

Wembdon

51/22/00035/LE registered 15/02/23

Expiry Date: 16/05/2023

(Full Planning Permission)

Proposal:

**Change of use of agricultural land to dog training, including the erection of training shed, equipment store, fencing, parking provisions and landscaping. at Land to the North West of, Waldrons Lane, Wembdon, Bridgwater for Mr M Watkins**

**\*\* THIS APPLICATION IS CODED AS A MAJOR APPLICATION \*\***



### **Committee decision required because**

This application is referred to the area committee as it is a major development and the comments from the Parish Council are contrary to the recommendation

### **Background**

The site is located to the north of Wembdon and is accessed via Waldrons Lane, which serves a small number of properties to the north of the hamlet of Perry Green. The site is an agricultural field with a gated entrance onto the lane and the boundaries are lined with hedgerows and stock proof fencing. The culverted entrance leads to a gravelled hardstanding.

Retrospective consent is sought for the change of use of the land to a dog training and exercise area. The car parking area would be used by clients coming to the site and associated with the use would be the following:

- Single storey Teaching Shed measuring 12m x 6.6m positioned to the north east boundary of the site. The building would be finished in timber boarding with a profile sheeted roof and would contain space within the building for equipment storage and training area.
- Single storey storage shed for field maintenance equipment such as tractor/lawnmower. The shed would have an open section to half its footprint which would be 6.6m x 4m in area and finished in materials to match the shed. New hedgerow planting would enclose the shed.
- New pond created within the centre of the site (35m x 30m) in area alongside new copse of tree planting to north west end of site.
- New tree and hedgerow planting to south west boundary.

### **Relevant History**

51/20/00009 DC Formation of 2 No. agricultural accesses. GTD

### **Supporting information supplied by the applicant**

Design and Access Statement  
Archaeology Report  
Flood Risk Assessment  
Transport Statement

### **Consultation Responses**

**Wembdon Parish Council** - initially objected:-

- *in the supplied Transport Statement, the applicant has failed to provide any calculation of the additional traffic using Waldrons Lane, based on the daily and weekly timetables of the business. As a result, we are unable to comment on the impact of that traffic on its passage through Perry Green or on the narrow Waldrons Lane.*
- *with reference to Policy D20 of the Local Plan, we would expect to see an assessment of the species present on the site, and the production of an Environmental Impact Assessment.*

*It was noted that this business is already in operation so this should be classified as a retrospective planning application.*

Subsequently it was confirmed that:-

*In respect of its previous response Wembdon Parish Council is satisfied that an appropriate Ecological Survey has now been carried out and will withdraw its previous objection provided that the Avoidance/Mitigation and Enhancement Measures specified in the Preliminary Ecological Appraisal are added as conditions for any permission granted.*

However they maintain an objection to the proposal:

*"Wembdon Parish Council is still concerned about the long-term generation of traffic in the narrow Waldrons Lane, and its effect on the hamlet of Perry Green, and continue to object of those grounds. There is another application currently being considered by Sedgemoor District Council (52/22/00018) which will also generate traffic through Perry Green, and Wembdon Parish Council considers that the effects of the two proposals should be evaluated together, in conjunction with a professional third party survey of current traffic, and an evaluation of the five-year plans for the two businesses. The Applicant's 'Supporting information' document only covers training sessions currently planned, with no information on how the business might develop.*

*It appears that the response from Somerset County Council Highways was written before they had sight of that document, so the author lacked even that information.*

*Wembdon Parish Council is concerned that the potential for roadside verge damage, already a significant problem along that stretch of road, will be significantly increased resulting in further damage to the roadside drainage channels."*

**Highway Officer** - No objection, recommend conditions related to visibility, surfacing and parking.

**Environmental Health Officer** - Recommend condition relating to waste disposal.

**Landscape Officer** - No objection.

**Civil Contingencies** - Recommend flood warning and evacuation plan (informative).

**Historic Environment Service** - No comment.

**Internal Drainage Board** - No objection.

**Lead Local Flood Authority** - Recommend drainage strategy.

**Somerset Ecology Services** - No objection subject to a condition to secure the proposed landscaping

## **Representations**

24 received.

3 objections received (including one signed by 22 people) on the following grounds:

- natural landscape under threat.
- Waldrons Lane only has four passing places and is over one and quarter miles long used by walkers, cyclists, equestrian riders, fishermen and runners together with heavy agricultural traffic.
- lane is in poor state of repair and additional traffic will create additional problems with insufficient passing places.
- single track road not suitable for this type of major development.
- noise from dog whistles will be harmful to wildlife.
- should be retrospective as business has already been operating.
- all traffic must use Perry Green and Waldrons Lane.
- amount of classes could result in high number of car movements per day and a constant feature.

21 supporting on the following grounds:

- only gun dog training nearby and has the right setting and facilities for countryside diversification.
- applicants are best trainers in south west.
- important for animal welfare.
- many new trees have been planted and will enhance visual appearance and wildlife.
- location ensures minimal impact on neighbours.
- adequate off road parking, passing places and minimal increase in traffic due to small classes and staggered times.
- secure field prevents dogs from running away and affecting livestock.
- additions to training ground will enhance training facilities needed in the south west.
- promotes security for surrounding properties through regular use.
- land not conducive to modern agricultural practices and change of use would reduce large vehicles on public highway, which is open to all traffic.
- proposed development is appropriate in scale and minimal impact on open character.
- much needed community facility that cannot be located in urban area.

- benefits of development outweigh nominal amount of vehicle movements.
- weatherproof facilities would allow all year round use.
- no issues with regards to traffic and vehicles rarely meet due to remote location.
- lack of noise pollution.

## **Most Relevant Policies**

### National Planning Policies

National Planning Policy Framework

### Local Plan (2011-2032)

S2 Spatial Strategy for Sedgemoor

CO1 Countryside

D1 Flood Risk and Drainage

D2 Promoting High Quality and Inclusive Design

D14 Managing the Transport Impacts of Development

D19 Landscape

D20 Biodiversity

D24 Pollution Control

D25 Protecting Residential Amenity

## **Main Issues**

### **Principle**

Permission is sought for the change of an existing agricultural field to a use as an area for dog training and walking for commercial use. The site is outside the settlement boundary and for purposes of planning is in the countryside where development is normally restricted by policy CO1 which states that outside of identified settlements, small-scale economic activity that relates to a specific countryside need will be supported. In this instance it is accepted that outdoor dog training is an appropriate countryside activity which is dependant on large outdoor space, such as a field, with minimal disruptions/distractions as might reasonably be expected in the countryside. On this basis it is considered that the principle of the proposed development is acceptable under Policy CO1 subject to consideration of the highways, visual and amenity impacts.

### **Highways**

The site benefits from an existing access on to Waldrons Lane, which connects with the hamlet of Perry Green to the south with access out to Wembdon itself or the A39 to the south west. The access lanes are single carriageway roads as is typical of many

rural roads in village and countryside locations. The proposed use is anticipated to lead to an increase in vehicular movements along the lane but the level of vehicular traffic associated with such a use would be modest and not of itself considered to give rise to a significant impact on the highway. A number of concerns have been raised regarding the lack of passing places along Waldrons Lane and within the wider highway network. However, based on the forward visibility along the lane and the spaces provided it is anticipated that any conflict of vehicle movements can be accommodated within the highway network already in place and that the level of movement generated on a given day would be minimal in the context of agricultural or equestrian uses located locally to the site. Within Perry Green itself the area is more populated with holiday and equestrian businesses as well as residential properties. However, the level of traffic generated would not overly conflict with existing vehicle movements and in this area passing places can be found.

To further limit any unforeseen impacts, a condition removing permitted development rights for other temporary uses of the site would also be imposed.

The applicant proposes to provide 12 spaces for parking on site and this has been formed through providing a compacted stone area inside the existing access. The level of parking is considered suitable to accommodate the anticipated level of traffic associated with the use proposed. This would ensure no overspill parking on to the lane would be required.

The site benefits from visibility at the site access although this would need to be maintained in perpetuity. The existing and proposed trees and vegetation would not encroach onto the highway and therefore vehicles exiting the site would have sight of the vehicles using Waldrons Lane, which would be limited based on its length and the properties it serves.

While the comments of the Parish Council are noted in respect of another proposal along Waldrons Lane (51/22/00018) and how it should be determined together with the proposal submitted here. However, the location of the access to that site is a significant distance away from this proposal site and while the same lane would be used it is considered that this scheme should be considered on their own merits. Waldrons Lane is home to a number of residential and non-residential uses and the proposal would not conflict with these in principle.

The Highway Authority have raised no objection to the scheme and with reference to the Parish Council's comments (regarding the highways views) the Highway Authority confirm that they have no further comments to the proposal and that the information regarding trip movements subsequently submitted demonstrates that the development would not have an adverse impact on the highway network. Therefore, it is considered that the use of land would comply with Policy D14 of the Local Plan.

## **Visual Impact**

The fencing as erected around the site boundaries is formed of timber posts and wire, which has limited visual impact on the surrounding area. The only other structure proposed in addition to the existing shed would be the small field storage building, which would be located adjacent to the boundary and landscaping. These would be associated with the use in an ancillary capacity to be used for the storage of equipment used for maintaining the land.

Based on the design and materials of the store and classroom/store building these would take on a rural appearance and would be wholly appropriate for the setting of the site. The set back position within site would ensure that it would not be visually prominent from the highway. While existing buildings are not currently prominent within the locality it is considered that the appropriate size and design would be appropriate for the context as well as the use it would serve.

Taking into account the extensive landscaping enhancements already implemented and proposed it is considered that the buildings would not have a significant visual impact on the character of the open countryside and would be successfully integrated into the rural setting.

The proposal would therefore comply with Policy D2 of the Local Plan.

## **Residential Amenity**

There are a small number of commercial and residential properties to the south of the site.

The business would operate 5 days a week with a variety of sessions available per day for 1 to 1 training and group sessions. Typically only 18 movements would be likely should all spaces be filled from Wednesday to Friday with Saturday restricted to 1 to 1 sessions only. On Sunday it is anticipated that should all available sessions be filled then this could equate to 48 movements, averaging 6 an hour.

During hours of daylight (no external lighting is proposed) it is expected that 60 minute slots will be available to be booked with the applicant for visitors with sessions starting no earlier than 8.30am. The average class would have between 6 to 8 dogs with classes having a 30 minute break between to ensure those leaving do so before the next class arrives.

On this basis it is not considered that the residential amenity of the occupiers of these properties will be significantly affected by noise from the proposal given the distant location of the site and the nature of the use of the land and the proposal therefore complies with Policy D25 of the Local Plan.

## **Other Issues**

Due to the small scale of the buildings proposed the development's location within flood zone 3 would not result in extensive surface water run off that would result in a detrimental impact on the safety of the area. The proposed pond would provide additional flood water storage for the site and therefore it is considered that the limited impact of the development would be satisfactorily addressed through the design proposed. Based on the scale of the development and the design incorporating additional flood water capacity it is considered that matters of drainage are covered within the proposal and further details are not required by condition. Accordingly no conflict with policy D1 is identified.

The ecologist notes that the site was previously an arable field and the applicant has undertaken substantial enhancement measures, including the planting of woodland in January 2022 with further tree planting proposed along the western boundary. Accordingly they raise no objection and suggest a condition to ensure the proposed landscaping is carried out. This is considered reasonable to comply with policy D20 and would address the PC's concerns in this respect.

## **Conditions**

As noted above the highways officer has suggested a number of conditions to ensure that appropriate visibility, surfacing and parking is provided and maintained. These are considered reasonable in the interests of highways safety and are justified to secure compliance with policy D14.

A condition is suggested to limit the use to that applied for (i.e. dog training) and to remove permitted development rights for temporary uses, which might otherwise occur on 28 days a year at an intensity not proposed by this application. Given that the proposed use would be an intensification beyond the current agricultural use of the field, this is considered reasonable in the interests of both highways safety and residential amenity and is justified by policies D14 and D25.

The ecologist recommends a condition to ensure the landscaping is carried out, this is justified to secure biodiversity enhancements and to mitigate the visual impact of the proposal and is justified by policies D2, D19 and D20.

A condition is suggested to remove permitted development rights for the siting of any caravans or temporary structures that might otherwise be sited without the need for planning permission. This is also considered reasonable to protect the rural character and visual amenities of the locality in accordance with policy D2.

Finally a condition to secure a waste management plan is suggested to ensure that dog waste issues do not arise. This is necessary to safeguard residential amenity and the amenities of the locality in accordance with policies D24 and D25.



## **Summary**

In this case the activities would be extremely minor in scale due to the nature of the proposal for dog training and exercise and the limited amount of people entering the site at any one time. The development would not have a significant impact on the amenity of nearby properties and the nature of the use is such that the impact on the local road network would not prejudice highway safety. The proposal is therefore considered to comply with Policies S2, CO1, D1, D2, D14 and D25 of the Local Plan as it would be of an appropriate scale and use for the countryside location.

## **RECOMMENDATION**

### **GRANT PERMISSION**

- 1 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

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

- 2 There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level of Waldrons Lane in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 60m either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety in accordance with Policy D14 of the Sedgemoor Local Plan.

- 3 The areas allocated for vehicle parking, loading and unloading, and turning on the submitted plan, drawing number C1 Rev A, shall be kept clear of obstruction and shall only be used for the said purpose and not for any other purposes.

Reason: In the interests of highway safety in accordance with Policy D14 of the Sedgemoor Local Plan.

- 4 The access way between the edge of the Waldrons Lane carriageway and the entrance gate shall be properly consolidated and surfaced (not loose stone or gravel) within 3 months of the date of this permission. Thereafter the access shall be maintained in that condition at all times.

Reason: In the interests of highway safety in accordance with Policy D14 of the Sedgemoor Local Plan.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising revoking and re-enacting that Order with or without modifications), the use hereby permitted shall only be as a dog walking/training area or for agriculture and not for any other use including any temporary use.

Reason: In the interest of highway safety and to safeguard residential amenity in accordance with Policies D14 and D25 of the Sedgemoor Local Plan.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 or any statutory instruments revoking or re-enacting the Order with or without modification, no caravan or other temporary structure shall be sited within the red line area as detailed on approved Location Plan Drg No. C1 Rev A.

Reason: For the avoidance of doubt as to the extent of the planning permission and in the interests of the visual amenity of the countryside in accordance with Policies CO1, D19 and D2 of the Sedgemoor Local Plan.

- 7 Within 3 months of the permission hereby approved, a Waste Management Plan shall have been submitted to and approved in writing by the local planning authority. Thereafter the use hereby approved shall be carried out in accordance with the approved Waste Management Plan.

Reason: To prevent undue problems to neighbours and the amenity of the locality in accordance with Policy D25 of the Sedgemoor Local Plan.

- 8 The proposed landscaping as shown on the submitted Site Plan Drg No. CC-SP-002 shall be planted in full within 9 months of the date of this permission. The trees/shrubs/hedgerows shall be protected and maintained, and dead or dying trees/shrubs/hedgerows shall be replaced to the satisfaction of the local planning authority for a period of five years following their planting. .

Reason: In the interests of amenity and biodiversity in accordance with Policies D20 and C01 of the Local Plan.

### **Schedule A**

Location Plan with Proposed Landscaping to Site Plans Drg No. C1 Rev A

Proposed Plans Drg No. CC-SP-002 Rev A

Proposed Landscaping, Site & Section Plans Drg No C3

Proposed Sheds & Car Parking Drg No. C2 Rev A