

**CHANGE OF USE OF AGRICULTURAL LAND TO
ENCLOSED FIELD FOR PRIVATE DOG WALKING**

at

LAND TO WEST OF JUSTICE WOOD
POLSTEAD
COLCHESTER
CO6 5DH

INTRODUCTION

This planning statement is submitted in respect of the change of use of agricultural meadow land to a fenced field that will also be occupied for dog walking, on the property known as Land to the West of Justice Wood, Polstead, Colchester CO6 5DH.

This proposal will provide hourly sessions for local residents and members of the public to walk and exercise their dogs in an enclosed and fenced field that compliments the field's use as a hay meadow.

This will form part of the farm's diversification enterprises.

This application is submitted on behalf of the landowners, Alan and Susan Keeble of Bower House Farm, Polstead.

THE PROPOSAL

The application is submitted for the change of use of 1.67 hectares (4.12 acres) of agricultural land which is located to the West of Justice Wood for use as a dog walking field, complimenting the agricultural use of hay cropping from the land.

The site plan sets out the location of the proposed area subject to the change of use.

The land which has been identified for this use as a smaller less productive arable field which makes accessing with modern larger farm machinery more difficult. The land will be cropped to grass and farmed as a low input traditional meadow that is cropped to hay each year, but also used for dog walking. As part of this proposal, the applicants wish to improve the biodiversity of the field by the reintroduction of wildflowers to the meadow.

The land will be securely enclosed with a 1.8m high post and wire fence, which could lawfully be erected under permitted development. The fence will enable people to walk with their dogs off the lead without the worry of them running away. This service will particularly appeal to those owners who have dogs which may be nervous / antisocial, have poor recall, a disability or may be an area for initial puppy training away from other dogs.

A dog walking field set in the rural countryside which is easily accessible will be a valuable addition to the dog walking community in and around Babergh.

The proposal will involve customers booking hourly sessions (with the option of booking for longer sessions) using an online booking system for them to use the dog walking field. Only customers who have made a prior booking will be able to use the field. The booking system will restrict customers so that only customers with a maximum of 6 dogs may use the facility at any one time. The use will therefore be extremely limited and remain at a very low density.

CHARACTER AND APPEARANCE

The current agricultural use for this parcel of land will remain unchanged in that it will continue to be laid to grass and will be cut for hay during the summer months. The character and appearance of the site will remain unchanged and will continue to be an agricultural hay field.

Furthermore, the ancillary use of the site for dog walking compliments the existing agricultural use and would be no different in character from users of the local public footpath network with their dogs, which occurs both on and off the lead.

There will be no permanent development on this site as a consequence of this change of use, other than the introduction of agricultural fencing, and the visual agricultural appearance of the site will remain unchanged.

The only operational development and engineering work that is required is the small extension of the car parking area to 65 sq.m to accommodate up to three cars safely off the highway with a small turning circle. The size of the area will allow for the safe manoeuvring of cars in and out of the site.

This service and diversification activity is unique, in that user of the field can self-isolate during their booked session and allow their dogs to walk safely off the lead in a secure, safe and fenced environment. This is quite important for any users that will be shielding as well.

It is confirmed that no commercial puppy or dog training / agility classes will be permitted, and neither will there be any agility equipment on the site. The use of the site solely relates to dog walkers exercising, for the physical health and mental well-being of dogs and their owners and to enjoy the local countryside.

This service provides a community facility for local residents that is unique to the local area. The character of the use remains unchanged to what would be expected from a public footpath network, other than the enclosed and secured nature of the site.

HOME BASED / REMOTE WORKING

Since the Covid-19 pandemic arose there has been a shift in working patterns to remote working from home. This has meant that many local residents have been based at home throughout the week rather than just at weekends which may have historically been the case. Therefore, there is a new demand for places and times where people can walk their dogs during the day rather than before or returning from work. The provision of a wild flower hay meadow for dog walking in the open countryside where local residents can escape privately with their dog promotes physical exercise and positive mental health and well-being. The users of the field can enjoy their dog having fun and listen to natural sounds of the birds, insects and wildlife adjoining a small woodland area to the west boundary.

The provision of this dog walking field improves the quality of life for those home-based workers who own dogs and enables them to maintain social distancing whilst exercising both themselves and the dog. The booking system of each session allows for no cross over of customers, which maintains social distancing.

INCREASE IN DOG OWNERSHIP

The Financial Times quotes on 22 May 2020:

“With millions of people now working from home or on extended furlough from their careers, many families are reviving long-held dreams to have a pet to keep them company on socially distanced walks. “There is unprecedented demand,” said Bill Lambert, head of health and welfare at the Kennel Club, which operates the national register of pedigree dogs. “Normally I get one or two inquiries a month but now it’s four or five a day.” He said breeders had reported waiting lists for puppies increasing from 100 to 400 people.”

The Metro stated on 10 June 2020:

“The Kennel Club group says it has seen a 180% rise on last year in enquiries from people wanting to buy dogs.”

The quality of life for home based and remote workers will significantly improve for dog owners with the opportunity to walk around a dog walking field within a traditional wildflower hay meadow and experience the open countryside, fresh air and wildlife whilst being able to walk their dogs in safe, secure and enclosed environment.

This is an activity that positively contributes towards to health and wellbeing of the dog owners and their dogs and is an outdoor activity that encourages exercise during a pandemic / lockdown.

OPERATING HOURS

The operating hours of the use will vary throughout the year in accordance with daylight hours. It is proposed that the use operates daily from 8am to 6pm. The hours will be reduced to during the winter months from 8am to 4pm. It is hoped that these summer opening times will allow dogs to be exercised in cooler parts at either end of the day. There will be no floodlighting associated with the use and therefore the use can only operate during daylight hours.

DOG WASTE

It is confirmed that a dog waste bin will be provided for users of the field inside the perimeter fence and this will be emptied twice weekly by the applicants. The waste will then be collected by a licensed waste contractor. Furthermore, the site will be inspected at regular intervals to ensure the site remains clean and clear.

The Retriever Dog Waste Bin will be installed which provides an enclosed and sealed dispenser.



VEHICLE PARKING AND ACCESS

Access to the field will be from an existing entrance directly from the highway. It will be secured with a steel field gate, identical to the type and design which would be used to secure livestock in a rural setting.

An area of hardstanding will be excavated inside the entrance gate to provide access and safe parking for 3 cars in all weathers.

The processes involved will be:

- a. Topsoil stripped and spread over the field
- b. Sub-base of 150mm of hardcore
- c. Surfaced with 6-20mm of road planings.

The gate locations have been marked on Landscaping Plan as:

- G1 = 4.2m wide x 1.8m high – Steel galvanised gate for car access and to secure dogs before entering the field from the car parking area.
- G2 = 1.0m wide x 1.8m high – Steel green painted mesh pedestrian gate
- G3 = 4.2m wide x 1.8m high – Steel galvanised gate for tractor access.

See attached CAD drawings for gates.

EMPLOYMENT

The management and operation of the online booking system, mowing of grass, management of fencing and car park maintenance will provide employment for the equivalent of 1 part time employee, equivalent to a 0.5 full time employee.

This farm diversification activity underpins the volatile farming income for the applicants which has experienced the driest spring on record and lowest arable yields recorded for the farm and an extremely wet winter of 2020 making it impossible to drill winter crops and lift sugar beet.

FARM DIVERSIFICATION

With volatile arable commodity prices, UK droughts and unpredictable weather patterns; the farm business is pursuing ways to maintain its viability and seeks to diversify income streams away from direct agricultural produce. The applicants have experienced their worst harvest in 40 years (see Sky News article) and this volatile farming income and reduction in payments to farmers needs underpinning to ensure the continued sustainability of the farming business into the future. This can be achieved through the provision of a community service for dog exercising as well as the promotion of the health and wellbeing exercise for local residents and the community.

The applicant has identified a demand for this use through social media interest generated on local Facebook pages and the request for more exclusive and private facilities in light of social distancing and Covid-19. The

requirements for dog owners and their dogs to exercise safely outdoors, the increase in dog ownership and the rise in the frequency of walking are also contributing factors for the demand for this kind of community facility.

With the current Covid-19 pandemic and customers seeking to social distance or self-isolate, this diversification service provides dog walkers with the ability to exercise their dogs in a secure and safe environment without interaction with other dog walkers.

The applicant is operating this business to:

1. To offer much needed secure, enclosed and private dog exercise facilities for dog walkers.
2. Contribute towards providing facilities that encourages healthy and active communities, focusing on wellbeing and outdoor activity.
3. To generate further income to allow the farm to enhance sustainability and keep up with ever increasing outgoings.
4. Provide income for the rural business, support its prosperity and create employment opportunities.
5. Support other local businesses who require such facilities in order to operate their commercial dog walking businesses.

LANDSCAPING

The site at present benefits from well established hedgerows and the Landscaping Plan demonstrates this. The applicant wants to ensure that the site is fully enclosed and private and also ensure that there is natural habitat for the dog walkers to enjoy.

WILDLIFE AND BIODIVERSITY

The applicants are a family farm with a current HLS Environment Stewardship Scheme in place and seek to encourage wildlife and increase biodiversity across their farm. As part of the proposal the grass will be enhanced with a wildflower meadow mix of:

Wildflower native species: Red Campion, Black Medick, Common Knapweed, Oxeye Daisy, Ribwort Plantain, Yarrow, Field Poppy, Lady's Bedstraw, Meadow Buttercup, Cowslip, Salad Burnet.

Grass species: Browntop Bent, Strong Creeping Red Fescue, Crested Dogs tail, Chewing's Fescue and Sheep's Fescue.

This encourages a traditional wildflower meadow that can be cut for hay and encourage wildlife and enriches the environment for pollinating insect species. The hay will be a late cut in August to ensure that the maximum pollinating species can benefit from the wildflower mix located on the meadow.

The applicants will install a bat roost box and further barn owl box to encourage further wildlife and use of the meadow.

PLANNING POLICY

National Planning Policy Framework ('NPPF')

The National Planning Policy Framework sets out the Government's up-to-date strategy for plan making and decision taking.

The NPPF sets out core planning policies which should underpin the planning decision making process. There is a presumption in favour of sustainable development and is central to the policy approach in the framework. It emphasises the need to plan positively for appropriate new development. The core principles that are pertinent to this case is that planning should:

- *contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs*
- *Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*
 - a) **an economic objective** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - b) **a social objective** – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
 - c) **an environmental objective** – *to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

The proposed dog walking field fulfils each of the above social, economic and environmental objectives.

In brief, the income from this diversification stream will support the farm to withstand the economic fluctuations within the farming industry and enable it to continue its viable operations. It will offer employment opportunities in the rural area and will also support other dog walking enterprises thus supporting the rural economy.

The social objective is also fulfilled. Mental health and physical well-being are high priorities during this challenging time. This service offers people and dogs the space to get fresh air and exercise in a setting in which people can isolate away from others.

Finally, improvements to the grass to a wildflower meadow, the inclusion of owl and bat boxes promote and improve the natural environment and biodiversity. It is an effective use of the land and is a carbon neutral activity.

Section 6 of the NPPF provides policy on 'supporting a prosperous rural economy'. Paragraph 83 sets out that planning policies and decisions should enable:

- a) The sustainable growth and expansion of all types of business in rural areas*
- b) The development and diversification of agricultural and other land-based rural businesses*
- c) Sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

This proposal meets all of the criteria as set out under paragraph 83, in that it is a sustainable growth of the existing farm business and is subtly enhancing the land rather than adding to it unnecessarily. It also is a sustainable source for rural leisure developments, focusing on the need for safe, outdoor exercise areas for dog owners and walkers, while simultaneously respecting the character of the surrounding countryside. This farm diversification project will also develop local community facilities by offering this open green space for local residents and members of the public to utilise the safe and secure setting for their dog walking.

No development is occurring in the form of built structures, and the fencing and land use appearance is unchanged to what could be achieved agriculturally under permitted development.

Paragraph 92 of the NPPF states that; "*To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings,*

public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments”.

Babergh Core Strategy 2014

Policy CS17: The Rural Economy

Historic villages, such as Lavenham and Long Melford and coastal villages such as Chelmondiston and Shotley play an important role in tourism and leisure within the district, and appropriate new development that supports this role will be encouraged.

The economy in the rural area will be supported through a number of measures including:

a) through the encouragement of:

- i) proposals for farm diversification;*
- ii) the re-use of redundant rural buildings;*
- iii) sustainable tourism and leisure based businesses (including those offering a diverse range of visitor accommodation, activities or experiences);*
- iv) businesses involved in the renewable energy / low carbon industry at an appropriate scale for the location;*
- v) rural ‘business parks’, and workshops, rural and community business ‘hubs’ that share facilities and other innovative rural enterprises, and innovative business practices such as co-operatives or microbusinesses based on shared facilities / services;*
- vi) and where appropriate, farm shops and farmers markets; and*

b) support for / promotion of rural businesses.

All proposals for development should comply with other policies in the Core Strategies and Policies document, particularly Policy CS15, and other subsequent documents as appropriate.

In respect of criterion a) i) of policy CS17, the farm has experienced its worst harvest in 40 years, as has been experienced by farmers nationally, and the farm requires a diversification enterprise to underpin the volatility of the farming incomes.

As the field is only 4 acres in size it is uneconomically small for commercial arable farming with the scale of large modern agricultural tractors. Therefore the use of this field can underpin the farming income, as well as providing a unique facility for local residents and dog walkers, whilst also having a significant emphasis on landscaping and

biodiversity, is considered to be positive from a planning perspective. The proposal can, therefore, be seen to comply with the provisions of policy CS17.

Babergh District Council Local Plan (2006)

CR04 Development Proposals in Special Landscape Areas

Development proposals in Special Landscape Areas will only be permitted where they:

- *maintain or enhance the special landscape qualities of the area, identified in the relevant landscape appraisal;*
- and*
- *are designed and sited so as to harmonise with the landscape setting.*

The character and use remain predominantly unchanged to that of an agricultural field.

The site is well landscaped and the planting species of the grass on the meadow is to create a traditional hay meadow to enhance biodiversity.

RE06 Small or Medium Scale Recreation in the Countryside

Proposals for recreation facilities and change of use to recreation in the countryside which are small or medium-scale may be acceptable, subject to no adverse impact on:

- *the character of the locality;*
- *road safety;*
- *Best and Most Versatile Agricultural Land;*
- *forestry;*
- *landscape character, particularly in Areas of Outstanding Natural Beauty and Special Landscape Areas;*
- *Scheduled Ancient Monuments, archaeological sites in the County Monument Record, historic parklands and listed buildings;*
- *biodiversity or sites of geological/ geomorphological interest;*
- *residential amenity.*

Recreational uses and facilities will not be permitted if they introduce or are likely to lead to the introduction of:

- *new buildings, structures or landscape features which would detract from the character of that particular tract of countryside;*
- *noise, light emissions or other intrusive characteristics which would detract from residential amenity and the quiet enjoyment of other users of the countryside.*

Any buildings and structures should be directly related to the proposed recreational use of the land.

The site is not adjacent to any residential properties so will have no impact on residential amenity, with the character of the use being appropriate to the countryside location with dog walkers. Also no public footpaths or bridleways are in proximity to the meadow.

The anticipated vehicle movements would be between 4 to 8 cars per day and these would access the site using the existing field access.

There is no subdivision of the holding as a consequence of accommodating this use.

As previously mentioned, this use is in principle no different to that of someone walking their dog(s) on one of the many public footpaths found locally. The only difference is that it is an enclosed and secure space, the rental of which will provide a diversified income stream to an established farming enterprise. The character of the countryside remains completely unchanged and is enhanced by this proposal based on the amount of tree planting, landscaping and establishment of a traditional wildflower meadow.

The use is compatible with surrounding uses based on the character of the proposal being unchanged to that of dog walkers on public footpaths which regularly occurs in and around the rural area and the application site. The use of the field for users walking their dogs is not new in terms of character of the countryside.

DESIGN, SITING AND EXTERNAL APPEARANCE

Design and External Appearance

This proposal relates to the change of use of agricultural land, although the character and appearance of the field will remain unchanged to that of an agricultural field when it is not occupied. The field is designed to be enclosed with square steel wire on timber fence posts to a height of 1.8 metres. The use of the field will operate with one customer at a time, as the use is targeted at individual owners seeking to walk their dogs in a secure and enclosed

environment. This single customer use of one at a time also allows people to follow government guidelines for social distancing and can be easily implemented.

The mobile field shelter proposed to be sited on the land is set some distance from the road and would not impact on views of the site.

Siting

The dog walking field has been sited in this location adjoining a quiet By-Road.

Access

Access to the field will be through a pair of steel gates, set back from the highway to enable a car to pull safely off the highway before opening the gates. The gate will be fitted with a coded combination lock into the field to prevent unauthorised use / access of the dog walking field in accordance with the submitted CAD drawings.

The rules of the use of the field will be provided to the dog owner on booking which limits the use of the site to 6 dogs as any one session.

The sessions are to be booked for 55 minutes in any one hour and therefore there is a 5 minute window between customer sessions to avoid cross over. This is also to maintain social distancing and the exclusivity of the use of the dog walking field.

PRECEDENTS/SIMILAR CASES

Appended to this statement (Appendix 1, 2, 3 and 4 respectively) are decisions approving this use of land in the Basildon Borough Council area, Chelmsford City Council area and the districts of Mid Suffolk and Babergh.

Each of these sites relates to similar proposals to that proposed here and demonstrate the manner in which such uses have been found to be acceptable in rural locations.

CONCLUSION

This proposal is to provide a private and enclosed dog walking field for use by local residents and dog owners from within the Babergh District and the local villages. The use will be limited in scale and will be for pre booked private dog walkers. The proposal seeks to compliment the traditional agricultural use of the land, i.e. the cutting of hay from a wildflower meadow with a private dog walking field.

The application site benefits from existing landscaping and hedging and further comprehensive landscaping is proposed to enhance the rural character of the site and encourage pollinating species. This will positively improve the biodiversity of the site and enhance the environment.

The proposal relates to the change of use of agricultural land. However it will not alter the appearance nor the character of the field. The use relates to a low-key farm diversification activity that does not require significant change to the site. There is no requirement for any buildings nor excavation / engineering works (except the 65 sq.m of entrance hard-standing) as a consequence of the use. Furthermore, no flood lighting is required as use of the field will be during daylight hours.

The introduction of fencing in keeping of the character of the site would so it would appear visually unchanged to that of an agricultural livestock / hay field. The use is comparable to that of users of the wider public footpath network, but this proposal enables users to walk their dogs off the lead in an enclosed and secure field.

The proposal complies with the concept of supporting a prosperous rural economy as set out under the NPPF and encourages a farm diversification enterprise to underpin the core arable farming operations at the farm. Since the presence of Covid-19, there is a demand for private dog exercising where dog walkers are choosing to self isolate and walk their dogs in a safe and secure environment, undisturbed by other dog walkers.

Currently there is a volatility of arable farming incomes and crop commodity prices, which has been compounded by the farm experiencing its worst harvest in 40 years. This diversification proposal provides a low key and character appropriate farm diversification enterprise in the local area that positively contributes to boosting the rural economy

This proposal is a fantastic and unique experience for the local Babergh area, the idea of which has arisen following the Covid-19 pandemic to ensure that dog owners can walk their dogs in a safe, secure and exclusive fenced field to maintain social distancing. The use promotes positive mental health and wellbeing of users and their dogs, and it is unique asset in the community where dog owners can exercise and enjoy the countryside.