

PLANNING STATEMENT

Change of use from Agricultural to Dog Walking/Exercise Field (Sui Generis)

Plas Issa Farm, Cristionydd Lane, Penycae

1. Introduction

The proposal is for the change of use of 3 individual fields (agricultural land) to a Sui Generis use as dog walking fields. The purpose of the scheme is to provide a private hire opportunity for individuals/families to exercise their dogs in a safe, fenced, environment.

The site is located at Plas Issa Farm, Cristionydd Lane, approximately 500 metres south of Penycae. The 3 fields lie within close proximity of the farm complex. Field 1 lies immediately west of the farmhouse, Field 2 north of the group of agricultural buildings and Field 3 lies on land opposite the main entrance to Cristionydd Lane.

Following the purchase of Plas Issa Farm in 2019, the main farming operation ceased and the current owners are seeking a rural diversification scheme to replace the mainstream farm income. The plan is to join the growing number of successful dog field businesses which are opening across the country as low risk, low impact farm diversification schemes. There are some 450 in the UK at present.

The business started over two years ago and has been operating under the 28 day (permitted development) rule. However, it is acknowledged that more recently it has operated beyond these limits and consequently the application is partly retrospective to regularise the existing situation. No further activity is proposed than already exists on the site. An Enforcement Officer, Louise Phillips, has investigated the case and advised the owners to submit a planning application.

The proposals will form part of wider diversification scheme to include dog training, conversion of outbuilding to holiday lets and glamping. The two latter elements are currently being withheld until the issues in relation to phosphorous have been resolved. A separate application for the conversion and glamping will be made in due course. Pre-application advice was sought in 2022 under Ref: ENQ/2022/0229. Subject to the need for additional information, in order to control the intensity of use, and matters in relation to the loss of agricultural land and potential sterilisation of mineral resource, no objections in principle were raised to the dog training use.

The following sections of the statement identify the relevant issues pertinent to the consideration of the application submission and include:

- A description of the application site and details of the proposed use;
- An overview of the relevant planning policy;

- An assessment of the application proposals against the Development Plan and relevant material considerations such as the Planning Policy Wales and Supplementary Planning Documents.

In accordance with statutory and local information requirements, the following supporting materials is submitted alongside the statement, and will enable a full assessment of the proposals to be undertaken:

- Completed application forms, including ownership certificates;
- Location plan;
- Site plan.

Overall, this statement will assess in detail all the planning aspects associated with the application proposals, with reference to the above supporting information which forms the planning application. It will be shown that the proposals are in accordance with both national and local planning policy.

2. Site Description

The site location plan shows the site in its immediate context. Plas Issa Farm comprises of a total of over 52 acres and the farmstead lies approximately 500 metres south of Penycae, accessed from Cristionydd Land. Two of the three fields lie within close proximity of the farmhouse, agricultural barns and hard surfacing.

The site lies in open countryside. Fields 1 and 2 are bounded by established hedgerows and Field 3, opposite Cristionydd Lane is fenced. There are no permanent or fixed structures on the three fields.

The topography of the site generally slopes downwards from west to east. Fields 1 and 3 are generally flat and well screened. Field 2 slopes northwards and is the most visible from the site. The surrounding landscape is undulating with land rising to the east. There are no public rights of way affected, the nearest to the site being beyond Field 1 to the west.

The farm currently has two access points from Cristionydd Lane. The first to the north is not used and can be closed off. Visibility at this point is extremely restricted and there is no intention to use this access. The main access lies further south connection the farm with the adjoining highway. All traffic movements are through this access. A field access serves Field 3 to the east, but all parking will be accommodated on the existing farm complex opposite.

In residential terms, the site is quite isolated, with only one dwelling in the vicinity. Cristionydd House, being the nearest at approximately 200 metres away to the north. The village of Penycae lies 300 metres beyond that point.

3. Details and Management of Proposed Use

The proposed development seeks to change the agricultural use of the 3 fields to a secure dog walking facility. The fields will allow people to walk their dogs in a safe, fenced environment. The idea is to provide a natural feeling, countryside walk experience. Timeslots to use the fields will be bookable online only and customers will be expected to adhere to the management rules of the site. These will include protocols on arrival and departure, the picking up of waste and limiting the number of dogs on site at any one time. The site will be booked and paid for through the website and will offer 1 hour long slots. The maximum number of dogs permitted at any one time on each field will be 5. However, the norm is much lower as evidenced by previous booking history over the last 2 years. In reality, the site is not likely to operate at maximum capacity and visits from multiple households not likely to be the norm, although will be possible. The scale and intensity of the use however can be controlled via an appropriate planning condition if necessary.

In terms of site management, customers will be managed to ensure there is no overlap between them, on-site. Access to the fields would allow time to load your dog and leave before the next customers arrived. The whole operation will be managed and the site routinely and inspected once a day for fence damage, dog mess, litter and potential hazards.

Although the proposal includes the three fields it is unlikely all three will be in use simultaneously. The intention is to have two fields operational at any one time, allowing natural recovery through rotation and the occasional use by livestock. The hours of operation are Monday to Friday 07.00 to 19.00 hours; Saturday, Sundays and Bank Holidays 08.00 to 18.00 hours. These times generally reflect the situation at similar facilities elsewhere. All customer parking can be easily accommodated on the existing hardstanding within the farm complex and would be screened from public viewpoints by existing buildings. The maximum traffic generated is expected to be in the region of one to three additional cars per hour. As it is a local facility, many existing customers walk to the site from Penrycae.

4. Planning Policy

The planning policy context comprises of both national and local planning policies. National guidance comprises Planning Policy Wales (PPW) Edition 11 (February 2021) as well as supplementary Technical Advice Notes (TAN's). At the local level, the recently adopted Wrexham Local Development Plan 2013-2028 provides the local planning policy framework.

It should be noted that the pre-application advice was issued in relation to the previous Unitary Development Plan.

Planning Policy Wales (PPW)

PPW sets out the land use planning policies of the Welsh Government and is supplemented by a series of TAN's. The primary objective of the PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following extracts are considered relevant to the application:

Paragraph 3.58 relates to the best and most versatile agricultural land. Paragraph 3.59 adds that when considering the search sequence and in development plan policies and development management decisions, considerable weight should be given to protecting such land from development.

Paragraph 3.60 states that development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access, habitat and landscape conservation.

Paragraph 3.68 relates to Green Wedges, stating that they are local designations which essentially have the same purpose as Green Belts. However, whilst this site originally formed part of the 'Green Barrier' within the previous Wrexham Unitary Development Plan, that designation no longer exists for the area within which the site lies. Consequently, the policy circumstances have changed since the original enquiry was made in 2022. The impact upon the open countryside however will be considered in more detail below.

Paragraph 4.5 of the PPW states that recreational spaces are vital for our health, well-being and amenity and can contribute to an area's green infrastructure. They provide a place for play, sport, healthy physical activity and a place to relax, often in the presence of nature, and they contribute to our quality of life.

Chapter 5 relates to productive and enterprising places with an emphasis to promote and diversify the rural economy to ensure it is fit for the future and economically sustainable whilst ensuring that unnecessary development in the countryside is controlled.

Paragraphs 5.6.1 and 5.6.2 state that the rural economy must develop a wide base if it is to be adaptable and resilient. Planning Authorities should plan positively to meet rural employment needs by identifying policies in their development plans. By supporting the

development of a broad range of employment opportunities in rural areas, planning authorities can increase economic prosperity and help address the effects of rural decline or depopulation where it occurs. Greater opportunity can support and strengthen the future well-being and sustainability of rural communities. It goes on to say that small enterprises have a vital role to play in the rural economy and that proposals for diversification, new start-ups and micro-businesses should be encouraged.

Paragraph 5.6.7 states that Local Authorities should encourage the growth of self-employment and micro businesses in rural areas by adopting a supportive and flexible approach to home-working and associated change of use applications. Rural business diversification is covered from paragraph 5.6.10 onwards and states that additional small business activities can often be sustainably located on farms and provide additional income streams. It is also acknowledged that certain diversification proposals will only be accessible by car.

Technical Advice Note 11: Noise (October 1997)

TAN 11 relates to noise, notably that Local Planning Authorities should ensure that noise generating development does not cause an unacceptable degree of disturbance. The TAN provides guidance on measures to mitigate the impact of noise. This will be considered below.

Technical Advice Note 16: Sport, Recreation and Open Space (January 2009)

TAN 16 notes that outdoor facilities like playing fields, recreational grounds etc. can provide significant health and environmental benefits for the community.

Technical Advice Note 23: Economic Development (February 2024)

TAN 23 is clear that a wide range of economic activities may be sustainably accommodated in rural areas.

Wrexham Local Development Plan 2013 to 2028 (Adoption date 20th December 2023)

Policy SP2: Location of Development

New development is directed to the defined settlement limits and employment areas as identified on the Proposals Map.

Policy SP13: Health and Wellbeing

All development should seek to reduce health inequalities and provide opportunities for healthy lifestyles and improving health and well-being, including mental health, by addressing the physical, economic and social determinants of health.

Policy SP14: Natural Environment

Development will only be permitted where it seeks to protect, conserve and enhance the natural environment, including amongst other criteria, 'natural landscape features and Green Infrastructure such as trees, hedges and woodland which contribute to the quality and diversity of the natural environment and play an important role in mitigating the impact of climate change.'

Policy SP16: Minerals Supply and Safeguarding

The policy seeks to protect minerals from unnecessary sterilisation by directing new development away from areas underlain by mineral of importance.

Policy SP19: Green Infrastructure

This seeks to protect, conserve and enhance natural heritage networks.

Policy NE3: Trees, Woodlands and Hedgerows

This policy ensures that development will only be permitted where it does not cause unacceptable harm to trees, woodlands and hedgerows etc.

Policy DM1: Development Management Considerations

Development proposals, where relevant, must:

- i. Accord with or enhance the character, local distinctiveness and appearance of the site, existing building(s) and surrounding landscape/ townscape in terms of their siting, layout, scale, height, design, density, use of materials and landscaping;
- ii. Not have an unacceptable effect on the amenity of the occupiers of nearby properties/land; and provide a satisfactory standard of amenity for the occupiers/users of the development itself;
- iii. Safeguard the environment from the adverse effects of pollution of water, land, noise, light or air, or land instability, arising from development;

- iv. Take account of personal and community safety and security in their design and layout;
- v. Prioritise walking, cycling and public transport use ahead of travel by car;
- vi. Not give rise to highway safety, pedestrian safety or parking problems on site or in the locality;
- vii. Contribute to low carbon communities through energy efficiency, be designed to minimise the use of non-renewable energy, water and the production of waste both during construction and when in use;
- viii. Not increase the risk of flooding but make adequate provision for sustainably dealing with foul and surface water drainage and not result in an unacceptable impact upon the water environment;
- ix. On sites which have previously been developed, new development proposals should make use of existing suitable building materials wherever possible for appropriate uses in order to re-use recyclable materials and reduce the amount of imported materials; and
- x. Ensure that any risks arising from past coal mining, as indicated on the constraints map, can be adequately managed.

Policy MW1: Minerals Safeguarding

Similar to SP16, this policy seeks to ensure non-mineral development does not sterilise the resource. Criterion I and iv is particularly relevant in the mineral underlying the site does not merit extraction and the development is of a temporary nature or can be removed within the timescales within which the mineral is likely to be needed.

5. Planning Assessment and Key Material Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.12 of Planning Policy Wales emphasise that planning decision should be made in accordance with the Development Plan unless material considerations indicate otherwise.

The key planning considerations relate to the following which will be addressed in turn below:

Principle of Development

PPW would support sustainable development and the rural economy including support to existing and new rural enterprises and rural diversification recognising its benefits upon the local economy and communities, including their well-being. This is supported by TAN6 and TAN 23 as well as Wrexham LDP policies which seek support for rural enterprises that do not cause unacceptable impacts on their environments.

The site lies within open countryside outside defined settlement limits. The proposed change of use would bring forward a new local enterprise that would support the rural economy as well as providing a new recreational and leisure facility for local people to use. It is not always possible or indeed desirable to provide this type of use within existing settlements. It is a use which is appropriate in a rural location and would not conflict with policies which seek to protect the character of the open countryside. No new buildings are proposed as such, and the application merely changes the use of the fields to allow for dog walking/exercise. In principle, the proposal would not conflict with national or local planning policies to protect the open countryside.

The principle of this type of use within the open countryside has been established across the country and indeed there are numerous examples within WCBC where similar proposals have been approved.

There are no other LDP policy designations relating to this site such as Green Wedge (SP6), AONB (NE4) or Special Landscape Area (NE5).

Impact upon the Open Countryside

Given the nature of the use and in the absence of a new built development there will be no unacceptable harm to the rural character of the area. The proposed change of use would not have a different appearance to that of a typical rural field. No trees are affected and all existing hedgerows will remain. It is proposed to erect a new perimeter fence to contain the dogs in all 3 fields (Field 3 is already fenced). This fence will have an appearance (post and wire mesh), rural in character and will not intrude on the landscape, particularly as it will be set inside the fields but following the existing mature hedgerow boundaries.

Fencing, gates and enclosures are considered typical agricultural paraphernalia that would

be wholly characteristic in a rural location. Besides that, the proposed fence could be erected under permitted development rights and does not require planning permission.

All visitors will park on the existing hardstanding, forming part of the farm complex. Number of vehicles will be low and they are well screened from the surrounding countryside and public highway.

In this regard the proposal would not conflict with LDP policies SP14, NE3 or DM1.

Highways, Access and Parking

LDP policy DM1 states that development proposals shall not give rise to highway safety, pedestrian safety or parking problems on site or in the locality.

The proposed access is the existing main farm access. The other access to the north will not be used and can be closed off. The main access is sufficiently wide to allow two cars to pass simultaneously without vehicles having to reverse onto Cristionydd Lane. The hedgerow to the front of the site is set well back from the highway and there is good visibility in both directions. There is in excess of 130 metres southwards and over 100 metres northwards, both to a point at which there is a bend in the road. Whilst Cristionydd Lane is subject to a national speed limit, it is contended that average speeds along this stretch are significantly lower than 60mph as a result of the road conditions in terms of width and alignment. For example, there is a bend to the south and a chicane and bend to the north which act as natural traffic calming measures, significantly reducing traffic speeds at this point. Although not demonstrated via a calibrated speed survey, it is contended that the existing visibility splays are acceptable and would meet Welsh Government visibility standards for the prevailing traffic speeds/stopping distances.

Despite the above, the predicted traffic generated from the proposed use would be lower than the previous use as a fully operational farm. On-site parking is available for up to 10 vehicles which would satisfy the maximum parking provision in SPG No.16. However, due to the booking and management arrangements there would be no more than 1 or 2 cars present at any one time. There is also adequate space for turning within the site which would allow for forward egress from the site.

Noise and Neighbouring Amenity

The nearest dwelling, Cristionydd House, lies approximately 80 metres away from the nearest point of Field 2. Field 1 is well over 300 metres away and Field 3 over 200 metres away. The site lies in a relatively quiet rural location and the proposed use has the potential to cause noise resulting in unwarranted disturbance if not managed. It is accepted that barking, shouting and whistling can be a source of annoyance that adversely impacts upon residential amenity. However, 2 of the 3 fields are a considerable distance from the nearest dwelling and the activity here is relatively small scale and could be reasonably limited by a planning condition. There is no reason why a well-run establishment should result in

excessive amounts of barking and noise. The use of a booking system to that dogs using the site would not overlap will help. It should also be noted that the applicants themselves live on the site and would not want to be constantly disturbed by noise and barking.

Furthermore, it would be unlikely that a business owner, particularly here, when they are looking to introduce holiday lets/accommodation at some point in the future, would allow a noisy dog or person to continue using the facility when this risks an Abatement Notice being served which may cause the business to close.

In this regard, the level of noise and disturbance would not adversely impact upon neighbouring residential amenity. Indeed, there have been numerous permissions granted for dog walking/exercise fields far closer and to a greater number of residential properties than this one. Ryecroft is Gresford, for example, which adjoins existing dwellings on Old Wrexham Road.

The proposal would therefore not have an unacceptable effect upon the amenity of the occupiers of nearby properties and would provide a satisfactory standard of amenity of the occupiers/users of the development itself. It therefore accords with LDP policy DM1(ii).

Loss of Agricultural Land

National and local planning policies seek to protect the best and most versatile agricultural land. However, the proposed change of use does not result in the permanent loss of BMV agricultural land. The fields will remain as fields with the only change being the proposed activity which does not require excavation or removal of soil. The situation is reversible and should the operation of the dog field ever cease, the land would be returned to agriculture. Besides that, it is intended that livestock will be housed within the fields on occasions.

Minerals

LDP policies SP16 and MW1 seek to safeguard the mineral reserve. The site lies within a safeguarding zone. However, the change of use would not prejudice the possible working of any mineral reserve in future. The fields will remain as they are and there will be no excavation or built development of the land that could sterilise any resource. The proposals therefore accord with LDP policies SP16 and MW1.

Biodiversity, Hedgerows and Trees

There are no statutory ecological designations on the application site or within the wider area. There will be no loss of trees or hedgerow and the proposals therefore accord with LDP policies SP14, SP19 and NE3. A separate green infrastructure statement has been submitted.

Flood Risk

The proposed use is not vulnerable to flood risk as identified by NRW. Nor will it give rise to increased flood risk in the local area.

6. Conclusion

The principle of a dog walking/exercise facility in this location is acceptable. It represents an appropriate diversification use in a rural area and accords with national and local planning policies regarding rural enterprise.

It can be demonstrated that there are no adverse impacts in terms of amenity, mineral safeguarding, highways, agricultural land, biodiversity, trees and hedgerows, flood risk or the impact upon the character and appearance of the landscape.

The use is relatively low key, easily reversible, and can be effectively managed. It is arguably less intrusive than other similar establishments that have received planning permission previously in the area and the change of use accords with the Local Development Plan. It is therefore respectfully requested that planning permission be granted.