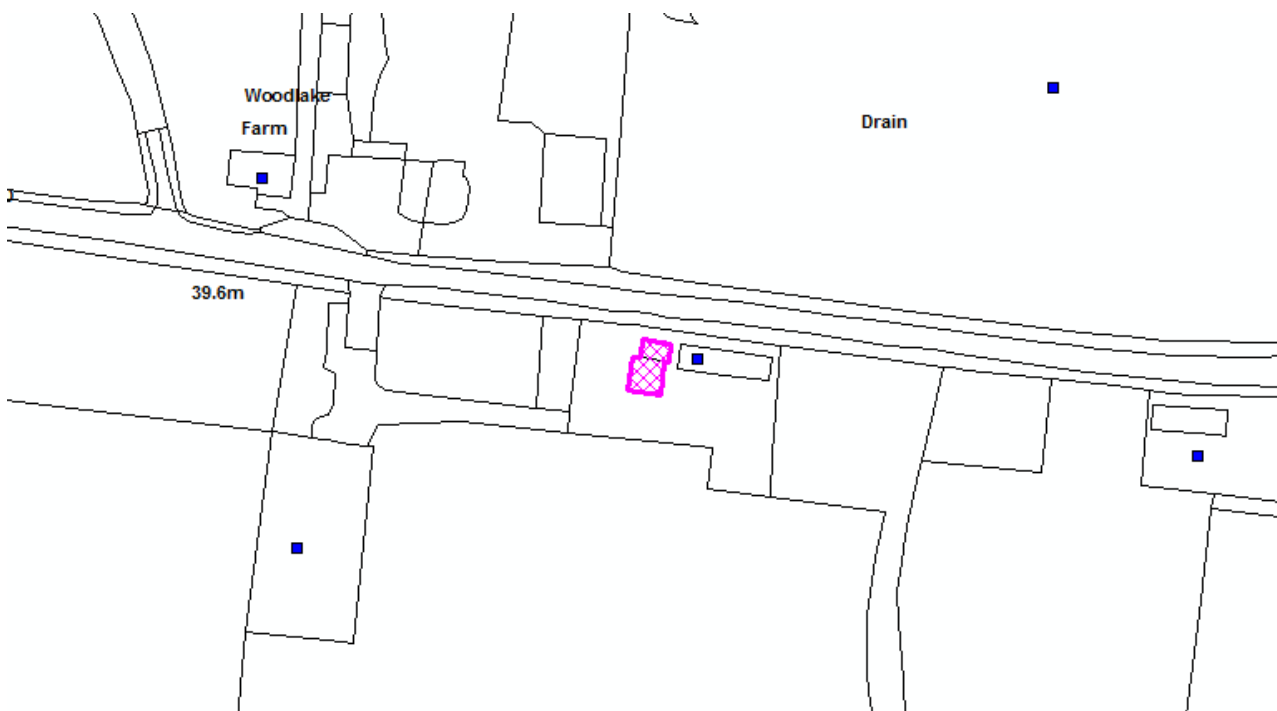


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**Case No:** 23/00063/FUL  
**Proposal Description:** Continued use of storage building as a dog grooming salon (sui generis).  
**Address:** Willow Tree Stables, Forest Road, Denmead, Hampshire, PO7 6UG  
**Parish:** Denmead  
**Applicants Name:** Mr & Mrs P. & E. Williams & Tedore  
**Case Officer:** Liz Young  
**Date Valid:** 6 February 2023  
**Recommendation:** Permit  
**Pre Application Advice** No

**Link to Planning Documents**

23/00063/FUL <https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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**Reasons for Recommendation**

The development is recommended for permission as it is considered that it involves the sensitive re-use of an existing building and accords with both national and local policy (including LPP1 Policy MTRA4 and NPPF paragraph 84) which together seek to support proposals for the conversion of existing buildings in order to contribute towards a prosperous rural economy.

**General Comments**

The application is reported to Committee at the request of Denmead Parish Council.

Denmead Parish Council's request for the application to be determined by Planning Committee, based upon material planning considerations is set in their response which is included in Appendix A.

**Amendments to Plans Negotiated**

None

**Site Description**

This application relates to a former equestrian storage building which occupies an external footprint of 21 square metres. The site is located in open countryside and backs onto open fields which fall within the same ownership. Vehicular access off Forest Road lies approximately 320 metres to the west of the application building. The building sits within a group other buildings and structures which sit parallel with the roadside boundary and comprise a detached stable block, storage containers and another storage building. These buildings all front directly onto an area of hardstanding to the south which is used for informal parking and are largely screened from Forest Road by established boundary vegetation.

The site has been used for private equestrian activities since 2010 following the granting of planning permission in 2010 (10/01864/FUL), although an agricultural contracting business (P.E.T Pastures) has also been running from the site following the granting of a lawfulness application in 2022 (22/02109/LDC).

**Proposal**

Consent is sought to continue to use the application building which was previously used for private equestrian storage purposes as dog training/dog care (sui generis). Information which accompanies the application indicates that the use operates between 09:00 and 16:00 Monday to Saturday and that the daily number of clients ranges between 1 and 4, with appointments of between 1 and 3 hours. All appointments are pre-booked. The majority (two thirds) of customers are stated to originate from Denmead, Waterlooville and Purbrook.

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**Relevant Planning History**

- 22/02109/LDC Retention of partial business storage use (Class B8) of stable building and hardstanding area. approved 13 December 2022
- 22/02107/LDC Retention of storage building (Class B8) Approved 5 December 2022
- 15/02549/FUL To allow the siting of 2 x secure containers on the land (for secure storage in association with the permitted private equestrian) () Approved 13 January 2016
- 10/01864/FUL Change of use of agricultural land to equestrian to include a hardstanding, stables, tack room, storage and facilities to store two horse trailers Approved 22 October 2010

**Consultations**

Service Lead - Public Protection (Environmental Health): No objections subject to a condition specifying the hours of use

Service Lead – Engineering (Drainage): No objections subject to clarification as to how sewage is managed from the property

Hampshire County Council (Highway Authority): Raise no objection

Representations

**Representations:**

Denmead Parish Council: raises a strong objection with a request that the application is considered at planning committee on the following grounds:

- Winchester City Council Local Plan 1 – Policy MTRA4 – Development in the Countryside. This application is contrary to this policy which states that *'only development which has an operational need for a countryside location, such as for agriculture, horticulture or forestry will be permitted'*. A dog grooming salon is not part of the rural economy.
- The property is in an unsustainable location requiring car journeys. It should be noted that this site is a separate entity to the nearby Rhobulls dog park on Lower Crabbick Lane.
- The application makes no provision for the disposal of grey water or foul waste.

One Objecting Representation received citing the following material planning reasons:

- Development in the countryside
- Breach of conditions previously imposed; subdivision of paddocks has resulted in

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an industrial character

- Additional traffic will impact on highways safety

43 Supporting Representations received from different addresses citing the following material planning reasons:

- The site is well concealed
- Benefits to local economy
- Concerns raised in relation to pony paddocks are not relevant to the application the NPPF supports business uses in rural areas
- Adequate parking provision

### **Relevant Government Planning Policy and Guidance**

#### National Planning Policy Framework

Chapters 2 and 6

#### Winchester Local Plan Part 1 – Joint Core Strategy (LPP1).

DS1 - Development Strategy and Principles

MTRA4 - Development in the Countryside

CP8 - Economic Growth and Diversification

CP13 - High Quality Design

CP16 – Biodiversity

CP17 - Flooding, Flood Risk and the Water Environment

#### Winchester District Local Plan Part 2 – Development Management and Site Allocations

DM1 - Location of New Development

DM15 - Local distinctiveness

DM16 - Site Design Criteria

DM17 - Site Development Principles

DM18 - Access and Parking

DM19 – Development and Pollution

DM20 - Development and Noise

DM23 - Rural Character

#### Denmead Neighbourhood Plan (2011 to 2031)

Policy 1

#### Supplementary Planning Document

National Design Guide 2019

High Quality Spaces

#### Other relevant documents

CLIMATE EMERGENCY DECLARATION CARBON NEUTRALITY ACTION PLAN 2020 – 2030

Statement of Community Involvement 2018 and 2020

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## **Planning Considerations**

### **Principle of Development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

With regards to employment uses in particular, paragraph 81 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity.

Paragraph 84 of the NPPF states that planning decisions should enable *'the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings'*. Paragraph 85 considers rural sites and recognises that to meet local business and community needs in such locations, sites may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

The site is located in the open countryside, outside any settlement boundary. In such locations Policy MTRA 4 of the LPP1 is closely aligned with the policies contained within the NPPF and supports *'proposals for the reuse of existing rural buildings for employment'* subject to ensuring the building in question would be *'of permanent construction and capable of use without major reconstruction'*. This policy also requires that such proposals *'should not cause harm to the character and landscape of the area or neighbouring uses, or create inappropriate noise/light and traffic generation'*.

The application building has an internal floor area of just under 20 square metres. No significant physical alterations have been undertaken to the building to accommodate the use and the pre-existing parking arrangements have also remained unchanged. The application building and site have therefore been shown to be capable of accommodating the use without significant intervention.

The principle of development is therefore established by policy MTRA4 and CP8 of the LPP1.

### **Assessment under 2017 EIA Regulations.**

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

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**Impact on Character and Appearance of Area**

The site is well screened from the highway by established vegetation and the change of use does not necessitate the introduction of additional built development, external lighting or significant levels of vehicular activity into the open countryside. The application building itself is lower than the adjacent stable block and is predominantly screened from Forest Road by the boundary hedgerow. The development therefore does not have an unacceptable effect on the rural character of the area, by means of visual intrusion, the introduction of incongruous features, the destruction of locally characteristic rural assets, or by impacts on the tranquillity of the environment and is in accordance with policies DM16 and DM23 of the LPP2.

Whilst there would be an inevitable increase in activity and movement associated with the use compared to the previous use as equestrian storage, due to the scale of the operation this is not considered to adversely harm the rural character of the area.

With regards to concerns raised in relation to the visual appearance of pony paddocks this relates to the consented ongoing equestrian activity across the wider area (although this use is now largely diminished) and is not relevant to the current application.

**Development affecting the South Downs National Park**

The application site is located 1.8km from the South Downs National Park boundary which is to the north-east.

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

There is no intervisibility between the application site and the South Downs National Park and the modest scale of the use is such that it will not generate a material increase in vehicular activity or recreational pressure with the potential to impact upon this designation.

In conclusion therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

Taking account of the Park's purpose to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and promote understanding of its special qualities, the development has a neutral impact and does not therefore adversely conflict with the statutory purposes of the SDNP designation

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### **Historic Environment**

The works do not affect a statutory Listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting.

### **Neighbouring amenity**

The closest residential property, Woodlake Farm lies just under 80m to the north-west across Forest Road. Due to the separation distance between the site and neighbouring properties along with the intervening landscaping and highway it is considered there is sufficient space to ensure that the proposal would not be materially harmful to neighbours amenities in terms of loss of outlook, light or privacy.

In terms of noise and disturbance, it is acknowledged that the presence of dogs as part of a commercial activity can give rise to the potential for increased noise levels in some instances. In this case however, the relatively low client numbers (enforced by the size of the building), the nature of the use (undertaken in the building) and the system of advance booking will ensure the overall potential for noise will be appropriately mitigated. The distance from neighbouring properties (separated from the application site by the highway), along with the fact that dogs would be supervised within the building for much of the time will also ensure any noise associated with the use will not give rise to a harmful loss of amenity.

Environmental Protection raise no objection to the continued use of the dog grooming business between 09:00 and 16:00 Monday to Saturday (a safeguarding condition will limit the hours of use). They have also indicated that whilst the use has been ongoing, no noise complaints have been received.

Subject to a condition limiting the hours of use, the overall degree of harm upon the amenities of the local area would be negligible. The development would therefore not have an unacceptable adverse impact on adjoining land, uses or property or have an unacceptable impact on human health or quality of life. The change of use is therefore in accordance with policies DM17 and DM20 of the LPP2.

### **Sustainable Transport**

With regards to Parish Council concerns raised over the potential for future changes in business activity to a boarding kennels, a condition is recommended to limit the use to a dog grooming salon.

With regards to the wider policy concerns raised by the Parish Council, paragraph 6.31 of the supporting text to LPP1 policy MTRA 4 highlights that there are a number of existing buildings within the countryside of the District, some of which are no longer in use and others which are occupied by existing users or businesses which may need to expand. It states that in many cases these existing structures are often an accepted part of the landscape and it is considered appropriate to provide for them to be used productively, through re-use, or for them to be redeveloped. The application building is considered to be reflective of this as it relates well to its context forming part of an established building group on site which generates a moderate level of activity as a

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result of the various lawful equestrian and business storage activities. The recent introduction of a dog grooming use has been shown to be compatible with this. As outlined above the client / customer base also primarily originates from the local area and the applicant (the sole staff member) lives relatively locally to the site (approximately 7 miles). The development is therefore considered to comply with LPP1 policy MTRA.

With regards to concerns over the breach of planning conditions imposed on previous consents, the conditions imposed on the change of use in 2010 prevent any form of commercial riding, breeding or training uses for the consented equestrian activity. The proposed use of the application building for dog care would not breach this condition. There are no other conditions which specifically restrict the use of the application building.

Following the implementation of the change of use, the site has continued to be served by the existing access off Forest Road and parking arrangements will remain as existing. There are three parking spaces on site and these are to remain in place. The existing access benefits from a good standard of visibility and the existing gates are set back a sufficient distance to enable vehicles to safely pull off the highway. The Highways Officer considers these arrangements to be acceptable and it is therefore concluded that the development allows for safe and effective access with an appropriate standard of visibility in accordance with Policy DM18 of the LPP2.

### **Ecology and Biodiversity**

The proposal will have no impact as it is not development within, bordering or in close proximity to a European Protected Site (I.e. River Itchen SAC, The Solent SAC, SPAs, Ramsar Sites) and is not overnight accommodation affecting Nitrates.

Due to the nature of the development and the distance between the application site and the European Protected Site of the Solent SAC and SPA and the River Itchen SAC, an Appropriate Assessment under the Conservation of Habitats & Species (Amendment) Regulations 2011 is not required.

There are no ecological interests within or directly adjacent to the site which are directly impacted by the change of use (which is restricted to the application building and adjacent parking area). Whilst Creech Walk West Site of Importance for Nature Conservation (SINC) lies further to the south, this is separated from the application site by intervening grazing land and lies approximately 100 metres from the application site. Having regard to this (and the nature of the use) it is concluded that the development will not adversely impact upon this designation.

Therefore the proposal complies with LPP1 policy CP16.

### **Sustainable Drainage**

With regards to the concerns raised by the Parish Council in relation to drainage, the site does not lie within or adjacent to a Flood Zone 2 or 3. The Drainage Engineer has reviewed the proposal and is satisfied that the proposal does not present any flood risk concerns. The development has also not resulted in the addition of any impermeable

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surfacing to the site and therefore does not generate the potential for increased surface runoff.

With regards to foul drainage, the applicant has provided further clarification on this issue and states that there are no toilet facilities on site and therefore no requirement for a foul drainage system. With regards to dog waste, the modest amount which is generated is removed from the site and disposed of at the applicant's home. Refuse could be taken to a licensed Hampshire County Council site if required.

Overall it is concluded that the development does not cause unacceptable deterioration to water quality, increased flood risk elsewhere or harmful levels of pollution and is therefore in accordance with LPP1 policy CP17 and LPP2 policy DM19.

### **Equality**

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

### **Planning Balance and Conclusion**

This planning application has been assessed against the following policies: DS1, MTRA4, CP8, CP13, CP16 and CP17 of the LPP1 and policies DM1, DM15, DM16, DM17, DM18, DM19, DM20 and DM23 of the LPP2. The change of use is of a modest scale, has been accommodated through the sensitive reuse of an existing building without necessitating the introduction of new built development or significant increased levels of activity into the open countryside. It has been established that the use for which consent is sought does not give rise to unacceptable impacts arising from noise, pollution or vehicular activity. Overall it is concluded that the change of use accords with both national and local policy which seeks to support proposals which contribute towards a prosperous rural economy. It is therefore recommended that planning permission should be granted.

### **Recommendation**

Application Permitted subject to the conditions listed below:

### **Conditions**

- (1) The approved use shall not operate from the site outside the following times: 09:00 to 16:00 Monday to Saturday, nor at any time on Sundays, Bank or Public Holidays.

Reason: To restrict the use of the premises in the interests of highway safety and local amenity.

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- (2) The development hereby approved must be undertaken in accordance with the following documents and drawings:

SD-2210-10 (B) Proposed Plans and Elevations

Reason: In the interests of proper planning and for the avoidance of doubt

- (3) The development hereby permitted shall be used for dog grooming parlour and for no other purpose (including any other purpose in Class Sui Generis of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

Reason: To restrict the use of the premises in the interests of highway safety and local amenity.

**Informative:**

1.

In accordance with paragraph 39 of the NPPF (2021), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant.

2.

The Local Planning Authority has taken account of the following development plan policies and proposals:-

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA4, CP13, CP16, CP17

Local Plan Part 2 - Development Management and Site Allocations: DM1, DM15, DM16, DM17, DM18, DM19, DM20 and DM23

3.

This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

4.

All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and

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0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5.

Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice, please refer to the Construction Code of Practice

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

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**Appendix A – Denmead Parish Council Comment**

**Comments for Planning Application 23/00063/FUL**

**Application Summary**

Application Number: 23/00063/FUL

Address: Willow Tree Stables Forest Road Denmead Hampshire PO7 6UG

Proposal: Continued use of storage building as a dog grooming salon (sui generis).

Case Officer: Nicola Clayton

**Customer Details**

Name: Denmead Parish Council

Address: Denmead Parish Council, The Old School, School Lane, Denmead Waterlooville,  
Denmead PO7 6LU

**Comment Details**

Commenter Type: Parish Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Denmead Parish Council raises A STRONG OBJECTION with a request that the application is considered by Winchester City Council's Planning Committee on the following grounds:

- Winchester City Council Local Plan Part 1 - Policy MTRA4 - Development in the Countryside  
This application is contrary to this policy which states that "only development which has an operational need for a countryside location, such as for agriculture, horticulture or forestry will be permitted". A dog grooming salon is not part of the rural economy.
- The property is in an unsustainable location requiring car journeys. It should be noted that this site is a separate entity to the nearby Rhobulls dog park on Lower Crabbick Lane.
- The application makes no provision for the disposal of grey water or foul waste.