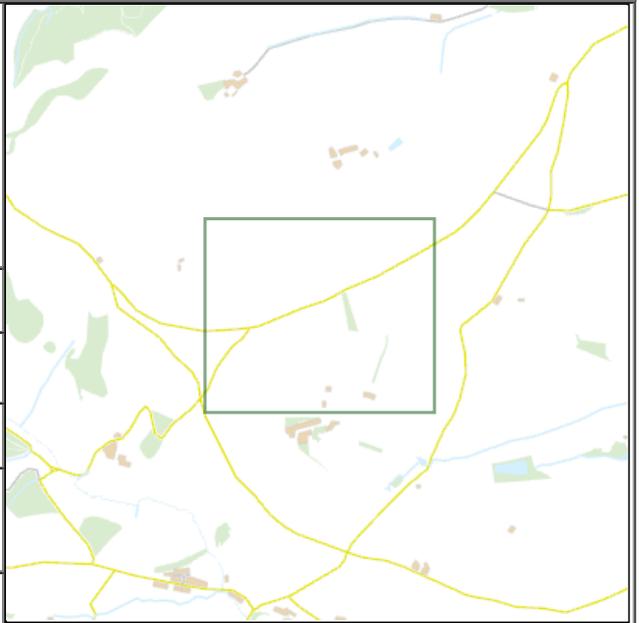


Planning Committee Report

Chairman: Cllr Colin Parker

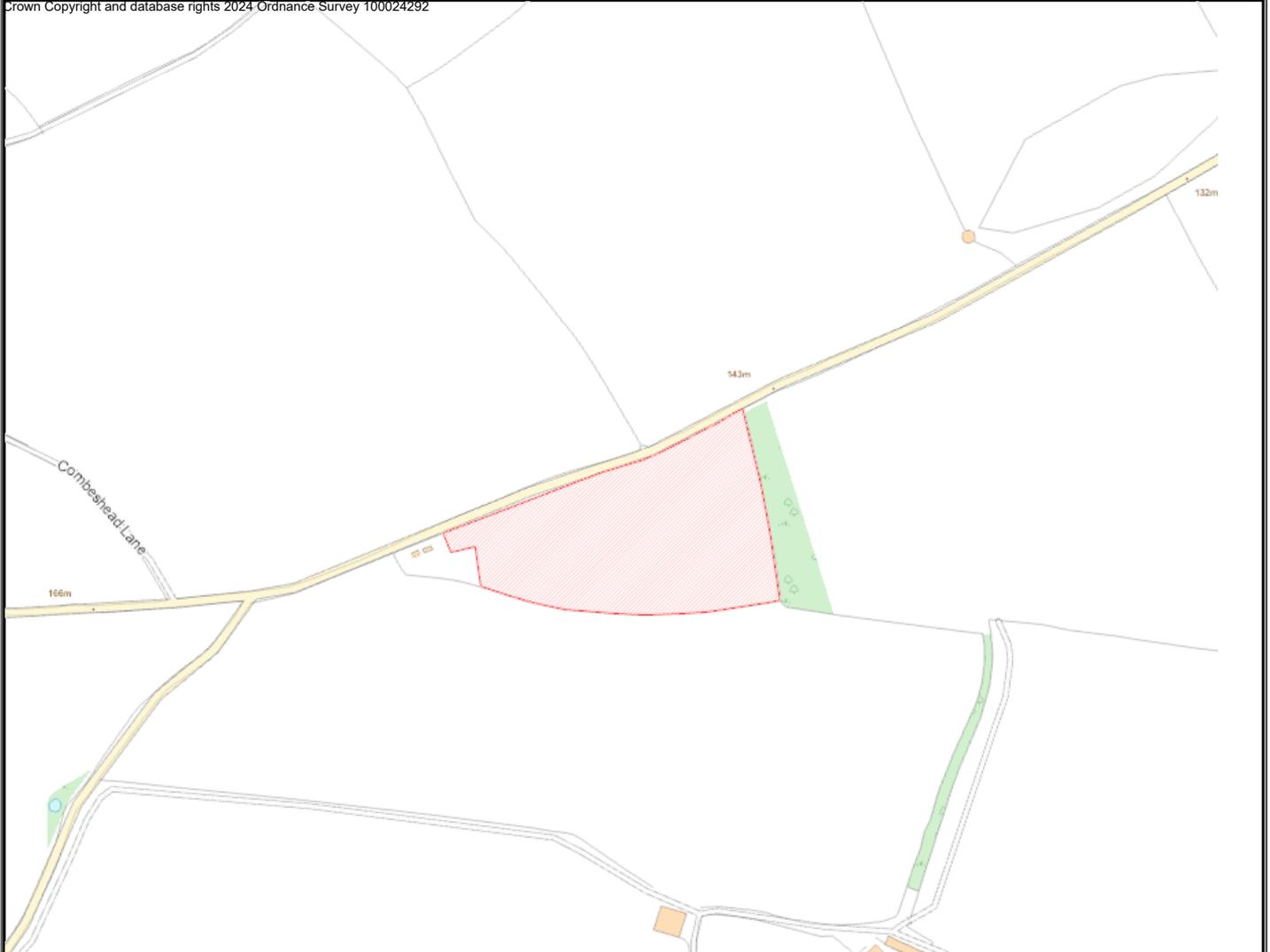
Date	14 May 2024
Case Officer	Gary Crawford
Location	Land Off Idestone Lane Ide Devon
Proposal	Change of use of land for use as secure dog walking field for private hire and creation of associated area for parking.
Applicant	Mr K & Mrs P Thompson
Ward	Kenn Valley
Member(s)	Cllr Kevin Lake, Cllr Charles Nuttall, Cllr John Parrott
Reference	23/02157/FUL



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED

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1. REASON FOR REPORT

This application has been called in by both a Ward Member and by the Parish Council for the following reasons:

- Narrow access road.
- Increase in traffic.
- The proposed scheme would not serve the residents of Ide.
- Impact on the countryside.
- Insufficient information about how waste would be removed from the site and how the site would be managed.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to conditions addressing the following matters, the precise number and form of which shall be delegated to the Head of Development Management:

1. Standard three year time limit.
2. Works shall proceed in accordance with approved plans.
3. The development shall not be brought into its intended use until details of the heritage information to be provided online and upon an interpretative display panel located on a publicly accessible boundary fence location have been submitted to and agreed in writing by the Local Planning Authority.
4. The use hereby approved shall only be used for the exercising of dogs between the hours of 8am to 8pm April – October and 8am to 4pm November - March.
5. Dog walking sessions must be limited to one customer per session with a maximum of two booked sessions permitted per hour.
6. No external lighting shall be installed on, or in association with the development unless otherwise agreed in writing by the Local Planning Authority.

3. DESCRIPTION

The site

- 3.1 The site comprises of a roughly triangular tract of agricultural land to the south of Idestone Lane. The site lies approximately 1.7km to the south west of Ide. The site occupies a prominent elevated position within the landscape and is bound to the north and south by hedge boundaries and to the east by a strip of woodland. The site is served by an existing field gate off Idestone Lane.

- 3.2 The site is located within designated open countryside and within an Area of Great Landscape Value (AGLV). A significant part of the site is designated as the Scheduled Monument of 'Roman signal station 450m north of Marshal Farm'.

The application

- 3.3 This application seeks permission for a change of use of the land for use as a secure dog walking field for private hire and the creation of an associated area for parking. The proposal includes the erection of post and wire fencing around the perimeter of the field with an access gate and the erection of post and rail fencing around the parking area.

Main issues

The main issues for consideration are:

- Principle of the development;
- Highway safety;
- Impact upon the character and visual amenity of the open countryside;
- Impact on the scheduled monument;
- Impact on residential amenity;
- Biodiversity impacts
- Drainage;
- Carbon reduction; and
- Other matters.

Principle of the development

- 3.4 The application site is located within the open countryside and outside of any defined settlement limit as depicted in the Local Plan. Policy S22 of the Local Plan details that within the open countryside, development will be strictly managed and limited to uses which are necessary to meet the overall aim of Policy S22. These uses include leisure uses. As such, the principle of the development is deemed to be acceptable, subject to compliance with other relevant policies of the Local Plan.

Highway safety

- 3.5 The submitted Planning Statement details that the dog exercising park is to be hired by the half-hour with bookings made in advance of arrival via a management website, whereby the user would then be sent a code to access the gates to the dog walking field. The Planning Statement sets out further that there would be a limit on the number of users / dogs that can be walked at any one time within the site; which would be restricted to one user with a maximum four dogs. Furthermore, a limit of two vehicles would be allowed to use the car park at any one time (one arriving / one leaving) to ensure there is sufficient manoeuvrability space within the car parking area and this would enable vehicles to enter and exit the site in a forward gear. The applicant's agent has confirmed that the gates to the parking area would be open at all times during business hours, meaning that there would always be direct vehicular access from the lane into the site and customer vehicles would not obstruct the highway.

- 3.6 A number of representations have been received with regards to the narrow lane to access the site, potential highway safety impacts and an increase in traffic as a result of the proposed development. Given that the future users of the proposed dog walking field would be required to make bookings in advance of arrival via a management website, given that only one user would be able to use the site at any one time and as the timeslots are for 30 minutes, even at full capacity, there are only likely to be two vehicles an hour travelling to and from the site. The Highway Authority have advised that, even given the constraints of Idestone Lane, they consider that it is unlikely that the proposed development would present a severe impact on the existing highway network. As such, given that the Highway Authority have not objected to this application, it is considered that the proposed development would not result in any unacceptable highway safety impacts which would warrant a refusal of this application. It is considered necessary to include a condition with any approval to limit the dog walking sessions to one customer per session with a maximum of two booked sessions permitted per hour, in the interests of highway safety.

Impact upon the character and visual amenity of the open countryside

- 3.7 The proposal includes the erection of post and wire fencing around the perimeter of the field and the erection of post and rail fencing around the parking area. Whilst the proposed erection of the fencing would have an impact upon the character and visual amenity of the open countryside and Area of Great Landscape Value (AGLV), given that the fencing would be less than 2m in height and it would not be adjacent to a highway, the fencing could be erected under permitted development and therefore not requiring planning permission. As such, it is deemed that it would not be reasonable to refuse this application on this basis. It is deemed that the installation of the heavy duty grass reinforcement mesh for the proposed parking area would have a negligible impact upon the character and appearance of the open countryside and AGLV. In order to protect the dark skies of the AGLV, it is considered necessary to include a condition with any permission which states that no external lighting shall be installed on, or in association with the development, unless otherwise agreed in writing by the Local Planning Authority.

Impact upon the scheduled monument

- 3.8 A significant part of the site is designated as the scheduled monument of 'Roman signal station 450m north of Marshal Farm'. It is proposed that a 1.5m high post and wire fence would be erected across the scheduled monument, whilst the parking area falls within its setting. Historic England have been consulted on this application and they have confirmed that they have already granted scheduled monument consent for the erection of the fence across the monument and they have raised no objection to the application on heritage grounds.
- 3.9 The Heritage Statement submitted in support of this planning application states that it is considered that the proposed managed public access to the site is an opportunity to increase awareness of the site and its historical importance. The Heritage Statement sets out further that there is an opportunity to provide information on the history of the site and the character of the scheduled monument through the booking website.

3.10 Devon County Council's Archaeology department have been consulted on this application and they have commented that they consider that the proposal complies with the NPPF and the Teignbridge Local Plan which set out that development that better reveals or enhance the significance of heritage assets should be treated favorably. DCC Archaeology's department have advised that any consent granted should be conditional upon the provision of publicly available information on the Roman signal station which should include information available online - as part of the web-based booking system - as well as physically at the dog walking field. It is recommended that a condition is included with any approval which states that the development shall not be brought into its intended use until details of the heritage information to be provided online and upon an interpretative display panel located on a publicly accessible boundary fence location have been submitted to and agreed in writing by the Local Planning Authority.

3.11 Paragraph 205 of the revised National Planning Policy Framework (NPPF) 2023 states that:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

3.12 Paragraph 206 of the NPPF details that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 208 of the NPPF specifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

3.13 It is considered that the level of harm from the fencing and parking area proposed would be less than substantial harm and it is deemed that increasing awareness and appreciation for the monument and its setting in the form of providing heritage information online and an interpretative display panel on the site would be a public benefit considered to outweigh the harm to the heritage asset.

Impact on residential amenity

3.14 The nearest residential properties to the site are located approximately 265m to the south. There are also expected to be a limited number of dogs/customers on site at any given time. As such, given the distance between the application site and the

nearest residential properties, it is deemed that the proposal would not result in any significantly harmful impacts upon residential amenity in terms of noise.

- 3.15 With regards to waste, the submitted Planning Statement details that customers would be responsible for removing their own dog waste and this requirement would be strictly enforced, with the field checked on a daily basis. The Planning Statement sets out further that any customer not adhering to this requirement will not be permitted to use the field (the booking system will enable customers to be identified) and that any stray waste that is found, would be removed from the field by the applicant who would have a vested interest in ensuring as clean an environment as possible for customers as well as themselves.

Biodiversity impacts

- 3.16 The Council's Biodiversity Officer was verbally consulted on receipt of this application and they advised that they considered that no ecology report or formal consultation was required. The Biodiversity Officer advised that the fencing proposed must go inside the hedge and not impact upon the hedgerow. The submitted Planning Statement states that all of the mature hedgerow and trees would be retained. As such, it is considered that the proposal would not result in any significantly harmful biodiversity impacts.

Drainage

- 3.17 The installation of a heavy duty grass reinforcement mesh for the proposed parking area would provide a solid surface for vehicles to park on but it would also be permeable and would allow water to flow through the mesh. As such, it is considered that the proposal would not result in any worse drainage impacts than the existing situation.

Carbon reduction

- 3.18 Ideally, the proposed use should be located on the edge of a settlement limit where it would be accessible by foot. However, this is likely to result in amenity impacts in terms of noise. A condition is proposed to limit the dog walking sessions to one customer per session with a maximum of two booked sessions permitted per hour in order to control intensity of use proposals. Furthermore, the proposal could shorten the distance that people travel by vehicle to walk their dogs, e.g. dog walkers that live in Exeter may decide to go to Idestone Lane to walk their dogs rather than Haldon Forest. It is acknowledged that the application site is not located in a sustainable location, however, given the type of use that is proposed and given the number of trips that the proposed use is likely to generate, it is considered that the unsustainable location of the site would not be harmful enough to warrant a refusal of the application.

Other matters

- 3.19 Paragraph 180 (b) of the NPPF states that planning decisions should “recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land.” This is supported by Local Plan Policy S1 which says that the impact of agricultural production will be relevant to the suitability of a proposal. The site is classified as Grade 2 agricultural land according to Natural England, which means it is included under ‘best and most versatile’.
- 3.20 Given the relatively small size of the application site, it is considered that on balance, the loss of good quality agricultural land is in this case not so significant that it would cause harm sufficient to warrant a refusal. Furthermore, as the only proposed physical works involve the erection of fencing and the installation of a grass reinforcement mesh, the proposed physical works are reversible and it would be possible for the site to revert back to agricultural use in the future should circumstances change. In addition the Parish Council have raised concern in respect of conflicts between this use and actively farmed land where lambing and calving occurs. Whilst this is noted, the site is to be limited in its use through a booking system and use of the site is within the confines of the fenced area. It is not considered that the concerns raised are material enough to warrant refusal of the application.

Conclusion

- 3.21 The proposed development is considered to be acceptable and therefore it is recommended that planning permission be granted subject to conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S7 Carbon Emission Targets

S22 Countryside

S23 Neighbourhood Plans

EN2A Landscape Protection and Enhancement

EN3 Carbon Reduction Plans

EN5 Heritage Assets

EN8 Biodiversity Protection and Enhancement

EN11 Legally Protected and Priority Species

Ide Neighbourhood Plan

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

TDC Biodiversity Officer:

The Council's Biodiversity Officer was verbally consulted on receipt of this application and she advised that she considered that no ecology report or formal consultation were required. The Biodiversity Officer advised that the fencing proposed must go inside the hedge and not impact upon the hedgerow.

DCC Highways:

Comments dated 5 February 2024

Access is proposed off an unclassified road, subject to the national speed limit, for a single carriageway, of 60mph. Actual speeds are likely to be much lower due to the width and geometry of the road, being a typical Devon lane.

There have been no personal injury collisions, reported to/by the police, in the vicinity of the site between 01/01/2018 and 31/12/2022.

If the gates are going to be closed, then they will need to be set back 6m from the edge of the carriageway to allow a vehicle to stop and not obstruct the highway and be able to open and close the gate.

It is noted that there will be a booking system and only one user will be able to use the site at any one time. The timeslots are for 30mins so even at full capacity there are only likely to be 2 vehicles an hour. Even given the constraints of the road this is unlikely to present a severe impact on the existing highway network.

Please can confirmation be given as to how the gates are going to be operated during the use of the site before a recommendation can be made.

Comments dated 25 March 2024

Following the submission of additional information by the applicant, the Highway Authority is satisfied with the arrangements for the gates to the site.

DCC Archaeology:

The application area occupies the site of a Roman signal station, which is protected as a scheduled monument. The applicant has had detailed discussions with Historic England with regard to the proposed fencing and scheduled monument consent has been granted for this work.

The Heritage Statement submitted in support of this planning application states in paragraphs 6.2.7 and 6.28:

6.2.7 It is considered that the proposed managed public access to the site is an opportunity to increase awareness of the site and its historical importance. There is an opportunity to provide information on the history of the site and the character of the scheduled Monument through the booking website with no need for physical information at the site.

6.2.8 Increasing awareness and appreciation for the monument and its setting is considered to be a public benefit.

This complies with the National Planning Policy Framework (2023) and the Teignbridge Local Plan which set out that development that better reveals or enhance the significance of heritage assets should be treated favorably. As such, the Historic Environment Team advise that any consent granted should be conditional upon the provision of publicly available information on the Roman signal station. This should include information available online - as part of the web-based booking system - as well as physically at the dog walking field.

Historic England (see application file for comments in full):

The proposal has the potential to harm the significance of the scheduled Roman signal station at Ide through both direct and indirect means.

The monument preserves the buried remains of a Roman signal station and the monument provides important information on Roman construction and communications.

We have had pre-consultation discussions with the applicants and they have been granted scheduled monument consent for the fence crossing the monument, which we note is included in the application.

We also note and endorse DCC Archaeology's comments regarding the erection of a suitable interpretation panel adjacent to the scheduled area of the site. We recommend that any consent be conditional upon the submission and approval of the text and illustrations for the board and that they be approved in writing by Mr Reed and ourselves. This was discussed and agreed as desirable during my site visit.

We recommend that any consent be subject to the following conditions in addition to any suggested by Mr Reed;

- provision of on-site (off monument) interpretation board
- text to be approved by S Reed and HE
- details of fencing to be as described
- hours of use agreed
- no lighting
- removal of all dog waste

No objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF.

6. REPRESENTATIONS

A site notice was erected. 31 letters of objection have been received which have raised the following concerns:

- Increase in traffic.
- Highway safety.
- Impact on ecology.
- There isn't a need for the proposed facility.
- Impact on road surface.
- Concerns about the policing of the site as the applicant does not live close by.
- Impact on the Scheduled Ancient Monument.
- Flooding.
- Increase in pollution from vehicles.
- Concerns about litter and excrement.
- Impact on the landscape and character of the area.
- The site is car reliant.
- Noise pollution.
- Loss of agricultural land.

Two letters of comment were also received with regards to the site address as the site was originally advertised, incorrectly, as land off Whiddon Lane. This application was subsequently re-advertised with the correct site address.

7. TOWN / PARISH COUNCIL'S COMMENTS

Ide Parish Council:

Object to the application

Traffic Congestion:

Idestone Lane, a narrow and poorly maintained lane with limited passing opportunities, serves as the primary access route to the proposed site. Its current condition and design, including high hedges and limited visibility, pose significant risks to pedestrians, cyclists, and horse riders if there is an increase in vehicle traffic. This presents risks for both motorists and other users such as walkers, cyclists, and horse riders, especially considering the priority given to these groups over car users in the latest Highway Code. The lane's single-track nature and lack of passing spaces make it ill-suited for increased traffic, raising concerns about safety and accessibility for local residents and users of the area and poses challenges for both motorists and agricultural vehicles.

Environmental Impact:

The proposed site lies within an Area of Great Landscape Value and is home to diverse wildlife, including ground-nesting birds and rare species like the Cirl Bunting. The development threatens to disturb this sensitive ecosystem, leading to potential habitat destruction, disturbance of nesting birds, and increased risk of disease transmission from dog excrement especially with the escalating risk of flooding in the area.

Agricultural Concerns:

Local farmers have expressed concerns about the impact of increased dog activity on livestock safety and the potential for sheep worrying, trespass, and illegal parking. The proposed site's proximity to farmland, particularly during lambing and calving seasons, raises significant concerns about the welfare of animals and the viability of agricultural operations.

In summary, the objections raised against the proposed dog walking facility highlight significant concerns regarding traffic congestion, access issues, environmental impact, agricultural viability, and road safety. These concerns underscore the unsuitability of the proposed site for such a development, and we urge the planning committee to reject the application accordingly.

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

10. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance.

Head of Place and Commercial Services