

Application No: 20/00901/FULL Full Application

Site: Little Meadow, (land Adjacent The Terraces), Newbridge Road,
Newbridge, Cadnam, SO40 2NW

Proposal: Continued use of land and building for dog day care; hardsurfacing.

Applicant: Ms Oliveira, Pack Buddies

Case Officer: Liz Young

Parish: COPYTHORNE

1. REASON FOR COMMITTEE CONSIDERATION

Referred by Ward Councillor

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP2 General development principles
SP42 Business and employment development
SP39 Local community facilities
SP7 Landscape character
SP17 Local distinctiveness
SP15 Tranquillity
SP55 Access
SP1 Supporting sustainable development

4. SUPPLEMENTARY PLANNING GUIDANCE

Not applicable

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 15 - Conserving and enhancing the natural environment
Sec 16 - Conserving and enhancing the historic environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Copythorne Parish Council: Recommend permission but will accept a delegated decision.

8. CONSULTEES

- 8.1 Environmental Protection (NFDC): No objections raised.
- 8.2 Highway Authority (HCC): Recommend refusal due to insufficient visibility.

9. REPRESENTATIONS

- 9.1 Three third party letters of support received:
- The applicant (who has the relevant qualifications) has good organisational skills, leadership and commitment.
 - The set up on site provides a natural and enriched environment for dogs.
 - The applicant is an asset to the community.
 - Dogs are not left unattended on site.
 - Controlled environment and high standard of training.
- 9.2 Letter of support received from agent in response to various representations:
- The pipes are covered in turf to enable them to blend into the environment.
 - The metal gates were installed prior to the applicant's occupation of the site.
 - The portaloo is a necessity for staff, is located close to the road for easy access and is not visible from the road.
 - The high standard of training ensures minimal disruption to neighbours.
 - The use has not so far generated any noise complaints to New Forest District Council.
 - The site lies on a hazardous bend and the staff are on site using the access.
 - Only one van remains on site overnight.
 - No dogs are on site before 10 am or after 3pm.
 - The previous proposal for gypsy accommodation was well before the applicant took the site on.
 - To additional vehicles are proposed to be introduced to the site.
 - Dog waste is collected regularly by a professional and there is a sealed dog waste bin on site.
 - The use is not harmful to the character of the area or the amenities of neighbours.
- 9.3 Two letters of objection:
- There is no planning consent for a commercial business to be run from the site.
 - Extensive excavation has been carried out to form hard surfacing and industrial piping installed. These, along with the

large metal gates, have had a harmful impact upon the character and appearance of the Conservation Area.

- Harmful increase in noise.
- The site lies on a hazardous bend with an unsafe access. The use would therefore be harmful to the safety of vulnerable road users.
- The customer base for this use mainly lies outside the New Forest National Park so does not bring about a benefit to the local community.
- A gypsy caravan was previously refused on the site.
- The business has the potential to expand further, introducing more vehicles onto the site and increasing noise levels.
- It is not clear how dog waste is to be handled.

9.4 Representation from Cllr Diane Andrews requesting that the application be referred to the Planning Committee:

- The Parish were very supportive, and the vote was unanimous.
- Agent letter dated 20 January which clearly answered some of the issues brought up by neighbours.
- There have been no complaints during the 18 months this business has been running.
- Every care is taken to make the footprint of this business as considerate as possible.
- No future intention to expand has been noted and could be put into conditions if you were happy to allow this retrospective change of use.

10. RELEVANT HISTORY

10.1 Stable Block (14/00588) approved on 7 October 2014

10.2 Stable Block (12/97745) approved on 4 October 2012

10.3 Block of three stables (98/64426) refused on 13 November 1998

10.4 Use as caravan site for one gypsy family (96/60574) refused on 14 May 1997 (Appeal dismissed on 19 January 1998)

11. ASSESSMENT

11.1 This application relates to a parcel of former grazing land which amounts to approximately 0.6 hectares. The site lies within the Forest Central (North) Conservation Area and the locality is served by a series of narrow roads and lanes. These lanes, or "funnels" provided historic links to the arable lands, the commons to the north, and woodland pasture. The application site itself lies within a strip of linear development along Newbridge Road, stretching from the A31 in the south. The paddock forms part of a larger area of historic irregular field systems running to the

southwest. The north boundary of the site is directly adjoined by a public right of way. Residential properties lie to the north and east of the site, although the prevailing character of the area is predominantly rural.

Proposal

11.2 Consent is sought to continue to use the land and stable on site for dog day care and also to retain an area of gravel hard surfacing which has been introduced to provide off-road parking for up to four cars. A portaloo has also been introduced onto the site for staff use (not shown on the plans) and lies close the main access. The use generates employment for the equivalent of 3 full time workers. Whilst information which accompanied the original application suggested that there are currently between 10 and 12 dogs catered for at the site, subsequent information from both the Environmental Health Officer and the agent indicate an intention to increase this to 18. The business operates between 10am and 3pm Mondays to Fridays. In order to accommodate the use on site, the stable building has been adapted internally to form a welfare area for staff and occasional shelter for dogs. Two fenced enclosures have been formed alongside the north boundary of the site, one to accommodate a dog agility course and the other a dog sensory area.

11.3 The key issues to consider would be as follows:

- The extent to which the development meets the policy objectives set out in the Local Plan in relation to business and employment uses and also community uses;
- Impacts upon the amenities of neighbouring residents (particularly in relation to noise from dogs and vehicles) and highway safety; and
- Landscape impacts arising from increased activity, temporary structures, hard surfaces etc.

Policy Considerations

11.4 In terms of policy context, paragraph 170 of the National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural environment by (among other things) protecting and enhancing valued landscapes and recognising intrinsic character. In addition, there is a requirement in paragraph 172 of the NPPF that great weight should be given to conserving the landscape and scenic beauty in National Parks. Designation of an area as of special landscape value reinforces a policy presumption against new development, except in cases where overriding need or minimal harm to landscape considerations can be shown. With regards to local policy, Policy SP42 of the New Forest National Park Local Plan (Business and Employment Development) states that small-scale employment development will be permitted within the defined villages of

Ashurst, Brockenhurst, Lyndhurst and Sway. Outside of the defined villages, employment development is directed to the re-use or extension of existing lawful buildings, or the redevelopment of existing business use employment sites.

- 11.5 This application site falls outside of the defined settlements and lies within a rural area within an unsustainable, rural location. There is no evidence to suggest that the proposals would have any clear connection with the management of the land or the cultural heritage of the New Forest. There is no significant planning history for the application site and it appears to have been used as grazing land. The site would therefore be classed as agricultural in terms of its established use. Whilst the existing stable is used for welfare and for occasional shelter, the use is primarily undertaken outdoors rather than within buildings. The change of use could therefore not be assessed against the re-use of buildings policy.

Consideration of Issues

- 11.6 Following on from the above, because the proposal does not meet the criteria set out within Policy SP42, it would be important also to have regard to the provisions of Policy SP39 (Local Community Facilities) as the applicant seeks to make the case that the use is one which benefits the local community. It would therefore be necessary to establish whether the use would primarily serve residents within the immediate area (i.e. Newbridge). If this were not the case, the proposal would potentially lead to an increase in trips to the site from outside the Newbridge / Cadnam area (and would therefore not contribute to the sustainability of the local community). To this end, further information was requested from the applicant. Various third party representations have also been received.
- 10.7 Whilst the agent has provided some further information in relation to the customer origins, it has not been possible to establish from this the overall proportion of customers which live in the immediate area. Both the information from the agent and third party comments received would appear to suggest that many of the customers originate from the Southampton area. Whilst it is noted that discounts are offered to local residents, the proposal is unlikely to be confined to use solely by the local community (particularly when having regard to the relatively rural location and the existing customer origins). Therefore it would be difficult to argue that it would help the well-being of this community, or that of the adjoining neighbours. It appears to be the case that the facilities offered by the site, rather than meeting the needs of the community, have primarily informed the location of the development. It has been established through various appeal decisions in the past that the beneficial work undertaken in caring for dogs does not tend to outweigh conflict with countryside policies. Whilst the correct training of dogs is important, it would

be difficult to reconcile this with helping the understanding and enjoyment of the National Park given that there are concerns with the noise and disturbance.

- 11.8 The business use at the site has significantly intensified the level of activity from its former agricultural use which would have had limited activity with very few vehicle movements. In contrast to the pre-existing situation, the dog day care would result in a greater number of vehicle movements a day (this is assuming that the dogs stay at the site all day and some do not attend for just mornings or afternoons thereby potentially further increasing the number of daily vehicle movements). It is recognised that the applicant has stated that most dogs are not dropped off by their owners, however this is not something which could be controlled by condition. The intention to increase the number of dogs up to 18 would significantly intensify overall levels of activity further, particularly given the rural context. The proposal would therefore result in a harmful loss of tranquillity in comparison with the pre-existing situation, contrary to Policy SP15 of the Local Plan.
- 11.9 It has been observed, both on site and from feedback received from the Highway Authority, that the existing access suffers from poor visibility (an issue which has also been acknowledged by the agent). Based upon the limited information available and the fact that it would not be possible to rule out a significant increase in vehicle movements (having regard to the former use of the site), it has not been demonstrated that the proposal would avoid a potentially harmful impact upon the safety and convenience of users of the adjoining highway, particularly having regard to the limited road width and absence of any pavements. With regards to the suggestion by Highways that a condition could be imposed to ensure only staff drive to and from the site, such a restriction would be difficult to monitor and enforce on a daily basis, particularly when having regard to the proposal to increase the overall number of dogs to 18. The development would therefore be contrary to the requirements of Policy SP55 of the New Forest National Park Local Plan.
- 11.10 In terms of historic / landscape context, the site lies within the Newbridge Character Area and represents a late medieval arable encroachment into Cadnam Common. The area is formed of a mosaic of irregular medieval field systems with boundary hedges, along with strong ditched and banked boundary features which identify the original medieval boundaries of the encroachment. The survival of the hedges and field systems illustrate many centuries of land usage and are important features of the historic landscape. The application site is therefore considered to be a key component of the landscape character of the conservation area. Open spaces within the conservation area are important as they help to define the built environment and create a sense of place. The Conservation Area Character Appraisal also recognises the impact that cars can have in terms of dominating

the landscape and detract from traditional rural character. The site falls within Landscape Character Area 11 (Copythorne Forest Farmlands) and the identified component landscape type is described as Heath Associated Small holdings. The appraisal describes the locality as being interspersed with small areas of ancient deciduous woodlands and recognises that the small-scale irregular fields, bordered by ditch and bank boundaries with hedgerows and mature hedgerow trees, are particularly distinctive within the mixed farmland landscape. One of the key issues identified within the Landscape Character Assessment is the disruption of the area's pastoral character, leading to the erosion and loss of traditional grazing.

- 11.11 In such a sensitive context (both in historic and landscape terms), the change of use to dog day care for up to 18 dogs is considered to be a significant intensification in the use of the site and the additional vehicle movements are visually intrusive within this location. The impact of this activity would be compounded further by increased activity within the site during the day, the subdivision/ additional enclosure, hard surfacing, and the introduction of parked cars along with additional temporary structures associated with the use. Having regard to the fact that the intention is to increase to 18 dogs in the longer term, it is likely that the use will also generate a need to introduce an additional member of staff. The level of activity and parking generated by the development is thus considered to have an unacceptable impact upon the character of the countryside to the detriment of its special qualities, openness and distinctiveness, particularly when having regard to the proximity to the public right of way. For these reasons, it is considered the development has resulted in a significant impact upon the overall physical appearance and prominence of the site and the contribution it makes to the wider Conservation Area. The potential to increase the overall number of dogs to 18 adds further to the concern that the use cannot be considered to be small scale, particularly in such a rural context. The development is therefore contrary to Policies SP16, SP7, SP15, SP17, SP42 and SP39 of the New Forest National Park Local Plan.
- 11.12 The applicant was advised at pre-application stage that there was concern that it was not evident that there was a local need for the proposed business to be located within this particular site as it was not clear whether the use would primarily serve residents within the immediate area (i.e. Newbridge). This added to concern that the proposal would potentially lead to an increase in trips to the site from outside the Newbridge area (and would therefore not contribute to the sustainability of the local community).

Conclusion

- 11.13 In conclusion it has not been demonstrated that the use is one which makes a significant contribution to the sustainability of the local community or the understanding and enjoyment of the New

Forest National Park. Furthermore, the overall levels of activity associated with the use could not reasonably be considered small scale for the purposes of meeting the requirements of Policy SP42 (particularly when having regard to the proposal to expand further), would result in a harmful loss of tranquillity and would be potentially detrimental to highway safety standards. The development has resulted in the erosion of the historic pastoral landscape as a result of the change of use from grazing to a more intensive land use and therefore fails to preserve the character and appearance of the Conservation Area and wider New Forest landscape. The development is at odds with the prevailing landscape of this part of the New Forest that largely retains its integrity and clear relationship with the wider National Park. The development is therefore contrary to Policies SP1, SP55, SP7, SP15, SP16, SP17 and SP42 of the New Forest National Park Local Plan along with Paragraph 172 of the Framework and it is recommended that the application should be refused.

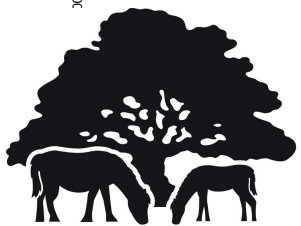
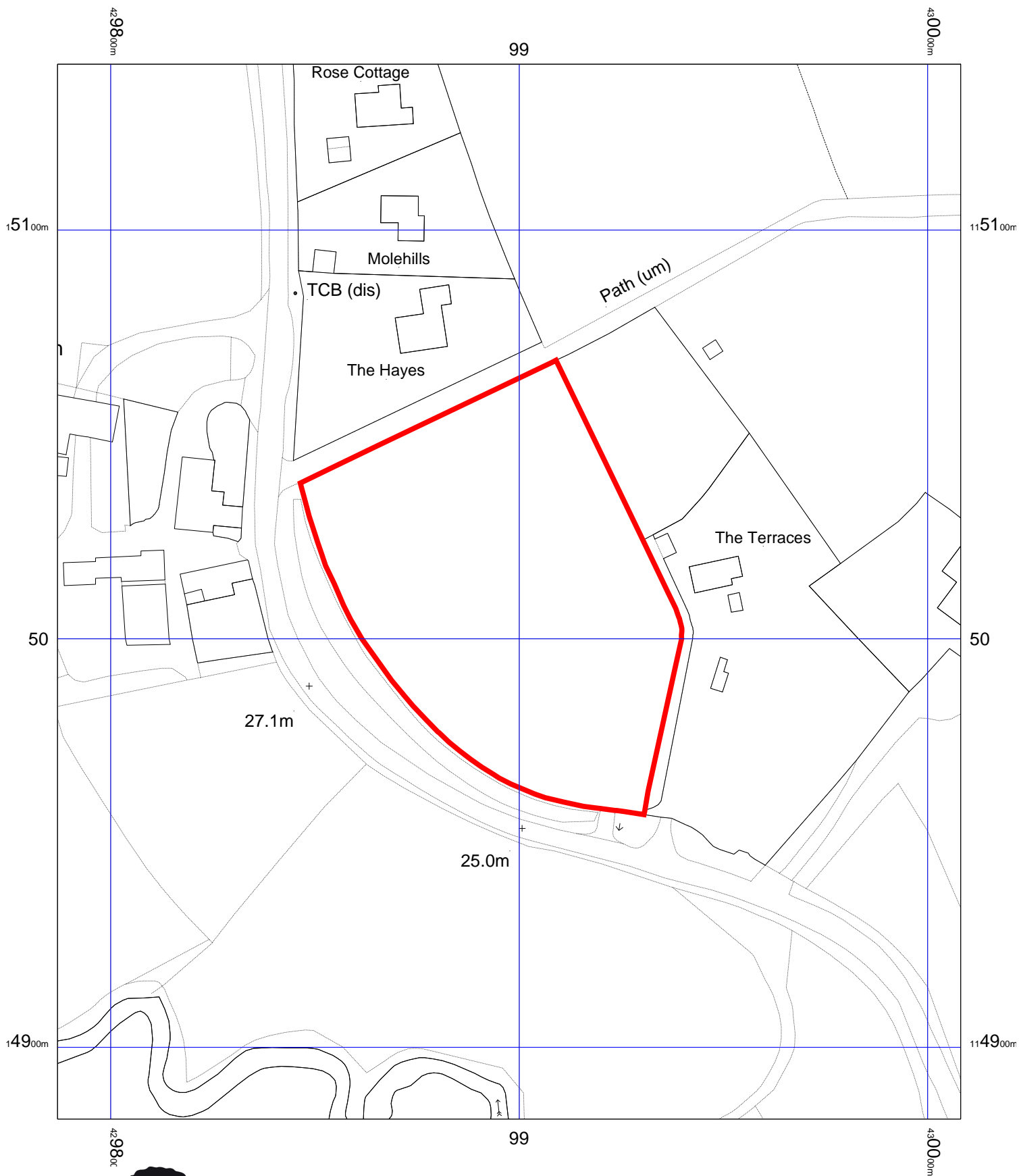
12. RECOMMENDATION

Refuse

Reason(s)

- 1 The existing access suffers from poor visibility and, based upon the information available along with the likely increase in vehicle movements, the change of use would have a potentially harmful impact upon the safety and convenience of users of the adjoining highway, particularly having regard to the limited road width and absence of any pavements. The development would therefore be contrary to the requirements of Policy SP55 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019).
- 2 It has not been demonstrated that the use is one which makes a significant contribution to the sustainability of the local community or the understanding and enjoyment of the New Forest National Park. The use would be located within the open countryside and is not closely associated with any of the defined settlements of the New Forest and would not involve the re-development of an existing employment use or the re-use of buildings. Furthermore the overall levels of activity associated with the use could not reasonably be considered small scale. The development is therefore contrary to Policies SP1 and SP42 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019) along with Paragraph 172 of the National Planning Policy Framework.
- 3 The development has resulted in a harmful loss of tranquillity and the erosion of the historic pastoral landscape as a result of the change of use from grazing to a more intensive land use. The development therefore fails to preserve the character and appearance of the Conservation Area and wider New Forest

landscape. The development is at odds with the prevailing landscape of this part of the New Forest and is therefore contrary to Policies SP7, SP15, SP17 and SP16 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019).



NEW FOREST
NATIONAL PARK

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