 0730-2000 Monday to Friday and 0900-1800 Saturday, Sunday and Bank Holidays, with reduced hours during the winter in line with available daylight hours (no external lighting is proposed). Bookings would be in 50 minutes blocks to stagger user arrival/departure times, with bookings for one field starting on the hour and for the other at half past the hour. An access code would be provided on booking, which would be changed regularly to ensure that the site remains secure and used only when booked.

10.6 The proposed development would provide part-time employment of approximately 17 hours per week.

(a) Principle of Development

10.7 The proposal would only generate a minor level of employment but would comprise a rural enterprise and would be a form of rural diversification. Local Plan Policy EC3 (Proposals for All Types of Employment-Generating Uses), clause two, is therefore of relevance, which states:

"2. Outside Development Boundaries, and outside established employment sites, proposals for small-scale employment development appropriate to the rural area will be permitted where they:

- (a) do not entail residential use as anything other than ancillary to the business; and*
- (b) are justified by a business case, demonstrating that the business is viable; or*
- (c) facilitate the retention or growth of a local employment opportunity."*

10.8 Local Plan Policy EC5 (Rural Diversification) is also of relevance, which states:

"Development that relates to the diversification of an existing farm, agricultural estate, or other land-based rural business will be permitted provided that:

- (a) the proposal will not cause conflict with the existing farming operation including severance or disruption to the agricultural holding that would prejudice its continued viable operation;*
- (b) existing buildings are reused wherever possible; and*
- (c) the scale and design of the development contributes positively to the character and appearance of the area."*

10.9 With regard to national policy, paragraph 84 of the NPPF states that planning policies and decisions should enable *inter alia* the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and the development and diversification of agricultural and other land-based rural businesses.

10.10 The site is currently a small unproductive low input permanent pasture field currently used for occasional livestock grazing. The proposal would comprise a small scale rural enterprise, diversifying the applicant's wider mixed farming enterprise. The submission package confirms that the loss of the field would not conflict with an existing viable farming operation. Furthermore, no intensive operational development or new buildings are required to facilitate the development, operational development at the site being limited to the erection of fencing and a small section of hardstanding. As such, the proposal is considered to represent a viable opportunity for a rural enterprise and would accord with Local Plan Policies EC3 and EC5 and paragraph 84 of the NPPF. The proposed use is therefore acceptable in principle, subject to compliance with other established policies and guidance.

(b) Character, Appearance and Landscape Impact

10.11 Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

10.12 Local Plan Policy EN1 seeks, where appropriate, to promote the protection, conservation and enhancement of the historic and natural environment.

10.13 Local Plan Policy EN2 states that *"Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality."*

10.14 Local Plan Policy EN4 states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) and that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.

10.15 Local Plan Policy EN5 relates specifically to the Cotswolds AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

10.16 Section 12 of the NPPF seeks to achieve well-designed places, highlighting that good design is a key aspect of sustainable development and creates better places in which to live and work.

10.17 Section 15 of the NPPF seeks to conserve and enhance the natural environment, specifying that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. It also seeks to limit the impact of development on tranquil areas that have remained relatively undisturbed by noise, and to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

10.18 In order to facilitate the proposed development, 1.8m high deer fencing is proposed along the perimeter of the field, set in from the existing hedgerows. Additional timber post and rail fencing is also proposed to create a secure parking area within the site. While the extent of the proposed fencing would indicate some sort of activity taking place on the site, its appearance would be in keeping with the rural character of the site and is considered to be commensurate to the proposed use. A condition would be imposed to ensure fencing is no higher than 2m and that any additional fencing requires planning permission, to ensure that the rural character is retained. Furthermore, additional planting along the existing hedgerows is proposed to reinforce the existing boundaries, which is likely to screen much of the proposed fencing from street level.

10.19 Objections have been received raising concerns that the proposed use, fencing, and potential noise from barking and owners calling to dogs would harm the rural character and

tranquillity of the AONB. It is noted that a public footpath (Moreton-in-Marsh Footpath 7) runs along the eastern boundary of the site, which forms a popular walking route, and users of the path would be afforded some limited views into the site through the hedgerow and access point. Dog walking is considered to be a common activity in rural parts of the District and along public footpaths, and so the proposed use is considered not to be out of character with existing activities in the AONB and would not adversely impact other users' experience of the AONB in the near vicinity. It is noted that the existing tranquillity of the site is already affected by road noise (likely primarily from the A44, approximately 105m north of the site), which is clearly audible at the site. Nevertheless, a condition would be imposed to ensure that no more than two parties with a maximum of six dogs could utilise the site at any one time, thereby limiting potential levels of activity and associated noise.

10.20 The proposed additional fencing would be sited adjacent to native hedgerows and would comprise timber posts with wire mesh, which would be visually recessive and is considered not to result in unacceptable adverse impacts on the natural beauty of the AONB - similarly, the proposed hardstanding would be limited to a roughly 8m x 10m area in a corner of the site that is already periodically utilised to park farm vehicles, and the proposed fencing and formalisation of this as a parking area is considered minimally intrusive. A condition would be attached to any grant of permission to ensure that no further development can be undertaken at the site without the express permission of the Local Planning Authority (LPA).

10.21 No external lighting is included in the proposal, and so no light pollution would result from the development and the valued dark skies of the AONB would be protected. Concerns have been expressed regarding the impact of the proposal on the ancient ridge and furrow landscape, however the physical alterations to the site would be limited to the fencing and hardstanding and the physical form of the land would not be altered.

10.22 Overall, it is considered that the physical alterations and proposed change of use would be small scale and in keeping with the edge of settlement, semi-rural character and appearance of the site and wider area and would therefore accord with Local Plan Policies EN2, EN4, and EN5 and Sections 12 and 15 of the NPPF.

(c) Highway Safety

10.23 Local Plan Policy INF4 states that development will be permitted that provides safe and suitable access and has regard, where appropriate, to the Manual for Gloucestershire Streets.

10.24 Local Plan Policy INF5 relates to parking provision, and requires that developments make provision for residential and non-residential parking where such provision is necessary to manage the local road network.

10.25 Section 9 of the NPPF promotes sustainable transport. Paragraph 110 of the NPPF states that in applications for development, it should be ensured that:

- (a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- (b) safe and suitable access to the site can be achieved for all users; and

- (c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

10.26 Paragraph 111 states 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.

10.27 The proposed development would be accessed via Parkers Lane, which serves a number of residential properties as well as fire and ambulance stations, and terminates at a small car park at the southern end. Owing to the restrictions on the site use that would be secured by condition, the proposal would generate a maximum of four additional vehicular trips per hour during the permitted hours of use: however, it is noted that the site location and nature of the proposed use makes it likely that many users would walk to the site rather than arriving by car. It is therefore considered that concerns expressed in third party objections in relation to adverse impacts on highway safety and residential amenity owing to increased traffic movements, and contributions to the existing congestion through the town, are unfounded. Concerns have also been raised that the proposals may cause delays to emergency vehicles exiting the fire and ambulance stations, with associated queries regarding the monitoring of parking at the site to ensure that the road is not blocked by on-street parking. It is noted that there are double yellow lines along both sides of Parkers Lane from Stow Road up to and just beyond the fire and ambulance stations, and that the road along this stretch is two lanes wide. The small number of additional vehicle movements would not therefore adversely impact emergency vehicle movements, and on-street parking would be monitored and enforced by traffic wardens as it is currently. Whilst it is accepted that the road narrows closer to the western end, there remain ample passing opportunities for vehicles moving in opposite directions.

10.28 The need for on-site parking has been queried given the existing car park approximately 75m south of the site entrance, which appears to offer unrestricted parking. It is the applicant's understanding that this is not a public car park and that it is for the use of nearby residents, and on-site parking is therefore included in the proposal to reduce the likelihood of future users of the site parking on the street or making unauthorised use of the car park.

10.29 In light of the above, the proposed development is considered to accord with the relevant requirements of Local Plan Policies INF4 and INF5 and Section 9 of the NPPF.

(d) Residential Amenity

10.30 The Design Code (Appendix D) referred to in Policy EN2 of the Local Plan sets out guidance with regard to residential amenity. A key principle set out at paragraph D.66(e) is that the interface between new development and existing properties should ensure that the amenity of existing residents is respected

10.31 Local Plan Policy EN15 states that development will be permitted that will not result in an unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through: the pollution of the air, land, surface water or ground water sources; and/or the generation of noise or light levels, or other disturbances such as spillage, flicker, vibration, dust or smell.

10.32 Section 12 of the NPPF seeks to achieve well-designed places. In part, paragraph 130 of the NPPF ensures that development has a high standard of amenity for existing and future users.

10.33 Third party objections received have highlighted concerns regarding the potential impacts of the development on nearby residential amenity, particularly in relation to increased noise levels associated with the proposed site use. The applicant has submitted a Noise Management Plan (NMP) that details proposed measures to address anti-social behaviour and noise at the site, including pro-active monitoring of the site via CCTV with remote noise monitoring equipment triggering an alert to the site owner when limits are exceeded. A mechanism for neighbours to be able to call the site owner if there is any unacceptable noise is also included, and the NMP includes a noise level logging procedure to allow the owner to keep a record of customers in order to monitor for repeat offenders, whose use could be restricted or who could subsequently be prevented from making future bookings. A document entitled 'Supporting information regarding use of the site' has also been submitted that details the proposed limited hours of use and staggered timings of arrivals and departures from the site in order to minimise spikes in activity and noise levels, and the manner in which access to the site would be controlled.

10.34 Whilst the immediate environs have a tranquil, rural character, it was noted during the site visit that noise from nearby A-roads is clearly audible. As previously noted, it is considered that the additional noise generated by the proposed site use would be in keeping with expected rural or edge-of-settlement activity. The ERS Officer has advised that the nature of the proposed site use and varying associated levels of activity make potential noise impacts on neighbours difficult to assess. Notwithstanding this, it is considered that the submitted Noise Management Plan and 'Supporting information regarding use of the site' document provide sufficient detail in relation to proposed site monitoring and noise control measures to ensure that the site will be well managed and any emergent adverse noise impacts addressed promptly. Subject to conditions to secure adherence to the Noise Management Plan, as well as to control the number of site users and dogs on site at any given time, and the hours of use, the proposed development is therefore considered unlikely to generate levels of noise and disturbance that would result in unacceptable adverse impacts on the residential amenity of nearby properties. It is further noted that any grant of planning permission would not in any way indemnify the site owner or operator against action being taken under the Environmental Protection Act 1990 for noise amounting to a statutory nuisance.

10.35 Concerns have also been raised in relation to potential loss of privacy for nearby residents, as gardens and/or rear elevations of their properties would be overlooked by the site. However, given that a public right of way runs along the eastern site boundary, between the site and the nearest dwellinghouses, and the site itself is bordered to the east by an established native hedgerow that effectively blocks views between the site and the dwellinghouses, it is considered that there would be no material reduction in privacy in comparison to the current situation. Similarly, concerns regarding potential compromises to security are considered unfounded as the site is separated from any nearby residential properties by existing public accesses in the form of the highway or the Moreton-in-Marsh Footpath 7.

10.36 Given the limited physical development proposed on site, the development is considered not to impinge upon nearby residential amenity having regard to overbearing or loss of light.

10.37 In light of the above, the proposal is considered to meet the relevant requirements of Local Plan Policies EN2 and EN15 and Section 12 of the NPPF.

(e) Biodiversity

10.38 Local Plan Policy EN8 states that "*Development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible.*"

10.39 Paragraph 174 in Section 15 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of ecological value and minimising impacts on and providing net gains for biodiversity.

10.40 The site comprises unimproved grassland with trees and has an area of a former pond which has since dried up. Although the site is within a red impact risk zone for great crested newts, the Council's Biodiversity Officer has assessed the scheme and considers that no survey work is necessary given the low impact of the proposal on the physical condition of the land. An informative is requested to ensure that the applicant is aware of their responsibilities should great crested newts be encountered during the development works. A condition is also requested to ensure that the LPA retains control over the installation of any lighting at the site, in order to ensure that this does not result in any adverse impacts on nocturnal wildlife, and this is considered reasonable. The submission package indicates that the existing hedgerows will be reinforced with additional planting, and part of the site will be turned into a wildflower meadow, providing interest for users and ecological enhancement. Concerns expressed by third party objectors in relation to the impacts of the fencing and increased activity on local wildlife are noted, however given the baseline ecological conditions and proposed planting enhancements it is considered that there would not be an overall detrimental impact to wildlife. On this basis, it is considered that the proposed development accords with the relevant considerations of Local Plan Policy EN8 and Section 15 of the NPPF.

Other Issues

10.41 The submission package sets out the proposed management strategy for dog waste from the site, which will be managed by an external licenced waste collection company with small caddy bins provided for on-site use.

10.42 A number of additional concerns have been raised by third party objectors, which are addressed below.

10.43 Several comments contend that there is no requirement for a secure dog-walking facility in the town owing to various existing parks and public rights of way providing ample dog-walking areas, and that several existing secure dog-walking fields already exist in the District making an addition facility unnecessary. Objectors also note that it is the responsibility of dog owners to train their dogs so that secure fields are not necessary. Whilst it is noted that no business plan has been submitted demonstrating the viability of the proposed business, the applicant has indicated that informal market research has demonstrated a demand for the proposed facility, and this is supported by a number of comments received in support of the application, which state that other such facilities (the nearest of which appear from an internet search to be at least a 20 minute drive away at Chadlington or Ettington) are often fully booked. Support comments also highlight the value of secure dog-walking fields for off-lead training, exercising young or nervous dogs that are

easily spooked, reducing the potential for dog to worry or attack livestock by being walked off-lead in the open countryside, and supporting professional dog-walkers by providing a space where multiple dogs can safely be managed off-lead. Other support comments further note that dogs should be kept on leads in public parks, and that the proposed facility would provide a safe space for people who do not cope well with unknown dogs or people to safely walk and interact with their dogs. Objectors have also noted that other similar facilities approved within the District have been located further away from residential properties and are smaller. Whilst there may well be differences between the current proposal and other similar proposals that have been considered elsewhere in the District, any differences between this and other proposals do not automatically constitute grounds to refuse the current proposal as each application must be assessed against adopted policies and legislation on its own merits.

10.44 Concerns have been raised that the field floods in the winter and that the proposed use may affect the nearby ditch and culvert and thereby increase the flood risk to the town. The application site is located within Flood Zone 1 and there is no recorded history of flooding at the site. The proposed development would not result in any increase in built form, and the surfacing material for the proposed parking area can be controlled by condition to ensure that this remains permeable. Given this, there would be no material change to the existing situation, and there is no evidence to suggest that the proposals would affect the management of the nearby culvert or drainage ditch.

10.45 Third parties have advised that air ambulances currently land on the field, and would not be able to do so should the development be permitted. It is noted that there are numerous alternative open spaces in the near vicinity that could be utilised by air ambulances, including the fields immediately to the north and south of the site.

10.46 Concerns have also been raised that the proposed development could represent a precursor for more intensive development of the site, from the introduction of additional paraphernalia associated with the proposed use (e.g. tyres, tunnels etc. and the introduction of running water and electricity) to potential future development for housing. Future development in association with the permitted use could be restricted by a condition attached to any grant of permission in order to safeguard the rural character of the site. Any future application for alternative development of the site, such as for housing, would require an application for planning permission and be subject to a full assessment on its own merits.

11. Conclusion:

11.1 Overall, it is considered that the proposed development accords with the relevant requirements of the Cotswold District Local Development Plan and other material considerations, and is therefore recommended for approval.

11.2 The CIL rate for this type of development is zero and therefore no CIL is payable.

12. Proposed Conditions:

1. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements 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 approved shall be carried out in accordance with the following drawings: 'Site plan' and 'Landscape plan'.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. No hardstanding shall be installed/inserted/constructed in the development hereby approved, until details of the surfacing materials, which shall be permeable, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2, and will not increase flood risk in accordance with Cotswold District Local Plan Policy EN14.

4. The development shall not be occupied for the permitted use until the parking and access arrangements have been completed in full in accordance with the approved 'Site Plan' and shall be retained as such until the permitted use ceases. The parking spaces and access shall be clear and available for dog walkers of the facility at all times, until the permitted use ceases.

Reason: To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with Local Plan Policy INF4 and paragraph 108 and 110 of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no fencing, walls, gates, buildings or any other structures shall be erected, constructed or sited within the development hereby approved other than those permitted by this Decision Notice.

Reason: To maintain the rural character and appearance of the site, in accordance with Cotswold District Local Plan Policies EN2, EN4 and EN5.

6. The 1.8m high fencing shown on the approved plans shall be installed in accordance with the details shown in section 2.1 of the submitted Planning Supporting Statement (dated March 2023), unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

7. The development shall not be occupied for the permitted use outside the following hours:

0730-2000 Monday to Friday

0900-1800 Saturday, Sunday and Bank Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policies EN2 and EN15.

8. The development shall only be occupied for the permitted use by two parties (one per field enclosure) and for no more than six dogs at any time across the two field enclosures, and no dogs shall be left unattended at the site at any time.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policies EN2 and EN15.

9. No external lighting shall be installed at the site without the express prior permission of the Local Planning Authority.

Reason: To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EN8 of the Cotswold District Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

10. Prior to the first use/occupation of the development hereby approved, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

Reason: To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

11. The entire landscaping scheme shall be completed by the end of the first planting season following the completion of the development hereby approved, and shall be retained as such for the lifetime of the development unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN2.

Informatives:

1. Please note that the proposed development set out in this application would be liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), however, no CIL is payable as the Cotswold CIL Charging Schedule gives this type of development a zero rate. However, if the nature of the development were to change, you are advised to contact the Council to discuss the requirement for planning permission and CIL liability.

2. There is a risk that great crested newts may be present at the application site. The Council considers it would be unreasonable to require the applicant to submit a great crested newt survey because this could be considered disproportionate to the scale of development. Nevertheless, anyone undertaking this development should be aware that great crested newts and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. Therefore, if a great crested newt is discovered during site preparation/enabling or construction, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.