

## **OFFICER REPORT FOR COMMITTEE**

**DATE: 17/01/24**

**P/23/1285/CU  
MISS D GALE**

**TITCHFIELD**

CHANGE OF USE OF THE LAND FOR THE EXERCISING OF DOGS AND  
INSTALLATION OF PERIMETER FENCING

LAND SOUTH OF FOUR ACRES NURSERY, MEON ROAD, TITCHFIELD,  
FAREHAM, PO14 4HJ

### ***Report By***

Hannah Goldsmith – direct dial 01329 824665

### ***1.0 Introduction***

1.1 This application is reported to the Planning Committee to be decided due to the number of third-party representations received.

### ***2.0 Site Description***

2.1 This application relates to a piece of land located on the eastern side of Meon Road measuring approximately 1.5ha. The site is currently vacant but was previously used for equestrian use. The site can be accessed via a gateway in the southwestern corner of the site leading from Meon Road. Along the southern boundary of the site is a stable block.

2.2 The application site is located within an area of countryside outside the designated urban settlement boundaries, within the Meon Strategic Gap and an Area of Special Landscape Quality.

### ***3.0 Proposal***

3.1 Planning permission is being sought for the change of use of the land for the exercising of dogs and the installation of a 1.8m high perimeter deer fencing. The proposed fencing would consist of wire fencing with timber poles.

3.2 The proposed operating hours are 08:00 until 18:00hrs Monday to Saturday.

3.3 Users of the facility would be required to pre book a 30 minute or 60 minute slot via an online booking system.

#### **4.0 Policies**

4.1 In addition to the National Planning Policy Framework (2023) (NPPF), the relevant policies within the Fareham Local Plan 2037 are:

- DS1 – Development in the Countryside
- DS2 - Development in Strategic Gaps
- DS3 – Landscape
- CC2 – Managing Flood Risk and Sustainable Drainage Systems
- NE1 – Protection of Nature Conservation, Biodiversity and the Local Ecological Network
- TIN2 – Highway Safety and Road Network
- D2 – Ensuring Good Environmental Conditions

#### **5.0 Relevant Planning History**

5.1 No planning history

#### **6.0 Representations**

6.1 Five letters of representation (including a representation from the Fareham Society) and a petition which includes five signatures from three households have been received which raise the following concerns;

- Noise disturbance;
- Insufficient information provided;
- Impact on protected species and birds;
- Proposal is not respectful of the landscape and character of the area;
- Will have a detrimental impact on the integrity of the Meon Strategic Gap;
- No evidence has been submitted in relation to impact on the landscape;
- No need for the facility;
- Would have an unacceptable impact on highway safety;
- Lack of onsite facilities;
- Proposed fencing will look out of place;
- Concerns cars would park on the road or grass verge causing highway safety issues.

#### **7.0 Consultee Responses**

EXTERNAL

##### **Highways Authority (Hampshire County Council)**

7.1 No objection

## **Ecology (Hampshire County Council)**

- 7.2 It is understood that concerns have been raised in relation to the impact of the proposed change of use of the site on the Solent Waders and Brent Goose Strategy (SW&BG) site (Core Area F55).

Having reviewed the information available, these concerns are not shared as the SW&BG site is located approximately 16m to the west of the application site, separated by a road and a wooded strip. Therefore, no impacts as a result of noise or visual disturbance are likely on overwintering birds using the arable field between October and March.

The proposed change of use is not considered to result in habitat loss as the grassland on site will be retained and used by dogs instead of being grazed by horses. It is unreasonable to provide mammal gaps along the proposed boundary fencing as this will be contrary to the proposed usage of a secure area for dogs, particularly small dogs. There is sufficient foraging and commuting habitats available in the locality to conclude that the reduction in habitat available as a result of the proposed fencing will not have any significant impacts on biodiversity.

Based on the above, the proposals are acceptable in relation to ecology and I raise no concerns.

However, some enhancements such as native tree and scrub planting and a management regime to allow some tussocky areas to develop on site are recommended, which will not only increase biodiversity on site, but provide interest for the site users. You may wish to secure this via a planning condition.

## **Lead Local Flood Authority (Hampshire County Council)**

- 7.3 As there appears to be no increase in impermeable area proposed, we have no concerns on surface water drainage. It is not clear whether a flood risk assessment was required when the application was validated, however, the site is at very low risk of flooding.

INTERNAL

## **Environmental Health**

- 7.4 No objection providing there is a maximum of 3 dogs on the whole site at any one time.

## **8.0 *Planning Considerations***

8.1 The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Principle of the Development
- b) Effect on the Integrity of the Meon Strategic Gap
- c) Effect on the Character and Appearance of the Area
- d) Effect on Residential Amenity
- e) Effect on Parking and Highway Safety
- f) Effect on Ecology
- g) Drainage and Flood risk

**a) Principle of the Development**

8.2 The application site is located within the countryside where policy DS1 of the Fareham Local Plan applies. Policy DS1 states:

*'Proposals for development in the countryside, which is defined as land outside the Urban Area boundary as shown on the Policies map, will be supported where the proposal:*

- a) Is for development associated with an existing lawful dwelling, or*
- b) Is proposed on previously developed land and appropriate for the proposed use, or*
- c) Is for retail, community and leisure facilities, tourism or specialist housing where it can be demonstrated that there is a local need for the facility that cannot be met by existing facilities elsewhere; or*
- d) Is for a new or replacement building, conversion and/or extension within an existing educational facility (as identified on the Policies map) and would not result in the loss of playing fields and/or sports pitches unless it can be demonstrated that these facilities are no longer required or they can be adequately replaced elsewhere on site or,*
- e) Is for housing development either allocated or compliant with one of the following policies; HP1, HP2, HP4, HP6 or HP11, or*
- f) Is for employment development compliant with one of the following policies: E1 or E5, or*
- g) Is for a new small-scale employment development to convert or extend an existing building, or replace a redundant or derelict structure, or*

*h) Provides infrastructure that meets an overriding public need.  
or*

*i) Can demonstrate a requirement for a location outside of the urban area.*

*In addition, proposals will need to demonstrate that they;*

*j) Protect and enhance landscapes, sites of biodiversity or geological value and soils, and*

*k) Recognise the intrinsic character and beauty of the countryside and, if relevant, do not significantly affect the integrity of a Strategic Gap, and*

*l) Maintain the character of the undeveloped coast, and*

*m) Demonstrate a preference for the development of poorer quality agricultural land rather than that of higher quality'.*

- 8.3 The development does not relate to housing, retail, community, leisure or tourism. Nor does it relate to a new or replacement building, conversion and/or extensions within an existing educational facility or employment site.
- 8.4 Furthermore, the development would not be located on previously developed land, nor does it provide infrastructure that meets an overriding need, meaning the proposed development does not benefit from support by virtue of parts (a), (b), (c), (d), (e), (f), (g), (h) of the above policy.
- 8.5 However, consideration has been given to part (i) of the policy which states development will be supported where the development can demonstrate a requirement for a location outside of the urban area.
- 8.6 The proposal is for a small-scale business which would utilise an existing field which was previously used for equestrian purposes. Furthermore, the applicant is unlikely to find a site of this sort within the urban area. Having regard to the type of business and use being proposed, the Local Planning Authority are satisfied the proposal can demonstrate a requirement for a location outside of the urban area, in accordance with part (i) of the above policy. Users of the facility would most likely travel to the site by car given the site's location within the countryside, some distance from the urban area. Notwithstanding, it is acknowledged that dog walkers would most likely choose to travel by car to countryside locations to exercise their dogs in any case and so it is unlikely the proposed use would generate a significant increase in vehicle movements as a result. The change of use to a dog exercising area is considered to be a suitable form of development within the countryside location in principle provided the use is of a sufficiently small scale so that it would not generate large numbers of vehicle movements.
- 8.7 Having regard to part two of the policy, while parts (l) and (m) are not relevant to this application, for the reasons set out in full later in this report, the proposal is considered to comply with parts (j) and (k) of the policy.

8.8 In summary, for the reasons given above, the development is considered to demonstrate a requirement for a countryside location, in compliance with part (i) of policy DS1 of the Council's Local Plan (2037).

**b) Effect on the Integrity of the Meon Strategic Gap**

8.9 The proposals map of the Fareham Borough Local Plan shows that the site lies within an area of countryside and is also with a designated Strategic Gap.

8.10 Policy DS2 of the Local Plan states:

*'In order to prevent the coalescence of urban areas and to maintain the separate identity of settlements, Strategic Gaps are identified as shown on the Policies map between the following areas:*

*1) Fareham / Stubbington and the Western Wards (Meon Gap)*

*2) Fareham / Bridgemary and Stubbington / Lee-on-the-Solent (Fareham-Stubbington Strategic Gap)*

*Development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters'.*

8.11 Due to the modest scale of the proposal and limited physical development being proposed, it is considered the proposal would not significantly affect the integrity of the Meon Strategic Gap. It is therefore considered the proposal would comply with Policy DS2 of the Fareham Local Plan.

**c) Effect on the Landscape Character**

8.12 Policy D1 of the Fareham Local Plan 2037 requires development proposals and spaces to be of high-quality design based on the principles of urban design and sustainability. The policy goes on to state development proposals will be permitted where proposals appropriately respond to the positive elements of local character.

8.13 Policy DS3 states;

*'Areas of Special Landscape Quality have been identified in the Borough and are shown on the Policies map. Development proposals shall only be permitted in these areas where the landscape will be protected and enhanced.*

*Development in the countryside shall recognise the intrinsic character and beauty of the countryside, paying particular regard to:*

*a) Intrinsic landscape character, quality and important features;*

*b) Visual setting, including to/from key views;*

- c) The landscape as a setting for settlements, including important views to, across, within and out of settlements;*
- d) The landscape's role as part of the existing Local Ecological network;*
- e) The local character and setting of buildings and settlements, including their historic significance;*
- f) Natural landscape features, such as trees, ancient woodland, hedgerows, water features and their function as ecological networks; and*
- g) The character of the Borough's rivers and coastline, which should be safeguarded'.*

- 8.14 Physical alterations to the site would be limited to the erection of deer stock fencing around the perimeter of the site. The site is already enclosed by a combination of post and rail fencing and deer fencing. Having regard to the existing fencing around the site, the design of the fencing is considered to be an acceptable addition for a countryside location and would have minimal visual impact on the intrinsic character and beauty of the countryside and Area of Special Landscape Quality. Officers are mindful also of the fact that any fencing under 2m high which does not lie adjacent to a vehicular highway could be erected under permitted development rights without the need for planning permission from the Council.
- 8.15 The proposed physical alterations to the site are considered to be minimal and are considered to protect and enhance the Area of Special Landscape Quality, in accordance with policy DS3 of the Fareham Local Plan.
- 8.16 The proposal is considered to accord with policies D1 and DS3 of the Fareham Local Plan.

**d) Effect on Residential Amenity**

- 8.17 Policy D2 of the Fareham Local Plan states development proposals including changes of use will be permitted where they do not have an unacceptable adverse impact on the environmental conditions of future occupiers and users or on adjacent/nearby occupants and users.
- 8.18 Four Acres Nursery adjoins the northern boundary of the application site with the residential dwelling located approximately 70m from the application site. To the south of the application site is Sundown, situated approximately 60m from the southern boundary of the site.
- 8.19 Careful consideration has been given to the potential impact the proposed use may have on the amenity of neighbouring properties. Given the separation distance and existing screening along the northern and southern boundaries of the site, it is considered unlikely the proposal would amount to significant

noise and disturbance to neighbouring properties. However, following discussions with the Council's environmental health officer, it is recommended a condition is imposed restricting the hours of operation to 08:00hrs until 18:00 Monday to Sundays and a further condition limiting the number of bookings which can be made at one time and the number of dogs to no more than 3 at any one time. This condition would prevent multiple bookings being made at the same time which could lead to increased noise levels as a result of multiple dogs from different families interacting.

- 8.20 With the recommended conditions, it is considered that the proposal would not have an unacceptable adverse impact on the environmental conditions of adjacent and nearby occupants, in compliance with policy D2 of the Fareham Local Plan.

### **e) Effect on Parking and Highway Safety**

- 8.21 Policy TIN2 of the Fareham Local Plan states:

*'Development will be permitted where:*

*a) There is no unacceptable impact on highway safety, and the residual cumulative impact on the road networks is not severe; and*

*b) The impacts on the local and strategic highway network arising from the development itself or the cumulative effects of development on the network are mitigated through a sequential approach consisting of measures that would avoid/reduce the need to travel, active travel, public transport, and provision of improvements and enhancements to the local network or contributions towards necessary or relevant off-site transport improvement schemes'.*

- 8.22 There is an area of hardstanding in the southwestern corner of the site which can accommodate approximately 3-4 vehicles. Having regard to the proposed booking system which would control the number of visitors at one time, this is considered to be adequate for the proposed facility.
- 8.23 Access to the site is via Meon Road which passes north to south to the west of the site, this is the only point of entry into the site. The Highway Authority, Hampshire County Council, have been consulted on the application and they consider the access and visibility to be acceptable. Furthermore, the Highway Authority are of the view the trip generation likely to be produced by the facility is deemed to be acceptable and would not be of detriment to the safety and operation of the local highway network, in compliance with policy TIN2 of the Fareham Local Plan.

### **f) Effect on Ecology**



8.24 Policy NE1 of the Fareham Local Plan states development will be permitted where;

*'a) Designated international, national sites and local sites of nature conservation value are protected and enhanced, reflecting their status in the hierarchy of nature conservation designations; and*

*b) Protected and priority habitats and species, including breeding and foraging areas are protected and enhanced; and*

*c) Proposals do not prejudice the Ecological Network or result in its fragmentation'.*

8.25 Concerns have been raised in the representations received from interested third parties regarding the impact the proposal may have on local wildlife, in particular Brent Geese and Waders due to the supporting habitat site located approximately 16m west of the application site. The Hampshire County Council Ecologist has been consulted on the application and has confirmed the application site is separated from the Solent Wader and Brent Geese site by Meon Road and a wooded area and therefore the proposal is unlikely to result in noise or visual disturbance for the overwintering birds.

8.26 The County ecologist has also explained gaps in the fencing to allow wildlife to pass through the site would not be suitable as this would be contrary to the proposed use as a secure dog exercising field. There is considered to be sufficient foraging and commuting habitats available in the locality.

8.27 The County ecologist considers the proposed change of use would not result in habitat loss as the grassland on site will be retained and used by dogs instead of being grazed by horses. However, the County ecologist has suggested enhancements such as native tree and scrub planting which would not only increase biodiversity on the site but provide visual interest for future users of the facility.

#### **g) Drainage and Flood Risk**

8.28 The application site is located within flood zone 1 and is not located within a critical drainage area. Having regard to the nature of the proposal and the limited physical changes being made to the site in the form of fencing being installed, a Flood Risk Assessment was not considered necessary to support the planning application. The Lead Local Flood Authority Hampshire County Council have been consulted on the application and have raised no objection.

#### **Conclusion**

8.29 The proposal would provide a dog exercising facility outside of the urban settlement boundary. Having regard to policy DS1 of the Fareham Local Plan 2037, the development is considered to demonstrate a requirement for a

location outside of the urban area in compliance with part (i) of the policy. Furthermore, the proposal is considered to protect the landscape, biodiversity and recognise the intrinsic character and beauty of the countryside, in compliance with the second part of policy DS1.

- 8.30 Having regard to the minimal physical alterations to the site, the proposal is considered to protect and enhance the Area of Special Landscape Quality, in accordance with policy DS3 of the Fareham Local Plan.
- 8.31 In addition, with the recommended conditions, it is considered the proposal would not have an unacceptable adverse impact on the environmental conditions of neighbouring properties, in accordance with policy D2 of the Local Plan.
- 8.32 Finally, there is considered to be sufficient parking facilities on the site to accommodate users of the facility. It is considered the proposal would not result in a significant increase in vehicle movements along Meon Road and therefore would not have a harmful impact on highway safety.
- 8.33 In light of this assessment, and taking into account all other material planning considerations, Officers recommend that planning permission should be granted subject to conditions. A recommendation is set out below.

## **9.0 Recommendation**

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall begin within 3 years of the date of this decision notice.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
  - i) Location Plan;
  - ii) Site Plan; and
  - iii) Planning Statement

REASON: To avoid any doubt over what has been permitted.

3. The site shall not be used for the exercising of dogs other than between the hours of 0800 -1800 on any day.

REASON: To protect the occupiers of the nearby residential properties from possible disturbance from permitted

4. When the site is being used for the exercising of dogs, dogs from no more than one household, and no more than 3 dogs, shall be present at the site at any one time.

REASON: In order to protect the living conditions of occupiers of nearby residential properties.

5. Prior to the site first being brought into use for the exercising of dogs as hereby approved, a scheme of biodiversity enhancements shall be submitted to and agreed in writing by the Local Planning Authority. The scheme may include, for example, details of native tree and scrub planting and proposals for some tussocky areas to be established along with a suitable management plan. The approved scheme of biodiversity enhancements shall be carried out in accordance with the approved details before the site is first brought into use for the exercising of dogs as hereby approved. The enhancements shall be maintained in accordance with the management plan at all times thereafter.

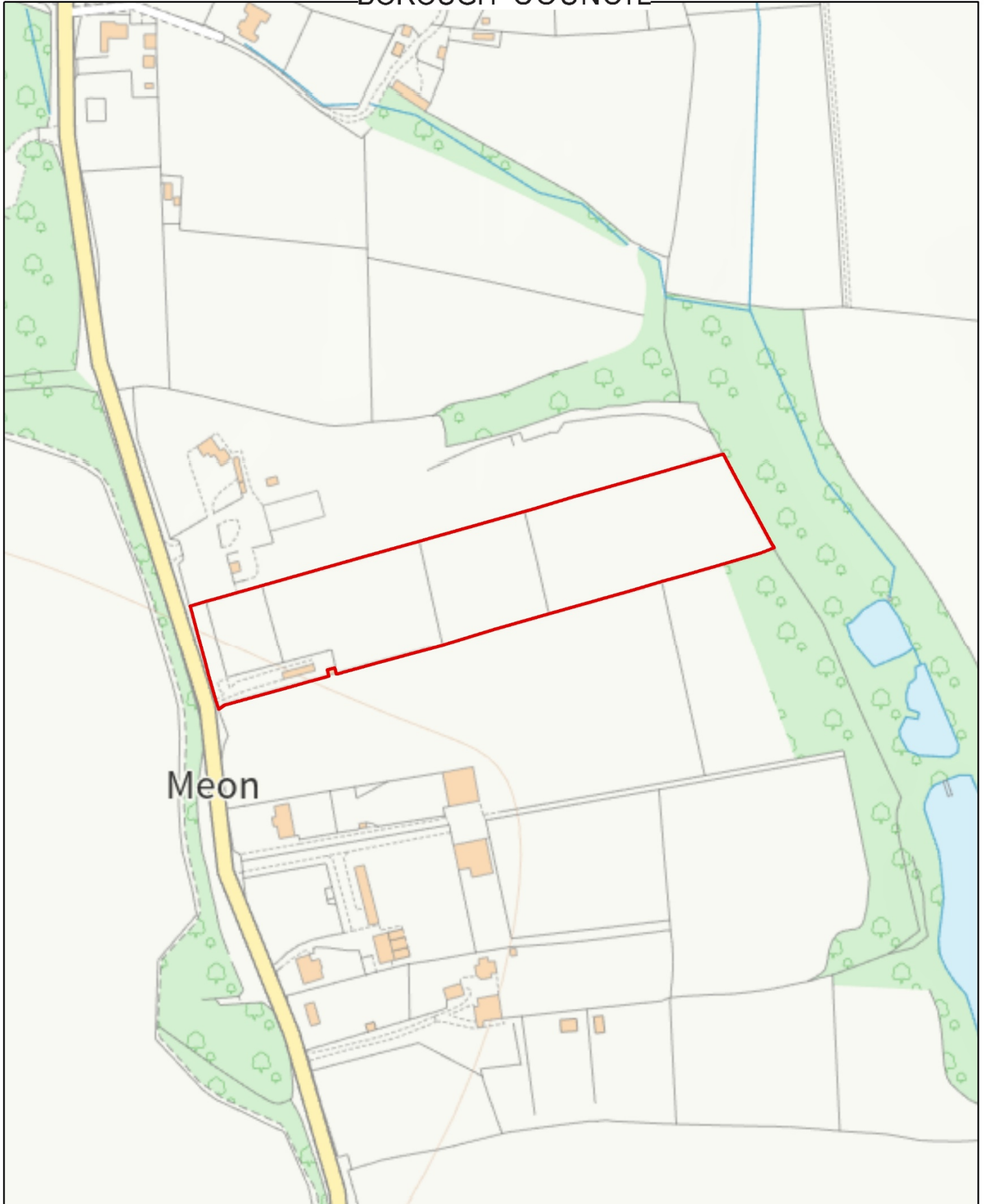
REASON: In order to increase biodiversity on site and improve the visual interests of the site.

6. No floodlighting, security lighting or other means of external illumination shall be used at the site at any time unless details of that lighting, including their proposed hours of use, have first been submitted to and approved by the local planning authority in writing. Thereafter only the lighting approved by the local planning authority shall be used, in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: In order to prevent light disturbance to occupiers of nearby residential properties and control light pollution in the interests of the amenities of the area and wider landscape.

# FAREHAM

BOROUGH COUNCIL



Land South of Four Acre Nursery  
Meon Road, Titchfield  
Scale 1:2,500



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