

Ms Elspeth Palmer
Planning Case Officer
Planning and Regeneration
Dacorum Borough Council
The Forum
Marlowes
Hemel Hempstead HP1 1DN

5th October 2019

Your Ref: 400718/19/FUL

Dear Sirs

Change of use from agricultural land to dog walking paddock with associated car parking (retrospective) and new vehicle crossover and construction of new timber barn at land south the Brambles, Flaunden Lane, Bovington HP3 0PA.

Applicant: Paddock for Paws

Conclusion

1 The evidence set out below shows that all the applications included in 4/00718/19/FUL should fail and change of usage be denied. The Applicant has ignored existing laws regarding Health and Safety, Environmental Protection, Advertising and Green Belt Planning protection provisions. Enforcement action by Dacorum Borough Council has been necessary on a number of occasions after the first Planning Application was submitted in April 2019.

2 The Applicant has from the start of business in June 2018 attempted to circumvent as many laws, rules and regulations as possible. The first Planning Application was only submitted in April 2019 after a complaint and instructions from Dacorum Borough Council. This pattern of avoidance, circumvention and disregard for laws and regulations has continued. There is little reason to believe the behaviour will change should Planning Permission be granted.

3 The Applicant has not kept within the agreed limits of dog numbers and timings with Dacorum Borough Council.

4 The Committee should follow their earlier decisions regarding land off Flaunden Lane and deny change of usage.

5 The Applicant has allegedly attempted to hoodwink the Planning Committee by submitting an improper acoustic report which necessitates the Committee setting aside the application for Planning Permission for change of usage as it forms a substantial part of the application.

Response

I write with reference to the above revised applications of September 2019 and note the application to construct a timber barn has been withdrawn. I refer to my letter dated 24th April 2019 and continue to object to the proposals as set out in the revised Applications listed above under reference 400718/19/FUL.

I set out below my arguments and adopt the numbering used by DCPL:-

1.1 Paddock for Paws at HP3 OPA has no legal standing and none can be found. It is therefore barred from making such applications. There is no record of it at Companies House.

1.3 [REDACTED] own the land seeking planning. They claim, 'The owners were unaware their proposals required planning permission'. This is an absurd statement. In 2012 [REDACTED] lodged an application for change of usage No 4/02021/12/FUL for Green Belt agricultural land for a new house for [REDACTED]. This application was defended by local residents, including [REDACTED]. The Ten Oaks application as amended by [REDACTED] was ultimately rejected, after much professional argument, by Dacorum Borough Council and the new development was not permitted to be built on Green Belt land.

[REDACTED] were part of the local resident group contesting the application [REDACTED] to be granted change of usage. Correspondence of 31st March 2014 is attached which shows [REDACTED] were recipients of correspondence relating to this matter. Appendix 1 & 2. The Brambles is about 100m from [REDACTED].

Ignorance of the planning rules is not an acceptable excuse and in this case is demonstrably misconceived.

1.5 The fence installed is only 4ft high. See Appendix 3. This is below acceptable levels as large dogs can easily jump such a fence. See Appendix 4. The Animal Boarding Establishments Act 1963, Licence Conditions for Home Boarding of Dogs requires fencing of a minimum height of 1.5 metres increasing to 2 metres or 5 feet to 6.5 feet respectively.

1.6 There are other houses which continue to go unmentioned.

1.9 The statistics provided are outdated. The figures are likely to have risen as intensive marketing has taken place. [REDACTED] have ignored the fact that Flaunden Lane is in an Area of Special Advertising Control Order and have placed advertising material for Paddock for Paws over the field gate in Flaunden Lane. The Dacorum Borough Council ordered the activity to stop. Advertising material has since been placed on one of their cars and parked tightly against the field gate to circumvent the order to cease advertising in Flaunden Lane. An advertising board is now in

use in the lane. See Appendix 5. They are also on the internet at www.paddockforpaws.com. See Appendix 6.

1.10 Solar lanterns are placed, from time to time, on the fences nearest to Flaunden Lane.

1.11 The Booking System does not prevent substantial noise. [REDACTED] have three dogs and sometimes four which are prone to barking at the slightest provocation. See Appendix 7 This means that when one dog visits the Field at least four dogs bark on most occasions releasing a cacophony of noisy barking.

1.12 The admission that some dogs are *aggressive* is noteworthy. As a resident living within 100m of the Field I do not want *aggressive* dogs permitted to use the Field with the possibility of inadequate fencing.

1.13 The statement '*The dog walking field is not intended to be used for dog training or dog classes of any kind*'. This is an *intention* not an *undertaking*. This *intention* will change if sufficient inducement is forthcoming and considerable marketing is taking place to increase business.

1.14 There are no benefits to other local residents to be had from allowing planning consent. It is a purely cynical commercial venture damaging the current peaceful environment. Property values of houses in the immediate vicinity might be impacted if the activity is allowed to operate a dawn to dusk business seven days a week. Any proven loss would be the Council's liability.

1.15 The fencing is of the incorrect height.

1.16 The Car Parking Area is destruction of Green Belt land and planning should be refused and the land restored, even taking into consideration the latest proposal. The precedent for refusal is the decision of the Council regarding the multiple applications by [REDACTED] from 2012 per para 1.3. There are no very special circumstances sufficient to overcome the presumption against such a development.

1.17 The withdrawal of the application of a timber barn is welcomed.

1.18 Planning for the Vehicle Cross Over should be refused. This is a blind exit. It might be acceptable for the UK Power Networks and their vehicles. They would be assisted by their staff to halt the Flaunden Lane traffic if necessary.

Vehicles have accessed The Brambles for more than a year and there has been no necessity for an extra gate. The revised proposal is for two car spaces only reducing the argument further for an additional gate.

1.19 The proposed opening times are totally unacceptable which they breach requiring enforcement action by Dacorum Borough Council. They show little consideration for the nuisance and noise the local residents suffer. The Applicant is seeking 8am to 4pm in Winter and 8am to 7pm

In Summer. This is excessive. No dates have been given when the Applicant believes Summer and Winter start and end.

They have taken no account of the recommendations of the Bovingdon Parish Council of:-

10.30 am to 15.30 Monday to Friday only with no weekend operation Appendix 8

and what other authorities have granted:-

Guildford BC for Green Lane: *'The use hereby permitted shall not operate other than between the hours of 09.00 and 15.30 hrs Mondays to Fridays and not at all on Saturdays, Sundays or Bank or National holidays'*.

See Appendix 9

East Herts for Chaseways, Sawbridge: *'The use hereby permitted shall be limited to the hours of 10.30am to 15.30pm and at no other times*

See Appendix 10

North Warks BC for Great Chapel Field: Both applications failed. Firstly *'barking dogs can be a general nuisance in many situations and the residents' own dogs (where they have one) will no doubt bark when strangers approach the property'* and *'found the development to be not appropriate and that it would preserve the openness of this part of the Green Belt'*

See Appendix 11.

1.20 The suggestion that the number of dogs be limited to 4 at any one session is unacceptable. This limit has been breached from time to time requiring enforcement action by the Council. [REDACTED] have 3 dogs of their own and occasionally their daughter leaves her dog with them. This would mean there could be eight dogs barking creating a general nuisance. See the reasons why North Warks BC rejected the application at Great Chapel Field.

2 Recent Planning History

2.3 The applicant fails to mention that times were severely restricted. See 1.20

2.4 The Applicant again fails to mention the restricted operating times including no use on Weekends and Public Holidays. See 1.20

2.5 The application failed due to the nuisance dogs caused and the lack of *'openness'*. It must be remembered the [REDACTED] have 3 dogs and at times possibly four and not one as per the failed application.

Summary

2.6 There is not a body of opinion as the Applicant has only produced two planning decisions in favour and one against the use of Green Belt Fields for dog training and walking. In the two decisions in favour the times the fields could be used were severely restricted.

2.7 The Applicant omits continuously to inform the Council that [REDACTED] has three noisy dogs of their own and possibly four from time to time.

3 Proposals and Planning Issues

3.2 Irrelevant as proposals relate to Green Belt land

3.3 Irrelevant as proposals relate to Green Belt land

3.5 Only two examples support the Application. This is a very limited sample. The Councils granting planning have been exceptionally strict with regard to the times the fields may be used. The third example failed on the grounds of nuisance and noise.

3.6 The withdrawal of the application for barn is welcomed.

3.7 The dog agility equipment can be housed at The Brambles as it is currently done.

3.8 The Applicant fails to recognise that they have three dogs of their own, possibly four, and an addition of four more equates to the numbers of a dog training class. Figures provided for the cold winter months will always be lower than in the warmer months of the year and are no indication of possible noise and nuisance.

3.9 The Applicant has again ignored the fact that [REDACTED] have three noisy dogs of their own.

3.10 The average figures of 3 visits a day is an unreliable number taken from a small sample in the coldest months of the year. see para 1.9. This figure would be expected to increase substantially as marketing efforts are ongoing, see para 1.9 and the consequent noise and nuisance would rise accordingly.

Noise Report

3.11 The Noise Report is misleading, unreliable and most probably significantly understated.

The Applicant was asked by the Council to provide a Noise Report, at her expense, and therefore she had full control of all aspects of the survey. The Author of the report records he relied on [REDACTED] notes when annotating the charts. The Applicant needed the survey to conclude that there

was little noise impact otherwise planning approval was unlikely to be granted. This it did under her control and management.

The acoustic survey took place over a five-day period in midsummer – Thursday 25th July to Tuesday 30th July 2019. Not Friday 30th as reported. Appendix 12

The report Author does not record how many dogs [REDACTED] had on site. He also fails to record how many visits were made to the site during the survey. This is a vital omission.

The survey shows only two occasions of dog barking by visiting dogs allegedly caused a nuisance. These were at about 13.00hrs on Friday 26th July and 09.00hrs on Sunday 28th July 2019. The Author records he relied on [REDACTED] notes when annotating the graphs. There are some noteworthy periods of no barking activity. They are: -

	Hours
Thursday 25 th July	15.00 to 17.00
Friday 26 th	14.00 to 17.00
Saturday 27 th	10.00 to 16.45
	17.00 to 19.00
Sunday 28 th	11.00 to 15.00
	15.30 to 19.00
Monday 29 th	08.00 to 15.00

The times shown in red suggest something unusual was taking place as there is virtually no dog barking from any source from Saturday 27th at 10.00hrs until at 15.00hrs on Monday 29th July. It is alleged that the Applicant's dogs were not at The Brambles during this period and no appointments were accepted for dog walkers.

There are numerous green spikes which are recorded as local dogs barking. The Author has failed to comprehend that the complaint is not against visiting dogs alone but the combination of the Applicant's dogs and visiting dogs. To rely on your client to provide the definitive data for the survey in such a way flaws this report and makes the conclusions unreliable and suspect.

There are significant periods during the day when the recordings show there were no dogs barking at all. The long gaps during the day in no dog barking are highly relevant as they indicate that the field was not being used by dog walkers and [REDACTED] dogs were unlikely to be in residence. I attach a Dacorum Nuisance Diary for days in April 2019 illustrating the disturbance noise I suffered from visiting dogs and the [REDACTED]. The Nuisance Diary I completed records more frequent visits than the two occasions over five days of the Noise Report of visiting dogs. The huge fall in site visits lacks all credibility and indicates the possibility that the number of permitted visits was carefully controlled and reduced to the site during the noise survey. See Appendix 13

The Author of the report has not produced [REDACTED] notes he relies on nor a Dog Walking Bookings schedule for the period covered by the survey. The lack of such basic data further undermines the integrity of the report.

On 5th August 2019 I spoke and exchanged emails with Ms Elspeth Palmer, the Planning Case Officer, for this application. Ms Palmer mentioned to me she was waiting for a noise report from [REDACTED]. In an email I wrote:-

I expect the findings of the report to be well within limits. [REDACTED] and I have been aware that the [REDACTED] three dogs have not been in residence recently and the barking levels have been reduced. I suggest you treat this report with suspicion! See Appendix 14

The hourly time data above confirms my suspicions I expressed to Ms Palmer. The Author of the report concludes *given the subjective assessment of noise brought to site for exercising there should be no reason on the basis of noise that consent should not be granted.* I suggest no recognised statistician would come to such a conclusion given the size of the sample, the nature and reliability of the data and the possibility of manipulation, especially because of the large period of no dog barking on 27th, 28th and 29th July 2019.

I allege the only conclusion to be drawn about this Noise Report is that the results have been heavily manipulated by the Applicant and is grossly misleading and flawed for the reasons mentioned above. This is not a true picture of what takes place on a daily basis and never could be as the Applicant had overall control as she was the client of Applied Acoustic Design.

Car Parking and Access

3.12 Two cars can easily park at The Brambles. There is no need to destroy Green Belt land. There are no *very special circumstances* to allow such planning approval.

3.13 These numbers are based on unreliable figures and likely to be much higher. The figures are outdated and should have been revised. Flaunden Lane is mostly a single-track road and any increase in traffic should be avoided. In the mornings and evenings it is a 'rat run' and highly congested.

One undeniable and undisputable part of the Noise Report shows (black lines) the ambient noise from motor vehicles using Flaunden Lane during the five day period. The chart on page 8 of the report has very few periods, even late at night, that Flaunden Lane is not being used. During the day the black lines are almost solid illustrating high traffic density, Appendix 12

In possession of this new additional information from the Noise Report an access point should not be granted planning permission.

3.14 This requested Planning Permission is unnecessary and dangerous as shown above.

4 Applicant Conclusions

4.1 No account is taken of the noise and nuisance this activity is causing. The Noise Report has been produced under unsatisfactory conditions controlled and paid for by the Applicant and is highly suspect.

4.4 There has been considerable difficulties with the management and candour of the Applicant which has required enforcement action by Dacorum Borough Council on a number of occasions.

4.5 The Applicant acknowledges the dog walking causes noise.

4.6 The data used is obsolete and the number of visits is much greater now. The Applicant is advertising aggressively to increase turnover.

4.7 The Noise Report is flawed by the Applicant having control of the data and timing.

4.8 The proposals should not be supported.

Further Argument Against the Proposals

A Paddock for Paws application for permission to use the Green Belt land field in Flaunden Lane is not completely candid. The Applicant fails to mention she has three dogs of her own. She also fails to mention she looks after her daughter's dog from time to time. There have also been occasions when the number of visiting dogs has exceeded the maximum of four requiring enforcement action by Dacorum Borough Council. Appendix 15

These omissions from the application change everything to do with the use of the field application.

A.1 The number of dogs at The Brambles at any one time increase from three upwards, possibly four, to a proposed maximum of eight, if the limit is enforced.

A.2 The noise levels from barking dogs and the consequent nuisance increases

A.3 The traffic flow in Flaunden Lane will increase.

A.4 The attempt to convince the Committee that the application was for a low-level business is flawed.

A.5 The fencing of the field and The Brambles must comply with the Animal Boarding Act, which it currently does not.

A.6 There are other issues such as cleanliness regarding the disposal of dog faeces. The Enforcement Department of Dacorum Borough Council were required to take action against the method the Applicant was adopting after numerous denials of wrongdoing. Appendix 16

B Local Dogs

B.1 Opposite The Brambles there are four houses. Longmeadow, Heathfield, The Coach House and Hunters Lodge and between them they have five dogs.

B.2 The dogs are normally very peaceful and do not bark much. They naturally bark whenever a person or vehicle comes up the drive or are disturbed.

B.3 The four houses are about 20ft above the height of the field. As sound travels upwards and outwards the dog barking at The Brambles is easily heard and the resident dogs respond if out in their respective gardens. This just increases the nuisance a successful application would impose on the immediate neighbourhood. There is no reason why we should be forced to suffer from the additional burden of imported dogs to the vicinity for the Applicant's financial gain.

B.4 There are other dogs in the area but the numbers are uncertain.

B.5 Veterinary Bills are expensive and there is no mention of the dogs walking on the field will be scrutinised by Paddock for Paws before being allowed to use the field. There is a concern that neighbours' dogs might be infected by an unhealthy visitor to the field. see para C below

C Health and Safety

C.1 It has been reported by the Federation of Companion Animal Veterinary Associations that the UK dog and cat populations are losing their 'herd immunity'. The body cites figures that 25% of dogs (roughly 2.2million) no longer receive a primary course of vaccinations. A rise from 20% in 2011.

C.2 Low pet vaccination rates pose a risk to humans in the form of zoonotic diseases – those that can be passed from animal to humans – such as leptospirosis, which becomes Weil's disease in humans. See Appendix 17

C.3 The Environmental Protection Act 1990, section 34, all waste from their premises must be disposed of without harm to human health or the environment. Dog faeces can lead to Toxocarasis in humans. Enforcement action has been necessary by the Dacorum Borough Council with regard to the handling of faeces by the Applicant. This has not always complied with See Appendix 16

D Noise from Children and Adults

D.1 The Applicant has indicated an intention to limit the number of dogs using the field at any one time. There is no mention of limiting the number of children and adults per visit. Excitable children and adults can make as much noise as dogs. For example calling a dog to return by whistle or shouting is very noisy.

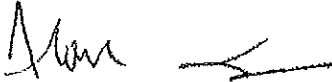
D.2 The Environmental Protection Act 1990 deals with statutory nuisance. The onus is on the landowner to ensure the risk of nuisance is minimised. This has not been done.

E Bovington Parish Council

E.1 The Bovington Parish Council – Planning Committee met on Monday 15th April 2019 and considered the application for *change of use* for the land south of The Brambles. The Committee unanimously decided the application for change of usage should be rejected on all counts. See Appendix 8

I trust the Dacorum Council Planning Committee will follow the decision of the Bovington Parish Council and reject this planning application.

Yours faithfully



AC Wrigley

Date: 4th September 2019

Ref: 19231/001/js

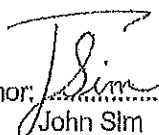
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THE BRAMBLES, FLAUNDEN LANE
BOVINGDON, HP3 0PA

ENVIRONMENTAL NOISE SURVEY
WITH RESPECT TO
DOGS BARKING DURING EXERCISE

Client: Ms Lynne Marks

Report Author: 

John Sim
Associate

Approved By: 

Phillip Wash
Director

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The Brambles, HP3 OPA
Noise from Dogs Barking

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Figure 1: Site plan and survey locations

Figure 2: Measured $L_{Aeq, 1 \text{ min}}$ and $L_{Amax, fast, 1 \text{ min}}$ data

Appendix: Glossary of Terms

The Brambles, HP3 0PA
Noise from Dogs Barking

1.0 Introduction

- 1.1 Ms Marks the occupier of "The Brambles", Flaunden Lane, Bovington, HP3 0PA near Hemel Hempstead has made available, for hire, a paddock adjacent to her property for dog walking. The intent is twofold, to provide a safe enclosed area for dogs which are nervous around other dogs or around people to be exercised and the second is to provide an area for professional dog walkers to exercise dogs in their charge.
- 1.2 The use of the pasture has been brought to the attention of the local planning authority, Dacorum Borough Council, with a nearby neighbour complaining of noise from dogs barking whilst being exercised. As a consequence Dacorum have indicated that planning consent is required for the use of the paddock for the exercising of dogs.
- 1.3 As part of an application for planning consent Dacorum have requested that a noise impact assessment be made of the noise from the dogs barking as it might affect nearby noise sensitive properties. As a consequence, Ms Marks has employed Applied Acoustic Design (AAD) to undertake such a noise assessment.
- 1.4 This report sets out the results of an environmental noise survey carried out at the site and relates the measured noise levels to a contemporaneous diary of events kept by Ms Marks. This report also comments on the likely effect of the measured noise levels with respect of noise sensitive premises having regard to the existing noise environment around the development site.

2.0 Site Description

- 2.1 The area of the pasture is rural in nature with residential properties in small discrete groups. Although rural in nature it is understood that Flaunden Lane is often used as a "rat run" by commuters both during the morning and evening rush hour periods. The paddock used for dog exercising is to the south and west of The Brambles and there is one other residential property on the same side of the road to the north of The Brambles with a small enclave of properties on the opposite side of the road to the west of the site.
- 2.2 To the south of the site there are a number of residential properties fronting on to Chipperfield Road, to the south west there is a garden centre, accessed off Chipperfield Road, and to the east there is a number of industrial units including a vehicle repair workshop and also stables with exercise yards.
- 2.3 A site location plan is attached as Figure 1.

3.0 Survey Details

- 3.1 Instrumentation: Measurements were made using an NTI XL2 Class 1 integrating real time noise analyser with continuous audio recording. The instrument was field calibrated checked both immediately prior to the commencement of the survey, and also upon completion. No calibration drift was recorded.
- 3.2 Location: The microphone was attached to a fence post at a height of approximately 1.5 m above local ground height at the boundary of the hardstanding area used for car

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parking and the paddock used to exercise the dogs. The measurement location is indicated in Figure 1.

3.3 Period: Monitoring was continuous from approximately 08:47 on Thursday 25th July to approximately 08:05 on Friday 30th July 2019. The instrument was set up to monitor noise levels continuously in fifteen-minute intervals and 1 minute time histories. The displayed data covers the entire period recorded.

Tuesday

3.4 Weather: The prevailing weather conditions during the survey were dry with a light to very light wind.

3.5 Site Noise Characteristics: Background and ambient noise levels were controlled by road traffic on adjacent and nearby roads.

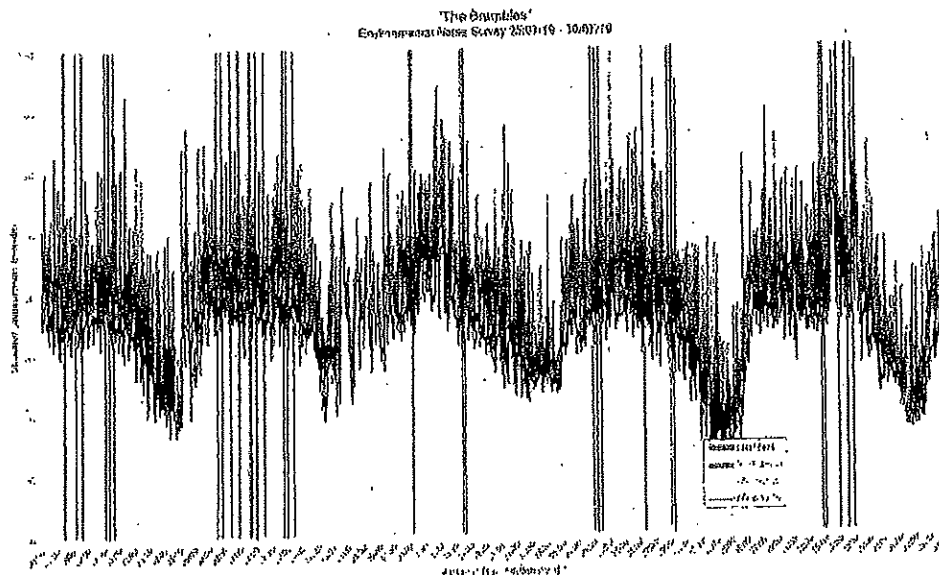
3.6 Surveyor:

Phillip Wash MIOA

4.0 Survey Results

4.1 The measured $L_{Aeq, 1min}$ data at the measurement location is presented in graphical format in Figure 2 which is replicated below in a smaller size. A glossary of acoustic terminology is attached as an Appendix.

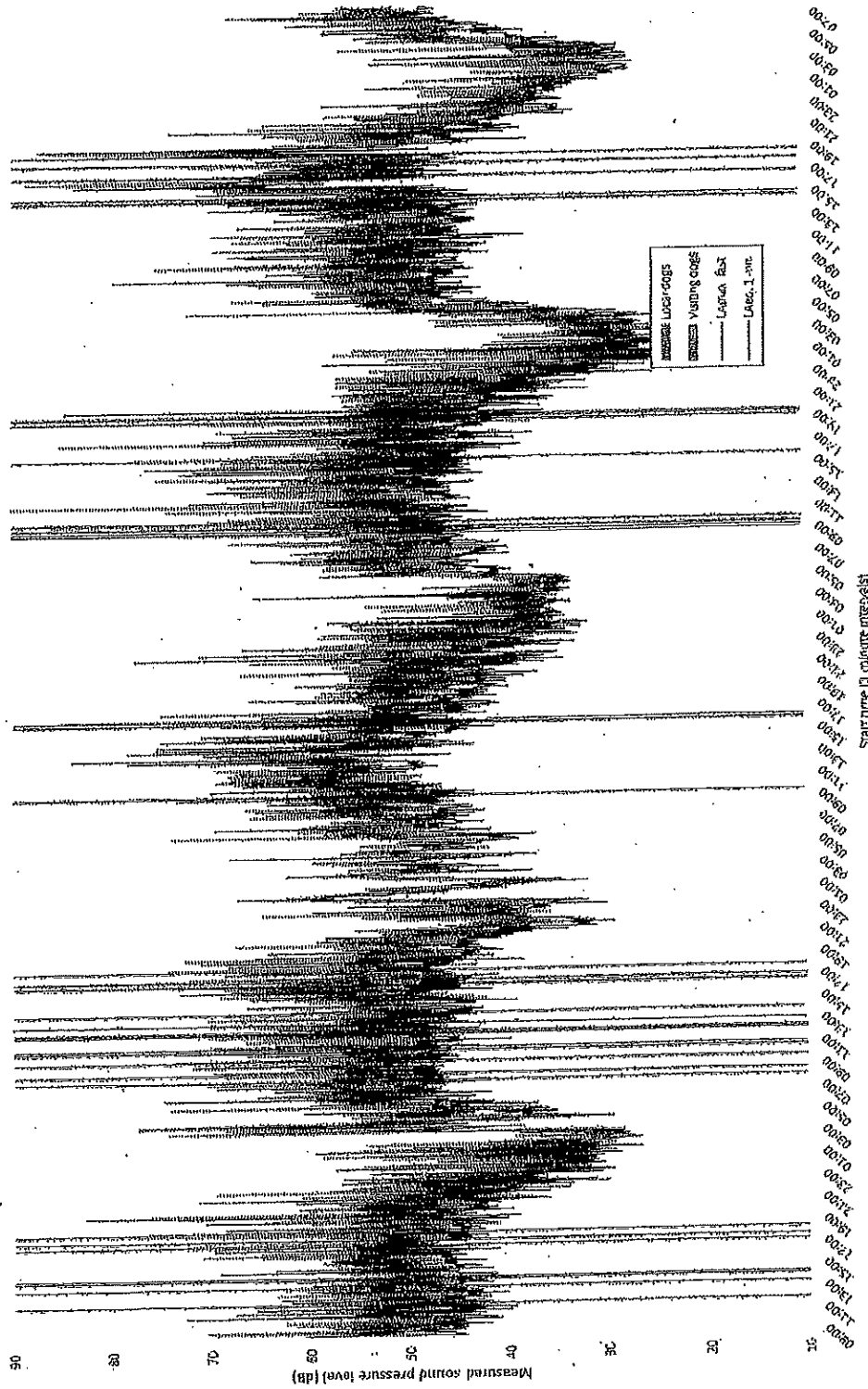
Graphic 1: Measured noise levels



4.2 Based upon the notes made by Ms Marks the chart has been annotated in green for those periods when local dogs were barking (dogs in The Brambles and dogs in the adjacent property and properties on the opposite side of the road from the site) and, marked in red, periods when dogs brought to site to be walked on the application site barked.

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Figure 2: Measured $L_{Aeq, 1min}$ and $L_{Amax, fast, 1min}$ data



"The Brambles"
Environmental Noise Survey 25/07/19 - 30/07/19

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Noise from Dogs Barking

5.0 Noise Criterion

- 5.1 There is no agreed noise assessment procedure with respect of noise from dogs barking. From research, with respect of planning applications for boarding kennels, a number of different methods have been used.
- 5.2 Reference has been made to British Standard BS4142:2014 (as amended) in some planning applications for boarding kennels but all have also stated that, although referenced, the scope of the standard clearly states at 1.3 e on page 1 "*The standard is not intended to be applied to the rating and assessment of sound from:.....e) domestic animals;*".
- 5.3 It must also be acknowledged that a boarding kennel use is a far more intensive use than the hiring out of a paddock on an individual basis for walking dogs. It is therefore considered that the use of BS4142, both by reference to the standard itself and by comparison of the use applied for compared to a boarding kennel, that a BS4142 assessment is not appropriate.
- 5.4 The National Planning Policy Framework (NPPF) revoked the previously used planning and noise guidance set out in the planning policy document PPG 24. However, NPPF sets out that "*the policies in the Local Plan (and the London Plan) should not be considered out-of-date simply because they were adopted prior to the publication of this Framework*".
- 5.2 Existing Local Plan policies were based on consideration of PPG24 and therefore, on the basis of the comment above, it is clear that such guidance is still extant.
- 5.3 The DEFRA Noise Policy Statement for England (NPSE) is referred to in the NPPF and this sets out that government policy is to "*avoid significant adverse impacts on health and quality of life*" due to noise. Reference is made in the NPSE to SOAEL or "*Significant Observed Adverse Effect Level*", this being "*the level above which significant adverse effects on health and quality of life occur*".
- 5.4 The NPSE also comments that "*it is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times*".
- 5.5 It is clear that consideration of acceptable levels of noise cannot include "*in-audibility*" as the standard set out in NPSE is one which would avoid "*significant adverse impact*" i.e. some level of impact on residents due to noise is acceptable.
- 5.6 Consideration must be given therefore to deriving a scheme to determine the likely impact on residential amenity of any increase in noise level from dogs barking in the paddock area should planning consent be granted.
- 5.7 A scheme for determining the likely impact of noise from a new development is set out in the *Guidelines for Environmental Noise Impact Assessment* published by the Institute of Environmental Management & Assessment. This guide contains a scheme for assessing the likely impact on amenity of noise from a development proposal. Although the guide is mostly concerned with the impact of major infrastructure development, inference can be taken from the assessment procedure for other sources of noise.

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- 5.8 The scheme considers the difference between the existing and new noise sources, any increases in noise levels due to the development proposal and if there are a greater number of noise events. Consideration of the effect on residential amenity should consider if there is likely to be any increase in noise levels.
- 5.9 The guidelines set out example categories of noise impact based on the likely change in noise levels due to a development proposal. The example impact categories are as set out below;

Table 1: IEMA Noise Impact Effect Descriptors

Impact Effect Descriptor	Change in Noise Level
Very Substantial	Greater than 10dB L_{Aeq} change in sound level perceived at a receptor of great sensitivity to noise
Substantial	Greater than 5dB L_{Aeq} change in sound level at a noise sensitive receptor, or 5 to 9.9 dB L_{Aeq} change in sound level at a receptor of great sensitivity to noise
Moderate	A 3 to 4.9dB L_{Aeq} change in sound level at a sensitive or highly sensitive noise receptor, or a greater than 5dB L_{Aeq} change in sound level at a receptor of some sensitivity
Slight	A 3 to 4.9dB L_{Aeq} change in sound level at a receptor of some sensitivity
None/Not significant	A less than 2.9dB L_{Aeq} change in sound level and/or all receptors are of negligible sensitivity to noise or marginal to the zone of influence of the proposals

- 5.10 Given the NPSE guidance that noise from a development should not give rise to significant adverse effects this would be likely to allow noise levels to increase to at least the "slight impact" categories. No time period over which the noise level is averaged is given in the guidance however, for a worst case, it has been taken that the assessment time period is one hour (such a noise assessment period is in line with the guidance given in BS4142).
- 5.11 Given the above, it is considered that the basis for determining if any noise impact is acceptable is that there should be no more than 4.9 dB increase in the $L_{Aeq, 1 hr}$ noise level.
- 5.12 Based on the guidance described above, such a noise criterion would equate to there being no more than a "slight" impact on residential amenity. Such a criterion is within the guidance set out under NPPF and NPSE.

6.0 Measured Noise Levels

- 6.1 Based upon the measured noise levels the calculated impact of noise from dogs brought to site to be exercised in the paddock is as shown below;

Table 2: Calculated noise levels

Condition	Calculated Noise Level
a) Typical ambient noise level (ALL dogs)	51 dB $L_{Aeq, 1hr}$
b) Typical ambient noise level (NO exercise dogs)	51 dB $L_{Aeq, 1hr}$
c) Worst case noise level with exercise dogs	53 dB $L_{Aeq, 1hr}$

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Appendix: Glossary of Terms

Decibel, dB	A unit of level derived from the logarithm of the ratio between the value of a quantity and a reference value. For sound pressure level (L_p) the reference quantity is 2×10^{-5} N/m ² . The sound pressure level existing when microphone measured pressure is 2×10^{-9} N/m ² is 0 dB, the threshold of hearing.
L	Instantaneous value of Sound Pressure Level (L_p) or Sound Power Level (L_w).
Frequency	Number of cycles per second, measured in hertz (Hz), related to sound pitch.
A weighting	Arithmetic corrections applied to values of L_p according to frequency. When logarithmically summed for all frequencies, the resulting single "A weighted value" becomes comparable with other such values from which a comparative loudness judgement can be made, then, without knowledge of frequency content of the source.
$L_{eq,T}$	Equivalent continuous level of sound pressure which, if it actually existed for the integration time period T of the measurement, would possess the same energy as the constantly varying values of L_p actually measured.
$L_{Aeq,T}$	Equivalent continuous level of A weighted sound pressure which, if it actually existed for the integration time period, T, of the measurement would possess the same energy as the constantly varying values of L_p actually measured.
$L_{n,T}$	L_p which was exceeded for n% of time, T.
$L_{An,T}$	Level in dBA which was exceeded for n% of time, T.
$L_{max,T}$	The instantaneous maximum sound pressure level which occurred during time, T.
$L_{Amax,T}$	The instantaneous maximum A weighted sound pressure level which occurred during time, T.
Background Noise Level	The value of $L_{A90,T}$, ref. BS4142:2014.
Specific Noise Level	The value of $L_{Aeq,T}$ at the assessment position produced by the specific noise source, ref. BS4142:2014.
Ratling Level	The specific noise level, corrected to account for any characteristic features of the noise, by adding a 5 dBA penalty for any tonal, impulsive or irregular qualities, ref. BS4142:2014.
Specific Noise Source	The noise source under consideration when assessing the likelihood of complaint.
Assessment Position	Unless otherwise noted, is a point at 1m from the facade of the nearest affected sensitive property.



Job ref: 191/ The Brambles Rev A

Design and Access and Planning Statement

For Paddock for Paws

**Field to the South-west of The Brambles, Flaunden Lane, Bovington,
HP3 0PA**

**Change of Use from agricultural use to Dog Walking Paddock (sui generis use
class) with associated car parking (retrospective) and a new proposed vehicle
cross over.**

September 2019

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3.	Proposals and Planning Policy	12
4.	Conclusions	16

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8

1. Introduction



Photo 1- Aerial view of application site-former agricultural field next to the Brambles-red line is approximate

- 11 This Planning Statement supports a planning submission to Dacorum District Council on behalf of Paddock for Paws for a change of use of a 2.7 acre field from agricultural use to a dog walking field. The application contains a retrospective element (the use of the land and the car parking area) and a new proposal for a new access and vehicle cross-over.
- 12 The proposal is for a change of use of the field, and creation of a parking area close to Flaunden road. This is a retrospective application. A new vehicle crossover is proposed.

- 13 The Paddock for Paws business has been running since June 2018 and this the use of the site and car parking area forms a retrospective application. The owners were unaware their proposals required planning permission. The Council's enforcement officer visited the site in January 2019 and his letter of the 25th January stated that a planning application for the change of use was required. A proposal for a new vehicular cross-over to the car parking area is sought.



Photo 2 -Field with agility equipment in rear with Farm building and planting in adjacent fields.

- 14 **The Site**
The Brambles is situated on Flaunden Lane in the village of Bovingdon, 180m from the Junction of Flaunden Lane and Chipperfield Road. The road is a 40 mph road.

15 The field was part of a local farm's orchard and contains fruit trees of some considerable age. The applicants are replanting new fruit trees to complement the new hedge around the field boundary. The field has been unused for some years prior to acquisition by the applicants. The fencing and hedging were completed prior to the new dog walking use beginning.

16 The nearest dwellings from the boundary of the field are some distance, the nearest being Southcombe some 25m to the north. 1-18 Boundary Cottages, Maulischau and Longdene (facing onto Chipperfield Road) are 65-75m from the closest boundary of the field. The field is bounded by agricultural and business buildings at Greinan Farm to the east. The nearest dwellings to the west on the opposite side of Flaunden Lane (Copse Hill House, Hunter Lodge and Heathfield) are at least 100m distant from the boundary of the field.

17 The site has a number of trees and denser planting at the rear of 1-18 Boundary Cottages and between the field and Greinan Farm.

18 The site does not contain any TPO trees. The site is within the Green Belt. The site is not within a Conservation Area. The proposals do not affect any public rights of way.

The Proposals management arrangement
19 It is important to understand the management arrangements because this determines the level of activity on the site. This process has been in place since June 2018. All dog walking sessions are pre-booked for a half-an-hour or hour slot. Dog walkers cannot turn up speculatively. The field is booked exclusively for the dog or dogs and their owners and the owners walk their own dogs. The booking profile set out in Appendix 1 shows the booking period for January and February 2019. The most sessions booked in any one day in that period was 9, the average is 3 sessions per day. Most walks are for single dogs, the average for January 2019 was 1.5 dogs per session booked.

110 The field is not lit. No walks take place before dawn nor after dark and no additional lighting is installed or proposed.

111 A booking is always for sole use of the owner and their dog(s), dogs do not mix and consequently there is less barking or other noise. The booking session is designed so that dogs do not meet other dogs in the field.

112 Dog owners appreciate the dog walking field for a number of reasons, particularly that they have a safe and secure enclosed space for dogs to roam off a lead. Many countryside and park walks are intersected by roads or fields occupied by animals, making off-lead walking more difficult. Some dogs are aggressive with other dogs and some timid or nervous. The benefits of the walking field is that is a safe, controlled and enclosed space.

113 The dog walking field is not intended to be used for dog training or dog classes of any kind. There is wooden agility apparatus but this is for individual dog walkers. This apparatus will not be left out and removed and stored when not in use.

Benefits of the proposals

114 As well as providing a service to dog walkers, the use proposed provides a recreational amenity in the countryside without harming the Green Belt.



Photo 3- Existing Fencing and Hedging

- Fencing and Hedging**
- 1.15 The fencing to the field was replaced while the field was in agricultural use. Hedging has been planted around the field at that time. Over time this will give an additional visual screen and partial noise barrier to the dog walking field.



Photo 4 Proposed Car park, new access requiring dropped kerb. Area for new barn on right.

Car Parking Area

- 1.16 Permission is sought for the existing car parking area. The car parking area is large enough to comfortably accommodate two cars and for the cars to be able to arrive, turn and leave in forward gear.

Open sided timber barn

- 1.17 This element has been removed from the revised application.

Vehicle Cross Over and Dropped Kerb

- 118 Currently cars parking on the rough shingle hardstanding which is accessed through the Brambles driveway. A vehicle cross over with dropped kerb is proposed on the site of the historic gated entry into the former field as there is a no dropped kerb and crossover to modern standards.

Times of opening and other restrictions proposed

- 119 The following times of opening are proposed. In winter 8am-4pm weekdays and weekends and in British Summer Time, 8am to 7pm.

- 120 The applicants are content to accept a planning condition that restricts the number of dogs that could be walked in any one booked session. The applicants suggest that no more than 4 dogs can be exercised at any one session.

2. Recent Planning History

21 There is no recorded planning history for this site on Dacorum's Planning Portal.

Proposals for dog walking Paddocks in the other locations

22 The provision of secured dog walking areas or paddocks is a relatively recent phenomenon. The number of planning applications for such uses are fairly rare but there are examples of applications in other Green Belt locations and it is useful to see how these applications have been considered by other local authorities.

East herts DC (3/12/1083/FP)

23 An application in 2012 on 1.94ha land at Sawbridgeworth, East Herts. The proposal was for a change of use of land to dog walking and associated field shelter for a maximum of 20 dogs. It was considered by the Council that there was no conflict with Green Belt land in respect of its purpose and that the shelter did not impact on openness. The vehicular use of the site did not cause harm. The application was approved.

Guildford DC (13/P/1009)

24 This 2013 application was on 1.65 ha. of land at Green Lane within the Green Belt. The applicant sought the construction of two shelters (24m² building) and dog agility equipment. The officer report concluded that the proposals did not impact on openness of the Green Belt nor was against Green Belt purposes. The closest residential property was 85 metres away (similar in scale to the application) and amenity was not considered to be harmed. A one year temporary consent was issued in 2013. In 2014 a full application (maximum of 20 dogs and two vehicle hardstanding) was approved (14/P/1088) on the same site.

North Warks BC

- 25 A proposal for a dog training field and shelter was refused by North Warks BC on Great Chapel Field (PAP/2016/0060) which was appealed (APP/R3705/C/17/3182857). Although the appeal was refused, the Inspector was clear that the dog walking use was an appropriate use in the Green Belt, and that the shelter (10.5m²) and dog training agility equipment did not compromise openness. The appeal was dismissed because the dog training element for multiple dogs (not a feature of this application) gave rise to additional noise and disturbance (because of the need to instruct animals and the number of dogs taking part in such activities) that was considered to negatively affect the amenity of local residents.

Summary

- 26 In summary there is a body of decisions that have accepted that dog walking fields are an acceptable use in the countryside in general and the Green Belt in particular. Dog walking meets one of the material changes in the use of land for sport or recreation that is acceptable on Green Belt land. The use of small shelters has generally found favour in that they do not impact on openness of the Green Belt. The same consideration is given to dog agility equipment but with some council's requiring that it is stowed away at the end of the day or session.

- 27 The above decisions have also had regard to amenity issues and have accepted that limiting dog numbers on a site can ensure that any noise is to an acceptable level. In some cases the number of dogs allowed on site were far in excess of what is proposed on the application site.

3. Proposals and Planning Issues

Planning Issues

3.1 The main issues in this application are:

- Principle of land use in the Green Belt
- The impact of buildings and equipment on openness in the Green Belt
- Amenity considerations
- Car parking and access arrangements and increased car trips

The National Planning Policy Framework (NPPF), 2019

3.2 The development plan for Dacorum consists of the National Planning Policy Framework (NPPF) 2019, the Council's Core Strategy, adopted January 2013 and saved policies from the Dacorum Borough Local Plan 1991-2011. The council also produce a range of Supplementary Planning Guidance and Supplementary Planning Documents that are of less direct relevance to the main issues set out above.

3.3 The NPPF sets out the governments national planning policy. It requires councils to take a positive approach to planning that reflects a presumption in favour of sustainable development and finding solutions that secure development that improves economic, social and environmental conditions. The NPPF 2019 sets out the most up-to-date policy on land use and buildings in the Green Belt.

Principle of land use in Green Belt

3.4 Paragraph 134 of the NPPF 2019 sets out the five purposes of the Green Belt, fundamentally to keep the countryside open. Paragraph 143 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 146 allows for other types of development within Green Belt land as long as such use preserves openness and does not conflict with the five purposes.

- 35 Paragraph 146 (e) allows for material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). The change of use of the field for dog walking is a outdoor recreation use that would clearly fall within the ambit of 146(e) and the proposed use does not compromise the openness of the Green Belt. The proposed use of the field is therefore appropriate in the Green Belt. This is a view that has been accepted by local authorities and Planning Inspector's dealing with similar applications (see Section 2 for examples).

The impact on openness

- 36 The use of the land does not impact on openness. A timber barn is no longer proposed.

- 37 Timber dog agility or exercise equipment is currently placed at the far end of the field close to Greinan Farm (see photo 2 above). In the examples of planning applications set out in Section 2 above, it has been accepted that such dog exercise equipment does not harm the openness of the Green Belt, although some local authorities require its storage when not in use. The applicant would be content with a planning condition that set down such terms if that were considered necessary.

Amenity Considerations

- 38 Applications for dog paddocks elsewhere have been objected to on amenity grounds, chiefly noise and disturbance from dogs, but also additional car movements. In other applications, noise from dogs has not considered to be a significant problem. It was only considered to be a problem on sites where dog training classes for multiple dogs was proposed. The applicant is clear that the application paddock will not be used for dog training and the maximum number of dogs in the paddock at any one booking session will be 4. Booked sessions in January and February 2019 have had an average of 1.5 dogs per visit.

3.9 Other complaints on dog paddocks involved visual disturbance and loss of privacy. The field is over 60m from all but one house, and most significantly longer. There are significant areas of planting and hedgerow at the front and at the rear of the field. New hedging has been planted around the boundary of the whole field. The loss of privacy is not considered to be a problem.

3.10 Car traffic to the site averages 3 visits a day in January and February 2019. This level of visitor traffic does not create noise and disturbance.

Noise Report

3.11 The Council have asked for a noise report during the passage of the application. This was carried out by consultants, Applied Acoustic Design. They concluded that the impact at worst case gave a 2dB increase in noise (LAeq,1h). This is not a significant noise impact considering the IEMA Noise Impact Effects.

Car Parking and Access

3.12 The applicant seeks retrospective consent for the car park layout which has been completed. There is ample space to allow for two cars to park and also to enter and leave the site in forward gear.

3.13 The driveway of the current house connects the car park until a new vehicle crossover and dropped kerb is agreed and can be implemented by Herts CC. In respect of car trips, the maximum is two per hour if there are half-an hour bookings although most bookings are for an hour. There were 175 bookings in January and February 2019 over 59 days, an average of 3 trips per day. This will have no perceptible affect on the highway network.

3.14 The proposed new access (drawing xxx) shows that the visibility splays are adequate for the proposed level of visitor traffic.



Photo 5 Proposed new access

4. Conclusions

- 4.1 The proposal is for a change of use to a dog walking field, a recreational use that is appropriate in the Green Belt.
- 4.2 The use does not impinge of the openness of the Green Belt.
- 4.3 The proposed dog agility equipment does not impinge on the openness of the Green Belt.
- 4.4 The application site is carefully managed, proposing a maximum number of dogs in the field at any one time, a booking system, restricted open hours and no dog training classes.
- 4.5 The site does not create amenity issues for local residents. The field is a significant distance from all dwellings, noise is controlled through the management of the site and over time hedge planting will assist in countering noise and limiting views in and out of the dog walking paddock.
- 4.6 The booking system ensures that a maximum of 2 cars per hour visit the site but the daily average this year has been 3. This level of traffic has no perceptible effect on the highway network. The proposed car park and entrance is considered to be safe in terms of access and egress.
- 4.7 The noise survey demonstrates that there is not a significant noise impact, even considering a worse case scenario.
- 4.8 For these reasons the proposals should be supported. The proposals are sustainable and following National planning guidance (NPPF 2018) should be consented.

David Carroll M.SC. MRTPI
Dave Carroll Planning Limited
September 2019

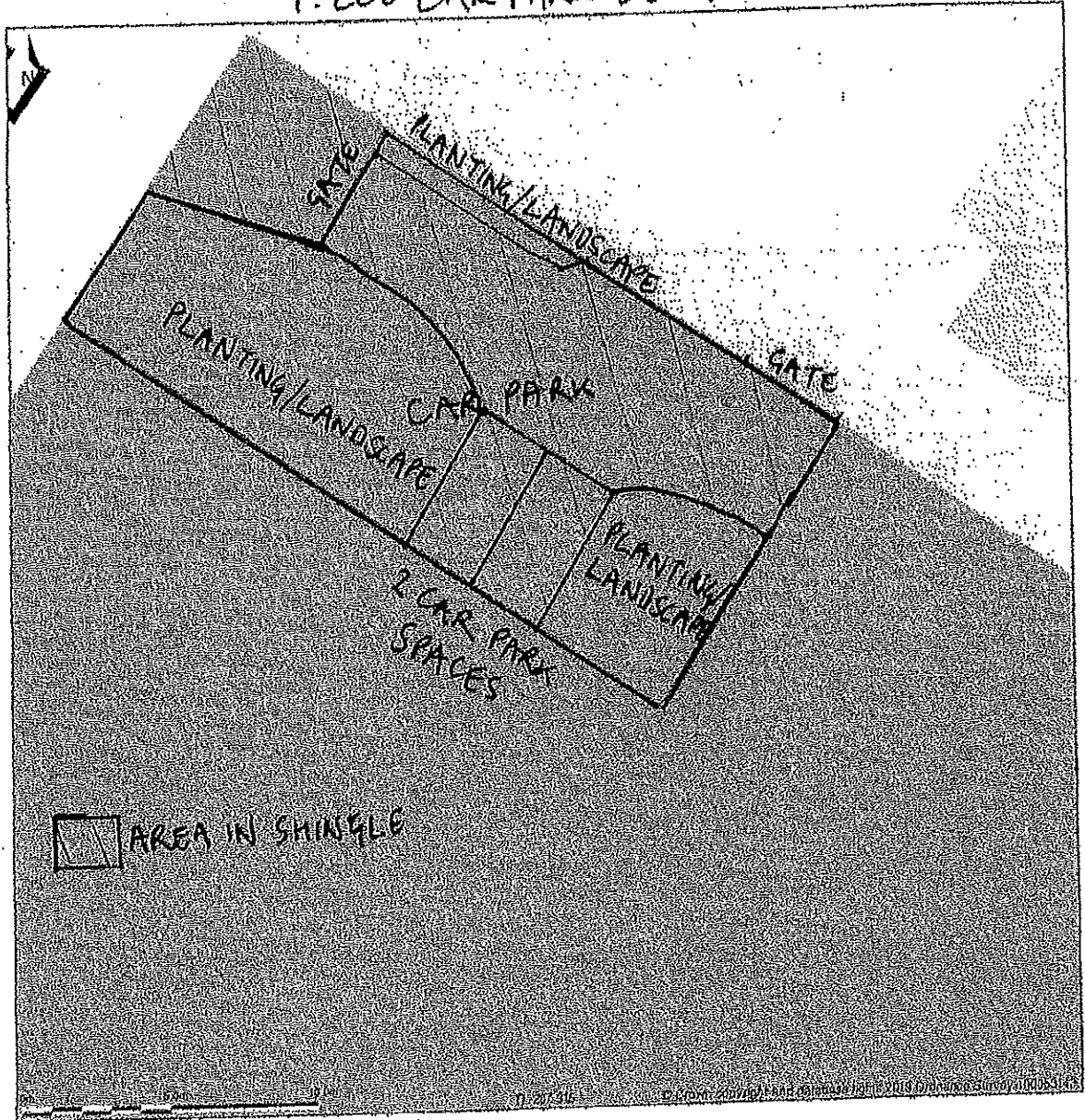
Appendix 1 Dog Walking Bookings In January and February 2019

January	Number of bookings	Number of cars	Number of dogs
1	3	3	8
2	2	2	5
3	3	3	6
4	4	4	7
5	4	4	9
6	7	7	11
7	1	1	2
8	0	0	0
9	3	3	4
10	4	4	4
11	4	4	6
12	5	5	7
13	6	6	8
14	1	1	1
15	0	0	0
16	2	2	4
17	3	3	4
18	5	5	7
19	5	5	8
20	6	6	9
21	0	0	0
22	1	1	1
23	1	1	1
24	3	3	4
25	3	3	3
26	5	5	7
27	4	4	6
28	2	2	2
29	0	0	0
30	2	2	3
31	2	2	2

Week	Number of bookings	Number of days	Number of days
1	3	3	5
2	4	4	6
3	5	5	5
4	0	0	0
5	0	0	0
6	4	4	5
7	3	3	5
8	2	2	3
9	4	4	6
10	5	5	6
11	1	1	1
12	3	3	4
13	4	4	6
14	2	2	4
15	5	5	7
16	Closed	Closed	closed
17	closed	Closed	Closed
18	1	1	1
19	2	2	4
20	3	3	3
21	3	3	5
22	4	4	4
23	4	4	6
24	5	5	7
25	2	2	2
26	3	3	5
27	0	0	0
28	2	2	2

The Brambles, Flaunden Lane, Bovington, Hertfordshire, HP3 0PA

1:200 CAR PARK LOCATION



Block Plan shows area bounded by: 502269.74, 203135.98 602806.74, 203171.98 (at a scale of 1:200), OSGridRef: TL 207 315. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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[Redacted]

From: [Redacted]

To: James.doe@dacorum.gov.uk; Jackle.Ambrose@dacorum.gov.uk; bpc@dacorum.gov.uk

Cc: [Redacted]

Date: Monday, 31 March 2014 15:51 BST

[Redacted]

Please find attached our letter as discussed with [Redacted] last week with regard to [Redacted]

Trust the content is clear.

Kind regards,

[Redacted signature]

[Redacted] 102.7kB

3

[REDACTED]

Mr. James Doe - Head of Planning & Regeneration
Ms. Jackie Ambrose - Case Planning Officer
Dacorum Borough Council
Hemel Hempstead Civic Centre
Marlowes
Hemel Hempstead
Hertfordshire
HP1 1HH

[REDACTED]

Bovingdon, March 31st, 2014

Reference: Ten Oaks Farm - planning application 4/00458/14/FUL

Dear Mr. Doe, dear Ms. Ambrose,

We write to you with regard to the planning application 4/00458/14/FUL (Ten Oaks Farm) as per our telephone conversation with Ms. Ambrose last week.

We have reviewed the most recent planning application submitted by [REDACTED] with regard to Ten Oaks Farm (4/00458/14/FUL). This application follows two earlier applications; 4/02021/12/FUL that was withdrawn and 4/01798/13/FUL that was rejected by the Dacorum Planning Committee in December 2013.

The fact that this is the third planning application for Ten Oaks Farm tells a story in itself...After acquiring Ten Oaks Farm during 2012 [REDACTED] developed a plan to replace the existing dwelling on the site by a new zero-carbon house. They also communicated this to the neighbours. However when the initial application was submitted it became clear this plan involved moving the location of the new house onto Green Belt land. This was not made clear to any of the neighbours and would set an alarming precedent for development of the Green Belt in and around Bovingdon.

The direct neighbours decided to engage with [REDACTED] in order to investigate whether a compromise could be agreed. Jointly we effectively took the position that although the replacement dwelling was not in keeping with the local designs and significantly larger we could accept such a design and dwelling in its current location on the plot - i.e. not on the agricultural Green Belt land where it was proposed. To further these conversations a meeting took place between [REDACTED] and myself (on behalf of the neighbours) in The Bricklayers Arms pub on January 9th, 2013. During that conversation and following email communications [REDACTED] made clear that no such compromise was acceptable and that he was not interested in further negotiations towards a compromise.

We all know what happened since: the initial application was withdrawn in order to further "strengthen" the case for building on Green Belt land and the new application of October 2013 was materially unchanged compared to the 2012 one. On December 19th, 2013 the Dacorum Planning Committee voted to reject approval for the scheme after widespread objection from the Bovingdon Parish Council, neighbours, the Bovingdon Action Group and certain local councillors.

Early 2014 a new application was submitted for substantially the same dwelling as proposed before; however this time the replacement dwelling was to be located within the (after change of use) domestic curtilage of the original dwelling.

Although the proposed dwelling is still materially larger than the current dwelling including the various outbuildings and not really in keeping with the designs of the neighbouring houses we have decided not to object to this application. Style and design are a matter of taste and we do believe that the new proposal will improve the site's overall appearance.

We do however regret the way this whole redevelopment of [REDACTED] has come about. We believe a lot of public (and private) time and money could have been saved if Dacorum Planning had objected to the original planned inappropriate development of Green Belt land and made those views explicitly clear to [REDACTED]. In that case the conversations which started in the autumn of 2012 regarding a compromise would probably have gotten us all where we are today: a "zero-carbon" house replacing an existing dwelling materially in the same location on the plot. Hopefully planning laws and interpretation will develop further so that this waste of public money as a result of applicants "trying it on" can be avoided in the future.

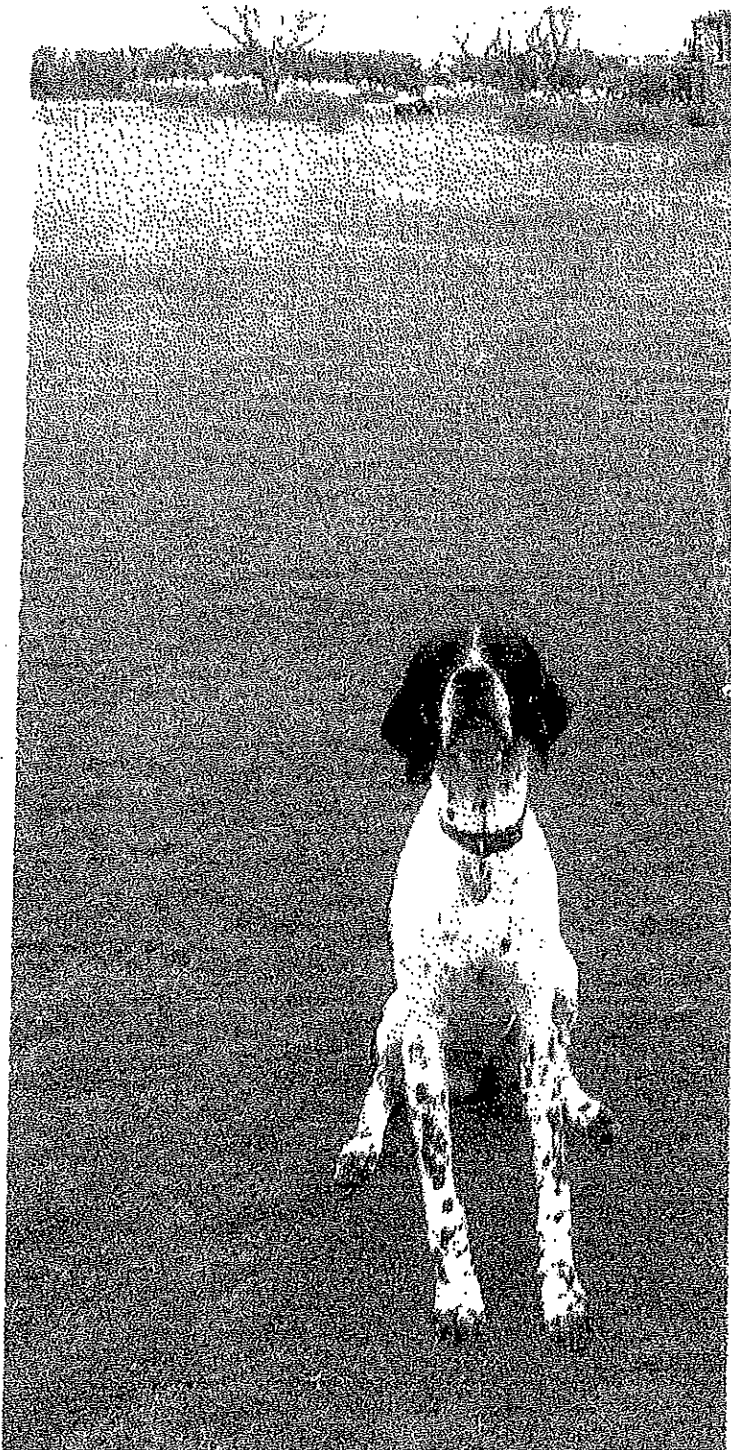
Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Secure Dog Walking Field

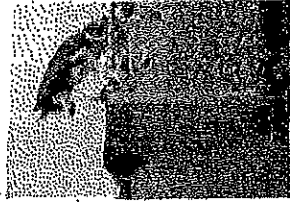
At the Brambles, we can offer a private, secure 3 acre field for hire in which you can exercise your dog on its own in a controlled environment, off the lead, allowing it to run free and play.

→ The perimeter fence is 4 foot high.

We also have secure, off road parking.

About 16,300,000 results (0.51 seconds)

Big dogs need big fences...because they can jump! A four-foot high fence is unlikely to deter a Husky, Golden Retriever, or Labrador, so you should look for a fence with a height of five or even six feet. For most breeds, six feet should be sufficient. 4 Aug 2017



5 Things to Consider When Getting a Fence for Your Big Dog

<https://blog.fenceauthority.com/fantastic-fences-for-big-dogs/>

About this result Feedback

People also ask

How high can small dogs jump?

What type of fence is best for dogs?

How can I get my dog to stop jumping the fence?

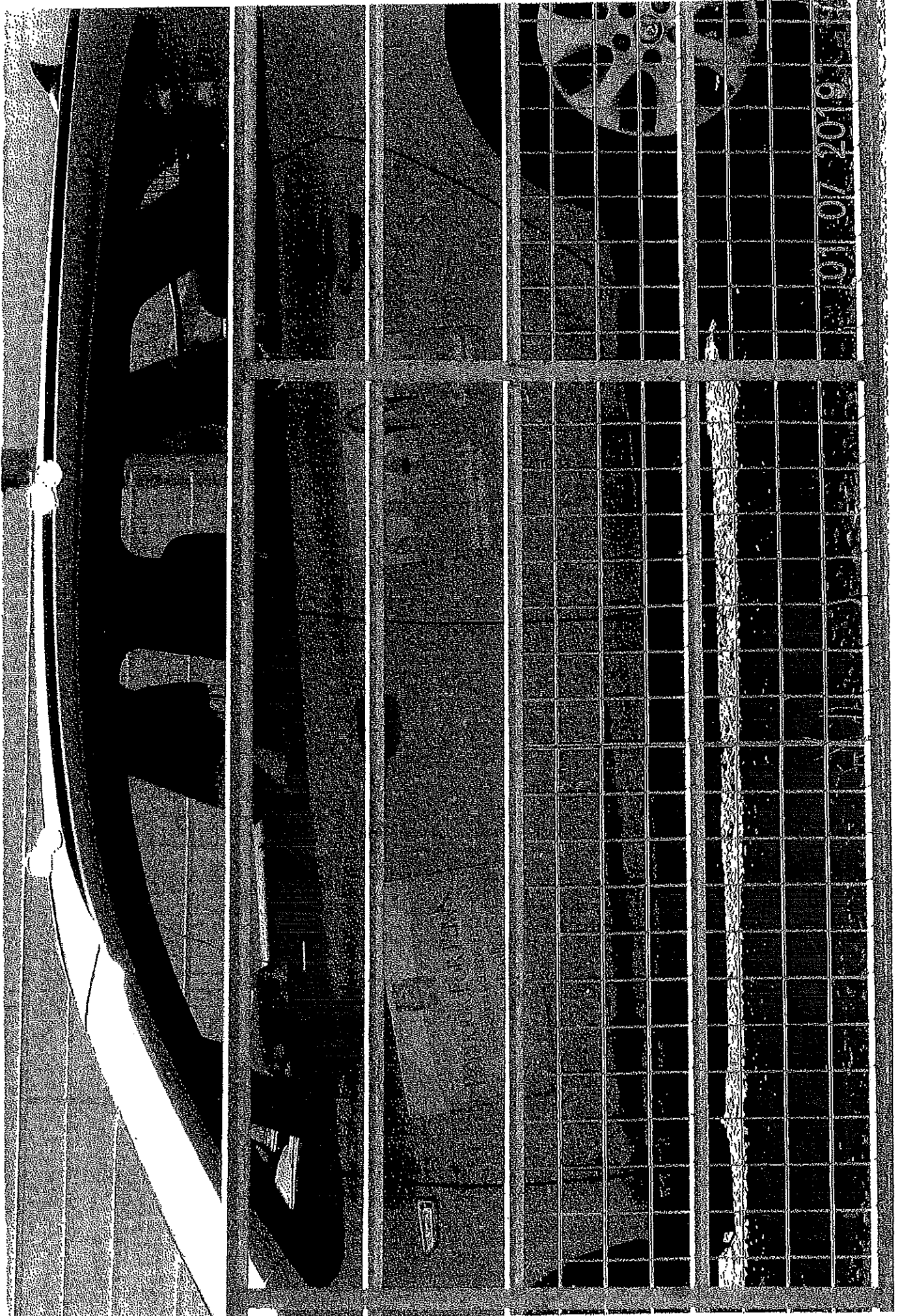
Will a picket fence keep a dog in?

Feedback



BRAMBLES

06-10-2019





Paddock For Paws

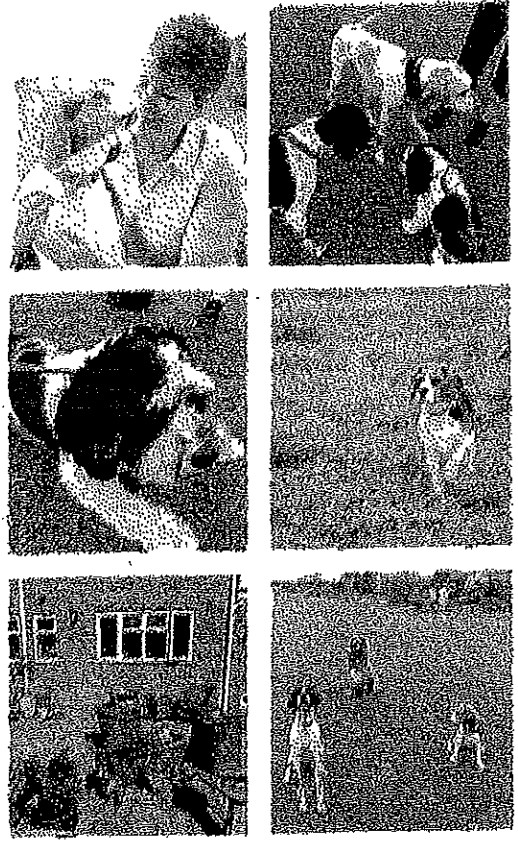
SECURE FIELD FOR DOG WALKING OR DOGGY
DAYCARE SERVICE

WWW.PADDOCKFORPAWS.CO.UK

TEL: 07933 598233 TO BOOK.

Paddock for Paws

Your Pet's Second Best Friend



About Me

Hi, my name is Lynne. I've always loved animals and taking care of them is what I enjoy doing. I can look after your dog in my home in rural Hertfordshire, whilst you're at work or at an appointment, as well as exercising them in our 3 acre secure paddock. I'm able to provide a nurturing and safe environment. I'm here to take care of your beloved pet.

— B

As well as looking after your dogs, our paddock is also available for hire, so people can walk and exercise their dog in a safe, secure and stress free environment.

Please feel free to get in touch so that we can discuss the details and I can meet your furry friend.

You can follow me on Facebook.

Bovingdon Parish Council

Minutes of the Planning Committee meeting
held at
The Memorial Hall, High Street, Bovingdon
on Monday 16 April 2019 starting at 6.30 p.m.

Present:

Councillor Graham Barrett (Chairman)
Councillor Alison Gunn
Councillor Julia Marshall
Councillor Ben Richardson
Councillor Dave Stent
Councillor Adrian Watney

Also present:

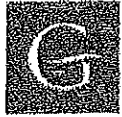
Dacorum Borough Councillor Stewart Riddick
Mike Kember, Parish Clerk

Representatives from the Village:

Three

	Councillor Barrett introduced Councillor Hugh Schneiders who has been newly elected onto the Council and was attending the meeting as an observer.	
1.	Apologies for absence There were apologies for absence received from Councillor Pauline Wright.	
2.	Declaration of Interests linked to any of the items There were no Declarations of Interest.	
3.	Minutes of the Planning Committee meeting held on 25 March 2019 It was agreed by those present at the meeting, that the minutes of the meeting held on 25 March 2019 were a true representation of the meeting and were signed by Councillor Barrett.	
4.	Matters arising from the Minutes of the Planning Committee meeting held on 25 March 2019 There were no matters arising.	
5.	To consider the Parish Council's response to the following Planning Applications 'The Committee considered forms and drawings for applications relating to the parish of Bovingdon which had been received from Dacorum Borough Council up to the date of the meeting and it was RESOLVED that Dacorum Borough Council is informed of the Council's comments and observations, if any, as follows. The Council also trusts that due regard will be taken of any objection which may be received from neighbours in the vicinity.'	
5.1	4/00564/19/FHA – 31 Old Dean – Creation of gravel driveway with brick edging Support	
5.2	4/00718/19/FUL – Land south of The Brambles, Flaunden Lane – Change of use from agricultural land to dog walking paddock with associated car parking (retrospective). New vehicle crossover and construction of new timber barn Object: <ul style="list-style-type: none"> • no very special circumstances advanced for development • destroy openness of Green Belt • barn is too large • 7-day a week operation unacceptable • new entrance to car park is dangerous as on apex of curve in road • site is surrounded by housing on three sides • noise from dogs will disturb local residents • new car park unnecessary as sufficient car parking in front of property • boundary fencing is not high enough • contrary to DBC Policy CS11 	
	If the Case Officer is minded to recommend acceptance of this application, then it is	

	suggested that conditions should be attached to the approval. That is, restrict hours of operation from 10:30 to 15:30 Monday to Friday only; maximum of four dogs at any one time; not allow dog boarding and increase height of perimeter fence.	
6.3	4/00721/19/FHA – 48 Austins Mead – Two storey rear extension with porch to the front. New parking bay Support	
5.4	4/00752/19/FHA – 19 Hyde Meadows – Demolition of outbuildings and porch. Construction of two storey side extension, single storey rear extension, loft conversion and new porch to front. Please note that planning permission for a very similar scheme was granted on the 15 th August 2018 (4/01305/18/FHA). In this current application, the applicant is proposing a slightly deeper single storey rear ground floor extension Support	
5.5	4/00609/19/FUL – Duck Hall Farm, Upper Bourne End Lane – Installation of two steel gates (retrospective) Support	
5.6	4/00804/19/FHA – Fryth Hay, Hempstead Road – Single storey rear and side extensions, garage conversion and loft conversion incorporating hip to gable roof extension and rear and side dormer windows Deferred as need elevation plans.	
6.	To note the outcome of planning applications considered by Dacorum Borough Council:-	
6.1	4/01490/18/FUL – HMP The Mount, Chesham Road – Construction of additional car parking – WITHDRAWN (BPC Support)	
6.2	4/00168/19/DRC – Bovingdon WRF, Bovingdon Airfield – Details as required by conditions 3 (trench plan) and 4. (site restoration plan) attached to planning permission 4/02883/18/FUL (temporary planning permission for use of land for film-making for 35 weeks to include construction of set and use of hardstanding for stationing of support services, associated storage and parking) – GRANT (BPC No Comment)	
6.3	4/00211/19/FUL – Cottingham Farm, Flaunden Lane – Conversion of existing barn into three 3-bed dwellings with associated landscaping – GRANT (BPC No Objection)	
6.4	4/00328/19/TEL – Land outside Royal Oak, Bovingdon Green – Installation of electronic communications apparatus (1 cabinet) – RAISE NO OBJECTION (BPC No Comment)	
6.5	4/00268/19/HPA – 3 Bryfield Cottages, Flaunden Lane – Single storey rear extension measuring 6m deep with a maximum height of 3.5m and a maximum eaves height of 3m – PRIOR APPROVAL REQUIRED AND GRANTED – For information only	
6.6	4/00213/19/LDP – Fryth Hay, Hempstead Road - Single storey rear and side extensions, garage conversion and loft conversion incorporating hip to gable roof extension and rear and side dormer windows – GRANT (BPC Noted)	
6.7	4/00242/19/OUT – Greymantle – Construction of up to two new dwellings – REFUSE (BPC Object)	
7.	To note dates for Appeals / Forthcoming Inquiries / Forthcoming Hearings – all previously reported to the Planning Committee:	
7.1	Appeals Lodged:	
7.1.1	4/02770/18/FHA – 18 Hunters Close – First floor side extension with rear dormer window	
7.1.2	4/02935/17/FUL – Upper Bourne End Lane – Construction of two polytunnels and barn for agricultural purposes	
7.1.3	4/01871/18/ROC – Mountbatten House, Hempstead Road – Variation of condition 2 (approved plans) of planning permission 403698/15/MFA (construction of 34 units of retirement living apartments for the elderly with associated communal facilities, parking and landscaping)	



GUILDFORD
BOROUGH

Ref. No. 13/P/01009
Decision Date 21/08/2013

Appendix 9

Mr Gregory Lea
A & M Architectural Partnership LLP
40 Cambridge Road
Hastings
East Sussex
TN34 1DT

Town and Country Planning Act 1990 (as amended)

Approve with conditions Planning permission

Proposal: Change of use of agricultural land to dog walking/activity area together with formation of fenced enclosure, hardstanding for two vehicles and erection of 2 no. timber field shelters.

Location: Land at, Green Lane, Ockham, GU23 6PQ

For: Dog Days Adventure Ltd

Permission for the above application is hereby granted subject to the following condition(s) and reason(s)

1. The limited period for the use hereby permitted shall be until 30 September 2014; on or before the expiration of which period the use shall be discontinued in full, all buildings, structures, fencing, gates and equipment removed from the site and the land restored to its former condition.

Reason: To allow the Local Planning Authority an opportunity to assess the effect of the use hereby permitted on the residential amenities of the surrounding areas. In accordance with the following policy number(s), G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07).

2. The shelters, fencing and gates shall not be erected other than in the materials specified on drawing number 3460-101 A (received 24.06.13), or such other materials as have been approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the structures are satisfactory. In accordance with the following policy number(s), G5 and RE2 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07).

3. The use hereby permitted shall not operate other than between the hours of 0900 and 1530 Mondays to Fridays and shall not operate at all on Saturdays, Sundays or Bank or National Holidays.

Reason: To safeguard the residential amenities of neighbouring properties. In accordance with the following policy number(s), G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07).

4. All equipment shall either be removed from the site or stored in the approved shelters on Bank and National Holidays and outside of the hours of 0900 and 1530 Monday to Friday.

Reason: To safeguard the character of the area and the visual amenity of the Green Belt. In accordance with the following policy number(s), G5 and RE2 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07).

5. There shall be no more than 20 dogs on the site at any one time.

Reason: To safeguard the residential amenities of neighbouring properties. In accordance with the following policy number(s), G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07).

6. The site shall not be used for the boarding of animals at any time.

Reason: To safeguard the residential amenities of neighbouring properties. In accordance with the following policy number(s), G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07).

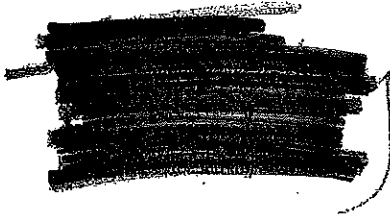
7. This decision relates expressly to drawing(s) 3460-101 A; 1:2500 site location plan and additional information received on 24.06.13.

Reason: To ensure that the development is carried out in accordance with the approved plans, and in accordance with policy G1 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07).

Informatives:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Guildford Borough Council takes a positive and proactive approach to development proposals focused on looking for solutions. We work with applicants in a positive and proactive manner by:
 - offering a pre-application advice service
 - updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this instance the applicant did not enter into pre-application discussions and did not seek any advice before submitting the application. However, following the receipt of additional information from the applicant, the proposal is deemed to be acceptable as submitted.



This decision notice does not grant buildings regulations approval.

Notes in respect of applications for the Planning permission

Appeals to the Secretary of State

If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Department for Communities and Local Government, under Section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within 6 months of the date of this notice using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction by him.

Purchase Notices

If either the local planning authority or the Secretary of State for the Department for Communities and Local Government refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on Guildford Borough Council in whose area the land is situated. This notice will require Guildford Borough Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from Guildford Borough Council if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to Secretary of State. These circumstances are set out in Part V and related provisions of the Town and Country Planning Act 1990.

NOTES IN RESPECT OF APPLICATIONS FOR LISTED BUILDING CONSENT AND CONSERVATION AREA CONSENT

Appeals to the Secretary of State

If you are aggrieved by the decision of the local planning authority to refuse Listed Building Consent or Conservation Area Consent for the proposed works, or to grant consent subject to conditions, you may appeal to the Secretary of State for the Department for Communities and Local Government in accordance with Section 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Appeals must be made on a form which is obtainable from the Planning Inspectorate.

Purchase Notices

If Listed Building Consent or Conservation Area Consent is refused, or granted subject to

conditions, whether by the local planning authority or by the Secretary of State for the Department for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he/she may serve on Guildford Borough Council in which the land is situated, a purchase notice requiring that Council to purchase his/her interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

NOTE: Where consent is given to demolish a Listed Building the applicant is advised that "Attention is drawn to Section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition may not be undertaken (despite the terms of the consent granted by the Local Planning Authority) until notice of the proposal has been given to English Heritage South East Region, Eastgate Court, 195-205 High Street, Guildford, GU1 3EH and English Heritage have subsequently either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it".

NOTES IN RESPECT OF ALL APPLICATIONS

Conditions

Where this decision notice relates to the grant of planning permission, Listed Building Consent or Conservation Area Consent, the applicant's attention is drawn to the conditions attached. It is the applicant's responsibility to ensure that the conditions are properly complied with. If you are in any doubt about the meaning or implications of any of the conditions you should contact the local planning authority or seek professional advice.

Breach of Condition Notices

IMPORTANT: If you do not comply fully with the attached conditions Guildford Borough Council may serve a Breach of Condition on you and you may be prosecuted and fined. There is no right of appeal against a Breach of Condition Notice.

NOTE: Attention is drawn to Section 20 of the Surrey County Council Act 1985 which requires that when a building is erected or extended, proper provision shall be made for the fire brigade to have means of access to the building and any neighbouring building.

If you require any further information on Building Regulations please contact Building Control on 01483 444545.

Appendix 10

5b 3/12/1083/FP – Change of use of land for dog walking and associated field shelter at land at Chaseways, Sawbridgeworth for Ms S Ashley

Date of Receipt: 06.07.2012

Type: Full – Major

Parish: SAWBRIDGEWORTH

Ward: SAWBRIDGEWORTH

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

1. The use hereby permitted shall be limited to the hours of 10:30am to 15:30pm and at no other times without the prior consent in writing of the Local Planning Authority. X

Reason: In the interests of neighbour amenity and to ensure that the Council retains control over the use of the land in accordance with policy ENV1 of the East Herts Local Plan April 2007.

2. A maximum of 20 dogs shall be exercised or contained within the land at any one time.

Reason: In the interests of neighbour amenity and to ensure that the Council retains control over the use of the land in accordance with policy ENV1 of the East Herts Local Plan April 2007.

Directives:

1. Other legislation (01OL1).
2. Groundwater protection zone (28GP)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007, and in particular policies GBC1, ENV1, LRC9) and the National Planning Policy Framework. The balance of the considerations having regard to those policies is that permission should be granted.

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1.0 Background:

- 1.1 The application site (1.94 hectares) is shown on the attached OS extract. It comprises a large open meadow field with a small field shelter located to the northern corner of the site. The application site is bounded by a 1.2metre high chicken wire fence. To the north west is Rowney Wood which is a fairly dense area of woodland which screens views to the site from the north. To the north east lies the property known as Primrose Cottage, wherein there is a residential use and agricultural activities associated with the land. To the south west are the residential and agricultural dwellings associated with Rowney Farm. To the south east of the application site is a pedestrian footpath which links Chaseways with other residential development further to the north east.
- 1.2 The application seeks retrospective planning permission for the use of the land for dog walking and the erection of a field shelter. The information submitted with the application indicates that the land is used between 11am and 3pm each day of the week and involves dogs being brought onto the site by vehicle and then walked on the land before again being transported off the site. The applicant indicates that, on average, there is one incoming vehicle movement, in the form of a van fitted out to accommodate dogs, which brings the dogs into the site (maximum of 20 animals) and these are supervised by two individuals. There is then one outgoing vehicle movement when the dogs are returned to the van and taken away from the site.
- 1.3 Vehicular access to the application site is achieved through land associated with Primrose Cottage, via High Wych Road.

2.0 Site History:

- 2.1 There is no planning history relating to the site

3.0 Consultation Responses:

- 3.1 Hertfordshire Biological Records Centre notes that there are no known ecological constraints regarding the proposed development and the application may be determined accordingly.
- 3.2 Veolia Water comments that the site is located within the groundwater protection zone of Redricks Lane Pumping Station. The construction works and operation of the proposed development site should be undertaken in accordance with the relevant British Standard and Best Management Practices.

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- 3.3 Natural England comments that the proposal does not appear to affect any statutory protected sites or landscapes, or have significant impacts on the conservation of soils.
- 3.4 The Environmental Health Officer comments that they do not wish to restrict the grant of planning permission.
- 3.5 County Highways comment that they do not wish to restrict the grant of planning permission. The Highways Officer comments that the use of the field for dog walking is not significant in terms of highways issues. Access to the site is via an existing appropriate access onto High Wych Road serving Primrose Cottage. The associated traffic is therefore not likely to be significant and ample area is available for parking and vehicle turning.

4.0 Town Council Representations:

- 4.1 Sawbridgeworth Town Council have no objection to the application but raise concerns with health and safety issues such as amenities for dog handlers (toilet facilities), escaping dogs that have been reported by local residents; dog waste being disposed of properly and the blocking of the bridleway by parked vans. They comment, however, that they felt there is no planning reason to refuse the application.

5.0 Other Representations:

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 Four letters of representation have been received which can be summarised as follows:

- The use of the site for dog walking results in disruption to walkers peaceful enjoyment of the public footpath;
- The use of the site results in harm to neighbour amenity in terms of noise and general disturbance;
- Chaseways is not suitable for extra daily traffic;
- Concern regarding dog fouling and impact on local wildlife and contamination;
- Concern over extent of development at Primrose Cottage.

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6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

GBC1 Appropriate Development in the Green Belt
ENV1 Design and Environmental Quality
LRC9 Public Rights of Way

6.2 The NPPF is also relevant to the determination of the application.

7.0 Considerations:

7.1 The main planning issues for consideration in the determination of this application are as follows:

- Principle of development;
- Impact upon the character and appearance of the Green Belt;
- Impact on neighbour amenities;
- Impact on public right of way
- Highway Safety

Principle of development

7.2 The site lies within the Metropolitan Green Belt, wherein permission will not be given for inappropriate development unless there are other material planning considerations to which such weight can be attached that they would clearly outweigh any harm caused to the Green Belt by inappropriateness or any other identified harm, thereby constituting 'very special circumstances' for permitting the inappropriate development in the Green Belt.

7.3 The development sought consent in this application relates to the provision of a field shelter and the use of the land for dog walking. Policy GBC1 sets out some forms of development which can be considered appropriate within the Green Belt and these include agricultural related developments; essential facilities for outdoor sports and recreation; and changes of use that do not impact on the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt.

7.4 It is therefore appropriate to consider the impact of the development on the openness of the area and the purposes of including land within the Green Belt.

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- 7.5 With regards to the use of the land for dog walking purposes, Officers are satisfied that this, in itself, would not materially impact on openness. The information from the applicant indicates that this use presently takes place during the main part of the day – 11am to 3pm with around twenty dogs being exercised at any one time. There are typically two vehicle movements associated with this use and normally two individuals on the site.
- 7.6 With regards to the purposes of including land within the Green Belt, this is not explicitly defined in the Local Plan. However, the National Planning Policy Framework, which supersedes Planning Policy Guidance 2: Green Belts, does set out the five purposes of including land within the Green Belt:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.7 Having regard to the nature and level of development associated with the dog walking use, it is considered that there is no conflict with the purposes of including land within the Green Belt.
- 7.8 In this case, therefore, the use is not considered to represent an inappropriate form of development within the Green Belt. Furthermore, the field shelter is considered to be an essential facility to support this use of the land (to provide shelter for the dogs and handlers in inclement weather) and that structure, in itself, is not considered to have any significant impact on openness or to conflict with the purposes of including land in the Green Belt.
- 7.9 Officers therefore consider that the development proposed does not represent an inappropriate form of development within the Green Belt and is not, in principle, contrary to the provisions of the Local Plan. It is not therefore necessary for the applicant to show very special circumstances in this case.

Impact on character and appearance of the area

- 7.10 The proposed use, involving two vehicle movements per day, is considered limited in extent and would not, in Officers opinion, result in a

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significant level of traffic movement or activity which would result in a material impact on the character of the Green Belt.

- 7.11 With regards to the field shelter; this building is of modest proportions and timber construction. It is located in an unobtrusive part of the site and is not dissimilar to other types of animal field shelters that might be expected in a rural setting. In this respect, this element of the application is not considered to result in a material impact on the openness or character of the surrounding area.

Impact on neighbour amenities

- 7.12 The comments from third parties are noted, in terms of the impact on the amenity of neighbouring properties. The application site is around 200 metres away from residential properties in Rowney Gardens and 100 metres from Wheatley Close. Properties within Chaseways are closer to the application site (the closest of those being approx. 70m from the site). Rowney Farm to the south is the closest property, being approx. 30 - 50m away.

- 7.13 Whilst the concerns raised by local residents have been noted, particularly in respect of general noise and disturbance, Officers consider the relationship of the use to the properties to be an acceptable one. Having regard to the siting of the application site and relationship and distance to neighbouring residential properties, combined with the limited hours of use of the land and number of dogs being exercised, it is considered that the development will not result in significant harm to neighbour amenity that would warrant the refusal of planning permission.

Impact on adjacent public right of way

- 7.14 The application site is located adjacent to the public right of way, although the site is separated from the footway by virtue of a chicken wire fence. Policy LRC9 of the Local Plan requires that development should not adversely affect any public right of way. Having regard to the relationship between the application site and the public right of way, Officers are of the opinion that the change of use of the land does not result in significant harm to the public right of way, in accordance with policy LRC9.

Highway safety matters

- 7.15 The Design and Access Statement submitted with the application indicates that access to the site is through the adjoining site at Primrose Cottage using the existing access onto High Wych Road. The Highways

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Officer has commented that the existing access via Primrose Cottage is acceptable and will not lead to significant harm to highway safety. In accordance with that advice, Officers consider that the development is acceptable in highway safety terms.

Conditions

- 7.16 Officers have referred above to the limited hours of use of the land for dog walking purposes and the limited number of dogs being exercised at any one time. However, without a planning condition restricting such matters, the use of the land could potentially result in a more significant impact on the openness of the land, character of the site and on amenity. For that reason therefore, Officers recommend the inclusion of planning conditions restricting the use of the land to the main part of the day and the number of dogs being exercised on the land. The applicant has agreed to such an approach.

Other matters

- 7.17 The comments from Sawbridgeworth Town Council and third parties are noted. With regards to the concern that there are insufficient amenities (toilets) for the dog walkers/supervisors, Officers note that the application site is in close proximity to Primrose Cottage which is understood to be within the ownership of the applicant, Ms Ashley. There are sufficient amenities within that site for the workers on the application site.

- 7.18 With regards to the concern that dogs have escaped and that dog waste should be collected and properly disposed off, this is not considered to be a matter over which the local planning authority has any control but is the subject of other legislation and considered to be the responsibility of the applicant. With regards to the blocking of the public right of way – should this happen – it is a matter against which Hertfordshire County Council's Rights of Way Officers would be able to enforce.

- 7.19 Officers note the concerns raised by third parties with regards to the extent of development at the adjoining Primrose Cottage. Officers acknowledge that there is a significant level of planning history relating to Primrose Cottage, some of which is complex. Officers have not set out within this report the full history of development relating to Primrose Cottage but would comment that this application should be determined on its own merits.

8.0 Conclusion:

- 8.1 The use of the land for dog exercising does not result in a material

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impact on the openness of the site and therefore represents an appropriate form of development within the Green Belt. Subject to the imposition of planning conditions restricting the hours of use of the land and the number dogs being exercised, it is considered that the development will not result in significant harm to neighbour amenity or the adjacent public right of way or any other harm. In accordance with those considerations, Officers recommend that planning permission is granted subject to the conditions set out at the head of this report.

detrimental impact on the character and appearance of this part of the overall site and that matters of highway safety and intensification of use would not be issues on which to withhold permission.

71. On that basis I consider that the proposal accords with policies NW1 (Sustainable Development); NW3 (Green Belt); NW10 (Development Constraints); NW12 (Quality of Development); NW13 (Natural Environment) and NW17 (Economic Regeneration) of the development plan, as well as with relevant NPPF policies. The appeal succeeds, therefore and a conditional permission will be granted.

Necessary conditions

72. I consider that all of the Council's suggested conditions (with the exception of a landscaping condition), as well those of the WCCHA are necessary and appropriate and that they all accord with the necessary tests for conditions set out in PPG. I consider that some of the conditions should be worded to ensure that they are true conditions precedent whereby the permission is controlled by and is subject to conditions. Some need to be expressly prohibitive of commencement of the development. I also consider that such conditions are necessary as they go 'heart of the permission' and that without them the development would be harmful to the 'openness' of the Green Belt, as well as being harmful in terms of its visual impact. With regard to the proposed landscape condition, this would necessitate going outside of the redline application and in my view this would not meet all of the necessary tests. In any case the requirements of Notice 1 require the land around the building to be returned to its former state.

Appeals C and D

Introduction

73. The irregular-shaped appeals site at Great Chapel Field is located on the north side of Wall Hill Road, close to its junction with Meriden Road in Chapel Green. It is bounded by Wall Hill Road to the south, south-west and south-east; by Meriden Road to the north-west and the M6 motorway to the north. The appellant company's site at the Heart of England Conference and Events Centre lies to the south west. There is a public Right of Way (ROW) along the northern boundary.

74. The nearest residential properties to the site are located on the opposite side of Wall Hill Road to the south-east of the site. These are 'Moor House', 'Moor House Lodge' and 'Moor House Bungalow'. There are mature trees to the north and north-west and a hedgerow boundary to the south and south-east. A sloping grass verge separates the field from Wall Hill Road on the south west side and there is a partially hard-surfaced access across the drive to the main gate. I inspected this area in detail the day before my formal site visit and informed the parties at the meeting which preceded my formal visit. I inspected the whole of the site on my site visit.

75. In Appeal D, the application was partly retrospective and partly a proposal for new works. The new works related to the formation of a new access and car park and the re-siting of the moveable field shelter and dog agility course equipment. The enforcement notice in Appeal C relates to the change of use of the land from agricultural use to the dog training use plus the siting of the shelter, the equipment and some other items. Only ground (a) is pleaded. In this appeal it was the existing entrance, as opposed to the new one which was under consideration.

76. The field was rented out by the appellant company in September 2015 to a local expert dog trainer. Subsequently the open fronted timber field shelter was erected and a variety of moveable equipment was introduced to provide a dog agility course at the northern end of the field. The site is used both by the trainer for specific courses, as

well as being let out to group members for the exercising of their dogs and for them to use the agility equipment. All of the structures and equipment on the land can be readily removed without causing damage to the pasture land. At the time of my visit the agility equipment was limited to just two items but the field shelter was in place adjacent to the existing entrance.

77. There is no other planning history relating to the land and the planning application (now the subject of Appeal D) was refused on the basis that the use did not accord with Policy NW 10 (9) of the NWCS 2014 due to its *'unacceptable impact on the residential amenity of the nearest property by virtue of increased traffic, noise from activity at the site and the general appearance of the area introducing new development to an open field in the Green Belt'*.

78. The refusal of planning permission was against the planning officer's recommendation and, before the refusal the application had been to the Planning Board three times and had been deferred. The first deferral was so that members could visit the site and the other deferrals were due to requests for further information relating to highway safety. It seems to be agreed that the appellant and the Council officers had liaised and worked together with a view to resolving the highway issues.

79. It is confirmed on behalf of the appellant that there will be parking provision at the site for 10 vehicles. In February 2017 the Board had requested a highway consultant's report. This was provided and concluded that the existing access arrangements were not acceptable. This accorded with the WCCHA conclusion and recommended that a new access to the site was necessary. The new access was then set out as part of the application but members were stated to be still concerned about visibility issues.

80. Traffic survey and speed data which had been collated since the date of the application was submitted and referred back to the consultant. The May 2017 Board report stated that *'This data showed that an average speed of traffic-the 85%percentile- in a westerly direction was 38 mph and in an easterly direction was 39 mph. Although the national speed limit applies here, the actual recorded survey information shows traffic moving at a lower speed and thus the visibility splays required for a road with the national speed limit need not be applied and those applicable to the surveyed speeds are appropriate'*.

81. The Board report also indicated that *'In respect of concerns about noise, it should be recognised that the land lies immediately to the south of the M6 motorway and there is consequently a higher background noise level than would be found in countryside locations more remote from the motorway. With the limit on the number of dogs on site at any one time the Environmental Health Officer does not object to the development. It is considered that the effect on residential amenity of nearby properties would not be so significant that it would justify a refusal of planning permission'*. The Council recommended a limit of 10 dogs on the site at any one time.

Appeal C on ground (a) and Appeal D.

82. The main issues in both appeals are as follows:

- whether the development being carried out is inappropriate development in the Green Belt for the purposes of the NPPF and development plan policy,
- the effect of the development on the openness of the Green Belt,
- the effect on the character and appearance of the area,
- the effect on the living conditions of residents living close to the site, and,
- if the proposal does represent inappropriate development, whether the harm, by reason of inappropriateness and any other harm, is clearly outweighed by other

considerations, so as to amount to the very special circumstances necessary to justify the development within the Green Belt.

Whether the use constitutes inappropriate development in the Green Belt

83. The Council's Board Report for application PAP/2016/060 refers to a dog training use being reasonably regarded as an outdoor sport/recreation. The report indicates that it is a use which facilitates access to the countryside and that it accords with Green Belt policy of the promotion of access to outdoor recreational opportunity. It states that the use clearly requires the use of open land and that it is akin to other recreational and animal related uses that are commonly located within rural areas. Other similar uses are referred to as being carried out in the locality.

84. Paragraph 89 of the NPPF indicates that the provision for outdoor sport and outdoor recreation are not inappropriate as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In this case, I consider that the change of use from agriculture to use for dog training and exercising would not be inappropriate as long as the use preserves the openness of the green belt and does not conflict with the purposes of including land within it.

The effect of the change of use on the openness of the Green Belt

85. Any introduction of operational development or the introduction of recreational equipment on to open agricultural land is bound to have some effect on the 'openness' of the Green Belt. In this case the small shelter and the various items of agility equipment are noticeable physical elements which leave this part of the Green Belt less open than it was previously.

86. However, having seen the shelter and the equipment and their location on the site, I agree with the conclusions set out in the Board Report that they have not resulted in any undue intrusion into the 'openness' of this part of the Green Belt. The colours, the low form and the scale of the equipment, together with the small shelter, in my view, do not significantly detract from the perception of 'openness' within this field. The shelter is akin to a small stable and the photographs indicate that equipment is generally smaller than a series of horse jumps. The car parking area has the potential to impact on 'openness' more so than the other elements but the area is restricted to 10 spaces only.

87. The equipment is readily moveable and does not have the physical impact on 'openness' as would more permanent or larger structures. In conclusion on this issue, therefore I am satisfied that the 'openness' of this part of the Green Belt would be preserved and that the change of use does not conflict with any of the purposes of including land within it. It follows that this outdoor recreational activity is not inappropriate development within the Green Belt. The issue regarding very special circumstances does not need to be considered.

The effect on the character and appearance of the area

88. The site is well screened and enclosed by trees and hedgerows on all sides. In a rural area one expects to see outdoor recreational activities such as this and there are stated to be similar uses in the area. The equipment only occupies a small part of the field and if, as suggested in the Board Report, the equipment was sited close to the motorway, any visual impact would be kept to a minimum. The shelter is only just over 3m in height and in both positions, is well screened from views outside of the site. I also agree that the new access would be a visual improvement on what is currently in place where the elevated hardstanding cuts across the grass verge.

89. I do not consider that concerns about possible added signage, lighting (and generator) or additional visual clutter can carry much weight. Any such matters would require express consent and/or planning permission and the Council could take enforcement action against any future inappropriate or harmful additional development or alterations to a conditional approval. Overall, therefore I am satisfied that the character and appearance of the area is not so noticeably harmed so as to preclude the use of the site for this particular outdoor recreational activity.

The effect on the living conditions of nearby residents

90. The one reason for refusal relates to the effect on residential amenity and in its appeal statement the Council confirms that the decision was made against the officer recommendation. However, it indicates that the Council is not duty bound to follow the advice of officers and that it can take a different decision where it can clearly demonstrate, on planning grounds, why the use is unacceptable and where it can substantiate the reason(s) for refusal. It is stressed that the Councillors carried out a thorough objective assessment of the proposal; carried out a site visit and took into account the objections of the neighbours.

91. I have noted the objections of nearby residents (Moor House Lodge, Moor House and Moor House Bungalow) and the Parish Council and have noted their concerns, particularly those relating to the creation of undue noise and disturbance and the effects of noise due to an increase in traffic and the parking of vehicles. The Council now considers that loss of outlook is an issue which was not the case at the time of the Board Report. However, any outlook can only relate to what could possibly be seen from some upper floor windows and from what I saw of the nearby houses, such views of the site are limited. I have concluded that the Green Belt use is not inappropriate and that the character and appearance of the area will not be unacceptably affected. Apart from some views through the proposed new entrance and possibly from first floor windows, I cannot envisage residents having any distinctly noticeable views of equipment from within the boundaries of their properties.

92. From my inspection of the site and its immediate surroundings, I do not consider that the effect on residential amenity through loss of outlook is critical to the question of whether or not the change of use should be allowed. The main issues regarding the effects on living conditions relate to noise and disturbance from the activities on site; the increase in traffic and the question of the parking.

93. In objecting on noise grounds residents have referred to their experiences over the two year period (or so) that the dog training use has been operating. References are made to the shouting (or even screaming) of orders to dogs; the use of high pitch whistles and the inevitable and almost continual barking from very excited animals. Whilst acknowledging that there is background noise from the motorway, residents indicate that the high pitch noises and intermittent barking has resulted in sounds which are distinctly aurally noticeable over and above the low-pitch background traffic noise. The Council indicates that, even with a low level of usage, residents have been reporting noise disturbance from barking dogs, from the noisy activities of dog trainers and owners and from the comings and goings of the users of the land.

94. Concerns are also raised about potential noise associated with parking and the new access to the site. Residents refer to the additional traffic movements to and from the site, as well as the proximity of the new access and parking to the three nearest houses.

95. Having noted the relationship of the nearest dwellings to the site, I share the members'; residents' and the Parish Council's concerns about this particular use of the land. I acknowledge that the site is extremely well-screened by its boundary treatment

and I have already concluded that there is no significant impact on residential outlook. The houses are also very well screened from the road and, in effect, there is a double visual barrier between the land and the three dwellings.

96. Although there was no training going on during my visit, there is firm and incontrovertible evidence (based on two years of usage), from these immediate neighbours and others. They refer specifically to noise caused by barking dogs; what are referred to as 'screaming and shouting owners' and from high pitched whistles. These sounds are clearly to be expected when several dogs are together and in such conditions. I was informed during the site visit that the main training related to large dogs such as German Shepherd and Rottweiler breeds and that a lot of the activities took place in the evenings. The particular breeds of dog are not relevant in my view since the objections relate to the noise that any dog might make; that is barking. However, some larger breeds of dog are well known to have louder (if less high-pitched) barks.

97. I agree with the Council that in situations such as this the dogs are most likely to be excitable and that the owners can be quite firm and loud in shouting their orders to their animals or in using sharply piercing whistles. The motorway background noise is distinctly noticeable as a relatively low frequency; a continuous rumble. Dogs on the other hand generally have more highly-pitched sounding barks. From the evidence, these sharper sounds, together with high-pitched whistles (as well as shouting) are clearly being heard by the nearest residents over and above the low frequency rumbling background sound of the motorway.

98. Barking dogs can be a general nuisance in many situations and the residents' own dogs (where they have one) will no doubt bark when strangers approach the property. In fact this happened when I inspected the locations of the dwellings the day before the site visit. However, when such high-pitched barking sounds, along with shouting and whistling continue for the length of a training period, I consider that has resulted in environmental noise and disturbance that has become an annoying and disturbing irritant. I consider that it has been these prolonged periods of noise and disturbance during training sessions that have had a detrimental effect on residential amenity in the immediate vicinity of the site.

99. I acknowledge that the Council Officer had recommended approval and that this was a finally balanced decision. However, the officer conclusion was reached prior to the councillors' visit and after two deferments due to the seeking of further information. In any case I must make my own judgement on the basis of the submissions and my site visit and, having done so, I have reached the same conclusion as the members on the issue of noise and disturbance caused by the training and exercising use of dogs on this rural site.

100. I am also concerned about the proximity of the new entrance and the car park to the two dwellings, Moor House and Moor House Lodge. The entrance is located between the two houses and I consider that the comings and goings of vehicles; engine noise; the banging of car doors; the noise from users of the car park; the barking of dogs when being taken out of and returned to vehicles will all combine to result in further noise and disturbance for the residents of these two dwellings.

101. I have noted that at the consultation stage the Environmental Health Officer had expressed concern at the prospect of large congregations for activities such as dog shows but had not offered an objection in principle. The EHO was, however, concerned about the number of dogs using the site at any one time and had suggested a condition to limit the numbers. Residents had made complaints to the Council about the noise

nuisance, even when attendances at training sessions were low and presumably the EHO had been made aware of these.

102. On 15 May 2017, following the deferrals and a site visit the Planning and Development Board resolved to refuse the application on the basis that it was contrary to Policy NW10 (9) of the NWCS 2014 in that it would have an unacceptable impact on the residential amenity of the nearest property by virtue of increased traffic, noise from activity at the site and the general appearance of the use by introducing new development to an open field in the Green Belt.

103. I have disagreed with the view on the visual impact and found the development to be not inappropriate and that it would preserve the 'openness' of this part of the Green Belt. Despite these favourable findings, however, and for the reasons set out above, I consider that the effect on living conditions outweighs these other findings. In my view, the effect that the use has already had, and would continue to have, on the living conditions of the nearest residents (due to undue levels of noise and disturbance) is not acceptable in this particular rural location.

104. I agree, therefore, with the Board that the use is contrary to Policy NW10(9) of the NWCS, as well as to the NPPF which seeks to pursue sustainable development that involves positive improvements in the quality of the built and natural environment as well as in the quality of peoples' lives. This development is harmful to, rather than resulting in an improvement to the lives of existing residents and also results in a poor standard of residential amenity for existing and future occupants in this part of Chapel Green. Although it meets an economic role in terms of sustainability, it fails to perform a satisfactory social or environmental role. I conclude that the use is not sustainable and any presumption in favour of sustainable development is outweighed by the harm caused to residential amenity.

Overall conclusions Appeals C and D

105. For the above reasons I consider that Appeal C on ground (a) and Appeal D should both fail. The notice is upheld and planning permission is refused on both the deemed application and the retrospective (with amended site access) application. There are no other matters of such significance to alter my conclusions or to change my decisions in these two Appeals.

Appeal E, Notice 3 and Appeal F

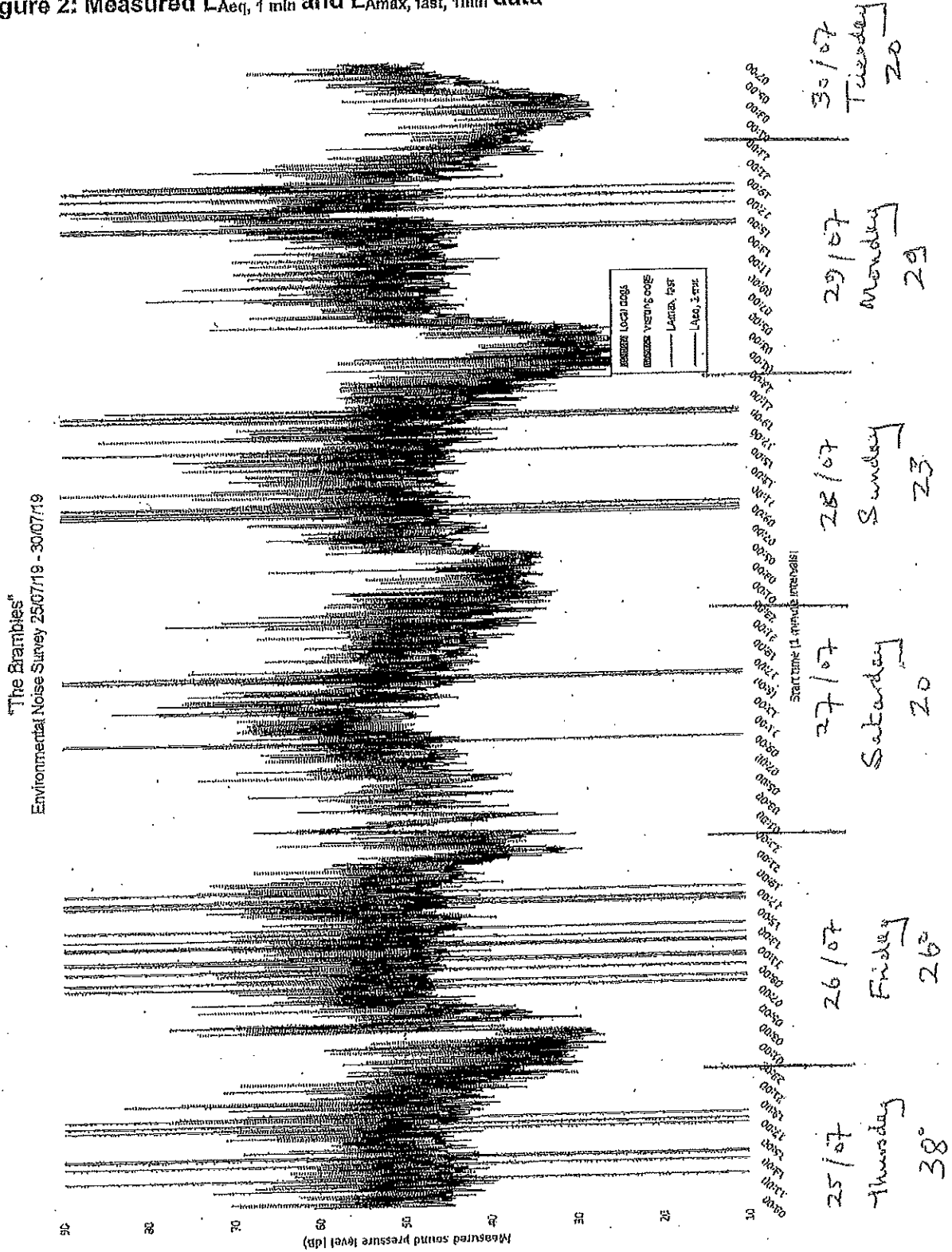
Introduction and background information

106. The planning permission was refused for the retention of the steel footbridge spanning between the access driveway off War Hill Road and the lawn on the south side of an old quarry pit (Warwickshire Local 02), together with the construction of a stepped wooden walkway and a timber-decked pathway to the restaurant entrance. The submitted plans had been amended but the Council indicates that they still have significant omissions and inaccuracies. The plans still do not indicate the full extent of the works carried out no reference is made to lighting or signage.

107. At the site visit I noted the overall construction of the bridge and the stepped timber-decked, timber post and pergola walkway. Close to where the walkway meets the restaurant entrance a small section of the walkway has had timber panels fixed on both sides and this forms a partially enclosed section of the walkway. I also noted the lighting stings attached to the timber structure and the signage to the restaurant. It would appear that the entrance to the northern car park was precluded from use by the public through other enforcement action. Nevertheless it was clearly in use for anyone to use at the time of my visit.

The Brambles, HP3 OPA
Noise from Dogs Barking

Figure 2: Measured $L_{Aeq, 1 \text{ min}}$ and $L_{Amax, fast, 1 \text{ min}}$ data





R: «refno»
 Dacorum Borough Council
 NUISANCE DIARY RECORD

Statement of (name):
 continuation sheet

DATE	TIME		DESCRIPTION OF CAUSE	RESULTANT EFFECT
	Start	Finish		
28.4.19	10.00	10.25	DOG BARKING	UNABLE TO ENJOY GARDEN
	11.24	11.35	" "	"
	12.05	12.05	" "	"
	12.15	12.17	" "	"
	15.30	15.35	" "	"
	16.05	16.05	" "	"
	16.40	16.45	" "	"
	17.10	17.15	" "	"
<hr/>				

(Signed):

(Signature witnessed by):

Re: Paddock for Paws- 4/00718/19/FUL

From: [REDACTED]

To: Elspeth.Palmer@dacorum.gov.uk

Bcc: [REDACTED]

Date: Monday, 5 August 2019, 21:07 BST

Hi Elspeth

Thank you for your email. I have found your letter of 2nd April 2019 which was filed with my letter to you of 24th April 2019.

I revert to our conversation this afternoon when you mentioned you were seeking amendments to the plans for the proposed barn at The Brambles. I will wait to see what is proposed before commenting.

You said you were seeking minor alterations elsewhere to the planning application. We are one of the nearest properties to Paddock for Paws in Flaunden Lane and I ask you kindly to take into account the nuisance we suffer on a daily basis. I very much hope you will follow the recommendations of the Bovington Parish Council and propose restricted hours along the lines set out in the minutes of the Parish Council of Monday 18th April 2019. I trust you will understand that I feel it is unreasonable to be expected to suffer this nuisance seven days a week!

I also note you are awaiting a noise report. I expect the findings of the report to be well within limits. My wife and I have been aware that the Marks's three dogs have not been in residence recently and the barking levels have been reduced. I suggest you treat this report with suspicion!

I should like to thank you in advance for your understanding.

Kind regards

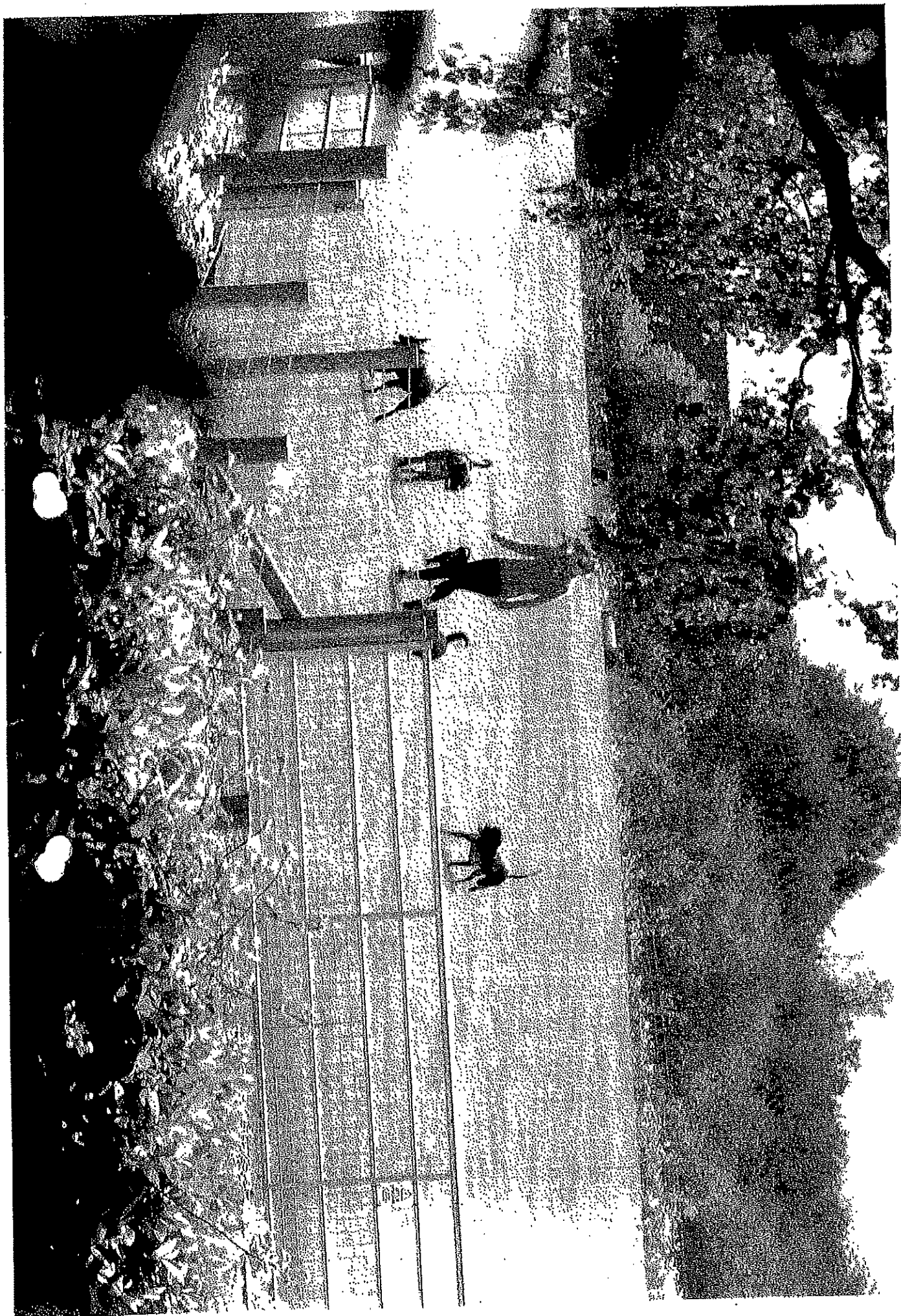
On Monday, 5 August 2019, 18:07:58 BST, Elspeth Palmer <Elspeth.Palmer@dacorum.gov.uk> wrote:

Hi Alan

I just checked our records and you were sent a letter on the 2nd of April regarding the application.

So you will be informed of any future amendments.

Kind Regards





Find messages, documents, photos or people



Hot

Compose

Inbox

Unread

Starred

Drafts

Sent

Archive

Spam

Deleted Items

Less

Views

Hide

Photos

Documents

Receipts

Travel

Tutorials

Folders

Show

- ← Back
- ↶ ↷
- ↵ Archive
- ⇄ Move
- ✖ Delete
- 🗑 Spam
- ⋮
- ▲ ▼
- ✕
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- 📎
- 📧

RE: Dog faeces collection - Paddock for Paws HP3 OPA

Yahoo/Inbox



Olivia Stapleford <Olivia.Stapleford@daconum.gov.uk>

24 Jun at 16:05

[REDACTED]

I am afraid that I cannot answer that as it does not fall within my remit. Without wishing to sound like I am passing the buck, you will need to seek clarification from [REDACTED] on this point. I would have done this myself, however, I can see that she is out of the office at the moment.

[REDACTED] had briefly discuss this with the applicant earlier and she did admit to using the [REDACTED] nominator once by accident (she was unaware that she couldn't do this and stopped when asked by the Council) and that she has not done so since. I am afraid that he did not press any further as he was under the impression that she was obtaining confirmation on this from another department.

I will send [REDACTED] email so that she will pick this up when she returns to the office (I currently don't know when this will be).

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