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Planning Statement Land north of Rectory Road



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1. Introduction

- 1.1 This application is submitted on behalf of Mr Alex Cullen of East Newhall Farm to Tendring District Council for the "*change of use of agricultural land to use for dog walking and associated development*" at Land to the north of Rectory Road, Little Oakley, Harwich, CO12 5LD ("the Site").
- 1.2 This statement will provide justification for the proposal, including why it is considered to accord with the provisions of the development plan, which comprises the policies of the Section 1 Local Plan and Section 2 Local Plan and relevant policy within the National Planning Policy Framework ("the NPPF").

2. Application Site

- 2.1 The Site is located to the north of Rectory Road, which leads west from the settlement of Little Oakley. The Site comprises a large agricultural field extending north from the road and is enclosed by established hedgerows. The land falls towards the north providing distance views across the settlement of Ramsey.
- 2.2 The surrounding area is predominantly rural in character, although there is a ribbon of dwellings fronting Rectory Road to the south/east of the Site, the gardens of which abut the Site, and there are further dwellings on the land to the south of Rectory Road. A dwelling is under construction to the west of the Site, and is within the ownership of the Applicant. The land to the north and on the opposite side of Rectory Road is within agricultural production and there is a paddock to the north east.
- 2.3 Access to the Site is gained from an existing field access to the south west corner of the field, which is shared with the dwelling under construction. The access is afforded with good visibility in either direction.
- 2.4 The Site is not located within a Conservation Area and is not covered by any other local or national designation.
- 2.5 The Site is located outside of any defined settlement boundary. As a result, the Site is within the countryside for planning purposes.

3. Application Proposal

- 3.1 This application proposes the use of an existing agricultural field for dog walking purposes. All dog walking sessions would be pre-booked for an hour slot. Dog walkers



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cannot turn up speculatively. The field is booked exclusively for the dog or dogs and their owners and the owners walk/exercise their own dogs.

- 3.2 The part of the field to be used for dog walking would be enclosed by a 1.8 metres high post and wire fence to ensure that it is safe for all dogs. Details of the proposed fence is included as Appendix A. The existing access would be utilised and a small area of porous hardstanding would provide an area for the manoeuvring and parking for up to 2 vehicles.
- 3.3 Pet ownership has increased significantly over the past couple of years with an estimated increase of 3.2 million pets (Pet Food Manufacturers Association) being acquired since the start of the COVID-19 pandemic. In February 2020, it was estimated (by the People Dispensary for Sick Animals, the PDSA) that there were 10.1 million owned dogs in the UK, and this is estimated to have risen to 12 million owned dogs by March 2021 (PFMA).
- 3.4 The increase in owned dogs requires supporting infrastructure such as that proposed. The reasons that people use a dog walking area include:
 - dog owners have a safe and secure enclosed space for dogs to roam off a lead, which is especially important given that there has been a significant increase in dog thefts;
 - 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 are that it is a safe, controlled and enclosed space.
- 3.5 The proposed operating hours are 6am – 9pm, to allow for dog owners to visit before and after the working day. No lighting is proposed at the Site and therefore the Site would not be used after daylight hours. Access to the dog walking field would be gained via a gate located in the south west corner of the field. The gate would have a keycode entry system for security purposes. A wider gateway to the north of the access gate is provided to allow access for maintenance.
- 3.6 The maximum number of dogs permitted in the field at any one time would be limited to 8, although this number is not anticipated to be a frequent occurrence. For each additional dog above 3, there would be an additional charge per dog. Any dog waste would be placed in a bin provided at the Site and cleared daily by the Applicant.
- 3.7 To the south and east of the dog walking field, between the fence and existing boundary hedges, it is intended to sow the land with a wildflower mix to provide biodiversity gains, and to blend with the Applicant's Countryside Stewardship scheme.



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- 3.8 It should be noted that the physical works required to facilitate the change of use are easily reversible should the enterprise no longer operate.

4. Planning Considerations

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decision-makers determine applications in accordance with the development plan, unless material considerations indicate otherwise.
- 4.2 The development plan comprises the Section 1 Local Plan ("the S1LP") and the Section 2 Local Plan ("the S2LP"). Material considerations include, but are not limited to, the National Planning Policy Framework and the Planning Practice Guidance.

Principle of Development

- 4.3 Paragraph 83 of the Framework seeks to support the sustainable growth of all types of business and enterprise in rural areas. In addition, Policy PP8 of the S2LP supports appropriate proposals for *"the provision of leisure and tourism facilities as part of farm diversification schemes"*.
- 4.4 The provision of an off-lead dog walking field would allow for a low-impact diversification of the Applicants' existing agricultural business, which is predominantly focussed on arable farming. In addition, the proposed facility aligns with the general aims of Paragraphs 96 to 98 of the NPPF in relation to access to open space and recreational provision. Furthermore, in accordance with Policy HP5 of the S2LP, the proposed development provides an area of open space to allow for off-lead dog walking to reduce the frequency of visits made to nearby designated sites.
- 4.5 The principle of development is supported by Policies PP8 and HP5 for the S2LP and by the provisions within the NPPF in respect of supporting a prosperous rural economy and provision of recreational facilities subject to consideration of the impacts of the proposal.

Effect on the Character and Appearance of the Site and its Surroundings

- 4.6 Policy SP7 of the S1LP and Policies SPL3 and LP4 of the S2LP seek to achieve high standards of design for development that responds positively to local character and context.
- 4.7 As aforementioned, the Site is located within an overtly rural area, characterised by large open fields bounded by established hedgerows interspersed with mature trees. The land at the Site comprises a large field with established hedgerows forming the boundary of



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the land. The rolling topography is evident in views from within the Site, although appreciation of this is limited to glimpsed views from the Site entrance.

- 4.8 The application proposal seeks to use the land for dog walking purposes and involves little alteration to the land at the Site. The physical alterations at the Site are limited and involve the erection of a fence, to enclose the dog walking area, and the laying of a hardstanding to provide a car parking and manoeuvring area.
- 4.9 The proposed fence would not be of solid construction and would be a 1.8 metre high post and wire fence, which would maintain the sense of openness experienced at the Site. The fence would be set in from the existing hedgerow on the south and west boundary by 6 metres to allow for the hedge to grow and fill out and to allow for future maintenance of the hedgerow. The strengthened boundary hedgerow would provide an additional screening in views from the road and the track to the west, thereby reducing the visual impact of the proposed development.
- 4.10 The proposed hardstanding would be located close to the access point, to the south west corner of the Site, and would be finished with road planings. The main area of hardstanding would be located to the east of the access, adjacent to the field and a collapsed building, behind the hedgerow fronting the road and would therefore be largely obscured from public views. Similarly, the vehicles parking at the Site would be obscured by the established hedgerow, which as aforementioned would be allowed to fill out, further strengthening the hedge. Small areas of hardstanding are not uncommon in rural areas and are often associated with the agricultural use for the setting down of heavy machinery amongst other purposes and, as such, a small area of hardstanding would not be out of character in this location.
- 4.11 As stated in paragraph 3.5 of the Planning Statement, no lighting is proposed at the Site and therefore the Site would not be used after daylight hours. The hours mentioned in the Planning Statement are included to account for the longer daylight hours in the Summer months
- 4.12 The proposed development involves the change of use of the land at the Site with minimal physical alteration and additions. The nature of the proposed development would bear strong resemblances to the current lawful use of the Site, whilst the main area of hardstanding would be largely screened by existing landscape features. Consequently, the proposed development would ensure that the existing character and appearance of the Site would be maintained and the effect on the surroundings would be acceptable and would accord with Policy SP7 of the S1LP, Policies SPL3 and LP4 of the S2LP and the NPPF.



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Effect on Heritage Asset(s)

- 4.13 The Site is located to the north west of The Old Rectory, which is a Grade II listed building. In addition, the access to the Site is immediately opposite The White House, which is also a Grade II listed building. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the exercise of planning powers in respect of development which affects a listed building or its setting the local planning authority "...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 4.14 Paragraph 189 of the NPPF states that heritage assets "...are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations" and Paragraph 199 states that "when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation". In addition, Policy PPL9 of the S2LP states that "proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric".
- 4.15 The listing description of The Old Rectory is included below:

LITTLE OAKLEY RECTORY ROAD TM 22 NW (north side) 4/56 Little Oakley Rectory

- II

House. Late C18. Red brick in Flemish bond, roofed with handmade red clay tiles. Main range facing SE, with internal stacks at each end and one axial stack. Rear service wing near left end, with axial stack. C19 parallel service range to right of it, and lean-to extension to right of that. C20 single-storey flat-roofed extension in rear right angle. Single-storey lean-to extension in rear left angle. Main range of 2 storeys with attics, service range of one storey with attics. Ground floor, 4 original sashes of 12 lights; first floor, 5 original sashes of 3 + 6 lights, all in flat arches of gauged brick. Attic storey, 5 original sashes of 9 lights in flat-roofed dormers. Crown glass in many front windows. Double doors each with 3 fielded panels, overlight with cast iron geometrical tracery. Doric portico with 2 fluted columns, fluted pilasters and panelled jambs. String course above first-floor windows, plain parapet with stone coping, mansard roof. Parapet gables. In right return, one original sash of 12 lights with crown glass on first floor. In rear elevation, diagonally slatted larder window.

Listing NGR: TM2143329284



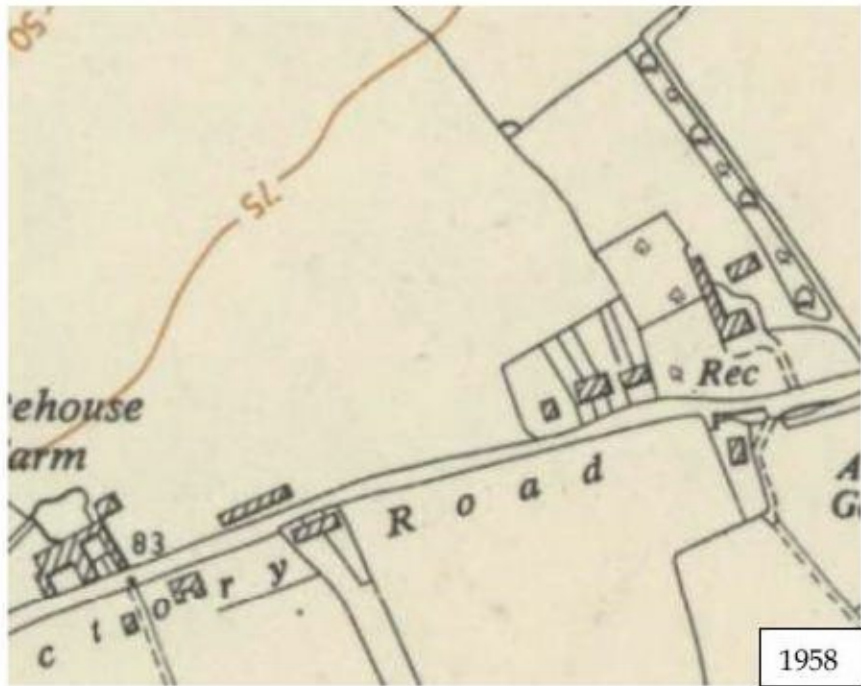
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- 4.16 The Site is separated from curtilage of The Old Rectory by the existing boundary hedge and mature trees, with the listed building being set approximately 45 metres from the eastern boundary of the Site. The land forming the Site has not had any historical association with The Old Rectory, being an arable field separate to the domestic use of the listed building. The following OS maps, dated 1881, 1898, 1925 and 1958, show the clearly defined boundary, marking out the extent of land associated with The Old Rectory:





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4.17 The land at the Site, whilst having no recent or historic association with The Old Rectory as seen in the preceding OS Maps and historic aerial imagery (including the image dated 1950 found [here](#)), would be partially within the setting of the listed building in respect



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of the eastern extent of the field, by virtue of the proximity of the Site to the curtilage of the listed building. The development proposals involve the enclosure of the land with a post and wire fence and the use of the land for dog walking and exercising.

- 4.18 The Old Rectory, as indicated in the listing description, is an attractive two-storey, red brick dwelling, with an attic storey providing further accommodation. The principal elevation, which comprises a Georgian frontage, faces towards Rectory Road, to the south, with rear service wings extending north from the main range. The Old Rectory is accessed via a sweeping gravel drive from the south east providing access to the front of the dwelling. It appears that the formal garden is to the immediate east of the dwelling and to the north, enclosed by red brick walls is a further garden area.
- 4.19 As aforementioned, the physical works related to the proposal are limited and involve the erection of the fence and the provision of an area of hardstanding to the west of the Site. In respect of the eastern extent of the Site, the 1.8-metre-high fence would be set in from the field edge by approximately 6 metres, allowing the Applicant to maintain the hedge. The operational development involved would be largely obscured in views from the heritage asset due to the existing boundary hedge and mature trees restricting intervisibility, although it is likely that the fence may be visible from the upper floors, particularly in winter when the foliage on hedges and trees is reduced. Given that the fence is typical of the type of livestock fencing found in rural areas, and that it could be erected under Class A, Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, it is suggested that the proposal does not harm the significance of The Old Rectory.
- 4.20 The listing description of The White House is included below:

LITTLE OAKLEY RECTORY ROAD TM 22 NW (south side) 4/57 The White House

- II

House. C16, extended in C20. Timber framed, plastered, roofed mainly with handmade red clay tiles, some machine-made red clay tiles at back. 3 bays facing NW with axial stack in middle bay. Large 2-storey crosswing to right, c.1910, with internal stack at the junction. 3 C20 single-storey extensions to rear, variously roofed. One storey with attics. 3 C20 casements, and one more in flat-roofed dormer. C20 6-panel door. Chamfered binding beam with lamb's s tongue stops, and chamfered axial beam, unstopped. Chamfered joists of horizontal section with plain stops, supported on moulded clamps. Large wood-burning hearth facing to right, plastered. Clasped purlin roof incorporating re-used rafters of a crownpost roof, some smoke-blackened, the front pitch repaired in softwood. Interior plaster conceals much of the structure. (This house corresponds in position with the Whitehouse Farm described by RCHM 2, but not



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with the description).

Listing NGR: TM2104129102

- 4.21 As seen in the extracts from the historic OS Maps, it is likely that there has been some association between land at the Site and The White House, with the former buildings to the west appearing to have comprised 'White House Farm'. This association has since been severed, with the land forming the curtilage of The White House being restricted to the south side of Rectory Road. Given the proximity of The White House to the Site, in particular the access, the Site is within the setting of the listed building. The physical works in respect of the proposed development are limited, particularly in proximity to the access point, with the parking area and fence being located beyond the established boundary hedge, approximately 40 metres to the north east of The White House.
- 4.22 As aforementioned, in Paragraph 4.19, given that the fence is typical of the type of livestock fencing found in rural areas, and that it could be erected under Class A, Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, it is suggest that the proposal does not harm the significance of The White House.
- 4.23 The proposed development, by virtue of its small scale and sensitive positioning, would not harm the significance of The Old Rectory and The White House. The proposal therefore accords with Policy PPL9 of the S2LP and the NPPF

Effect on Residential Amenity

- 4.24 Paragraph 130 of the NPPF requires that development proposals seek to ensure that existing and future users are provided "...with a high standard of amenity". In addition, Policy SPL3 of the S2LP requires that "the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties".
- 4.25 The Site is located approximately 25 metres from the nearest dwellings, although the field abuts the curtilage of the dwellings to the north of Rectory Road. The details set out within Section 3 of this statement aim to control the proposed use to limited dog numbers with a view to restricted instances of dogs barking. The majority of users are likely to bring dogs that are familiar with each other and therefore the potential for barking should be reduced. Dogs tend to bark when calling out to other dogs, expressing emotion and when they're trying to get the attention of their owner. Given that the use is intended for owners to exercise their own dogs, it is likely that instances of barking would be reduced and would likely be limited to the arrival at the Site, which would be at a distance of 40 metres from the nearest dwelling.



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- 4.26 In respect of anti-social behaviour, as detailed on the plans, the parking area is provided with coded in-and-out gates, primarily to ensure the safety of dogs and their owners, however a secondary benefit of the gates means that any other 'visitors' to the Site would not be able to gain access.
- 4.27 Users of the field would be required to agree to the Terms and Conditions covering use of the field, and local residents would be encouraged to contact the Owner of the Site should they have any concerns with users of the field. Users of the field who fail to adhere to the Terms and Conditions will not be permitted to use the field.
- 4.28 The proposed development would not result in a reduction in the level of amenity enjoyed by occupants of neighbouring dwellings as a result of noise and disturbance. The proposal therefore accords with Policy SPL3 of the S2LP and the NPPF.

Transport and Highway Safety

- 4.29 Paragraph 110 of the NPPF requires that application for new development should ensure that "...safe and suitable access to the site can be achieved for all users". Paragraph 111 states that "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*" and this approach is replicated in Policy CP2 of the S2LP.
- 4.30 The proposed development would utilise the existing vehicle access at the Site, which is located to the south east corner of the field. The access has been used in respect of the lawful use of the Site for a number of years, providing vehicular access to the Site for farm vehicles. The access is provided with significant visibility splays in either direction, and the access has been deemed suitable by the Highway Authority within the planning permission granted under application reference 20/00917/FUL.
- 4.31 The Site would be provided with an area of hardstanding to provide for the parking and manoeuvring of vehicles, ensuring that vehicles accessing and leaving the Site can do so in a forward gear further aiding highway safety. The hardstanding would provide on-site parking for up to 3 cars, which given the maximum number of users would be in excess of what should be required on the basis of how the facility would be operated, as outlined in Section 3 of this statement, which is for pre-booked dog walking and exercising sessions whereby Owners book in advance for an hour at the field solely for the Owner and their dog(s). Although three spaces have been indicated on the plan, this is to allow space within the parking area to avoid contact at changeover periods (if one visitor is late leaving or another is early arriving).
- 4.32 It is anticipated that each hourly slot would represent 2 vehicle movements (1 arrival movement and 1 departure movement) and therefore the amount of traffic generated would, if operating at capacity, equate to 2 movements per hour or up to 32 vehicle



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movements per day (resulting from a maximum of 16 hours of operation and 2 vehicle movements per hourly session). Although it is appreciated that, as a rural lane, traffic is likely to be low, however the addition of a maximum of 32 vehicle movements is not considered to be an unacceptable increase over and above existing levels. It is noted that there is a bus stop at The Cherry Tree, close to the junction between Rectory Road and Harwich Road, approximately 800 metres from the Site, providing services to Harwich, Clacton-on-Sea and Colchester. The proximity of the bus stops may reduce vehicle movements if visitors arrive by public transport, although it is anticipated that arrivals by public transport would be minimal. Nevertheless, the current bus timetables are included as Appendix B and Appendix C.

- 4.33 The proposed development would therefore be acceptable in respect of transport and highway safety. The application therefore accords with Policy CP2 of the S2LP and the NPPF.

Flood Risk

- 4.34 Paragraph 159 of the NPPF seeks to ensure that development is directed away from the areas at highest risk of flooding (whether existing or future). According to the Environment Agency Flood Map for Planning (included as Appendix D), the Site is located within Flood Zone 1, indicating a low probability of flooding. In addition, the Site is identified as having a very low risk of surface water flooding, as indicated in the following image:





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- 4.35 The proposed development would not be affected by current or future sources of flooding and would be safe for its lifetime. The minimal amount of operational development and engineering operations at the Site would not result in the increase in flood risk elsewhere.
- 4.36 The Site would remain largely undeveloped maintaining the existing method of surface water disposal. The area of hardstanding would be constructed using a porous material. Surface water currently drains to the north towards an existing water course (the Dovercourt Dock River) located at the field boundary, which eventually leads to the estuary of the River Stour close to Parkeston Quay.
- 4.37 Table 2 (Paragraph 066) of the Planning Practice Guidance Flood Risk and Coastal Change chapter classifies land used for outdoor sports and recreation to be 'water-compatible development'. Table 3 (Paragraph 067) states that 'water-compatible development' Flood Zone 1 is considered to be appropriate. The proposed change of use, comprising limited operational development, is therefore acceptable in respect of Flood Risk.

5. Conclusion

- 5.1 This is an application for planning permission for the "*change of use of agricultural land to use for dog walking and associated development*" at Land north of Rectory Road, Little Oakley, Harwich, CO12 5LD.
- 5.2 The principle of a is supported by local and national planning policies. The proposal is acceptable in respect of its effect on the character and appearance of the area, on residential amenity, and highway safety, and is acceptable in terms of flood risk. The proposal therefore accords with the policies contained within the Local Plan and the provisions of the NPPF.
- 5.3 Taking into consideration the points raised within this statement, it is hoped that the Council will be able to positively consider this application and grant planning permission.