

Committee update:

The application was deferred by the Planning Committee on the 29th of April for a report to be issued by the Landscape Officer and for further consideration to be given to reducing the days of operation of the business.

Landscape Officer Report:

The site is well outside of the Quantock Hills AONB (approx. 1.5km) and there are no public footpaths crossing the site. The main visual impacts would therefore be from the cars and car parking area and the field shelter. Although there are wide panoramic views from the site across the Vale towards the Blackdown Hills AONB the proposals would be of no significance when looking into the site from those distances. The visual impacts would therefore be from the adjoining lane and local properties of which the two closest are the cottages to the north. My assessment is that the location of the field shelter would be out of sight of the cottages to the north and barely visible from the properties lower down the slope to the south. The car parking surfacing could potential create an issue but with the proposal to use plastic 'Cell-pave' the visual or landscape impacts will be minimal. The parking areas are located by the field gate and cars within it will be visible as glimpsed views when driving by but subject to allowing the existing hedgerows to grow taller the visual impacts are acceptable.

Regarding conditions I think it is important that the existing boundary hedges are managed to provide longer term visual screening and in doing so will create some wildlife benefits. Given the change of use it is important that the meadow is maintained as such and I would recommend that it is managed with twice yearly hay cuts which again could have biodiversity benefits.

Overall my assessment is that the proposals will have minimal visual and landscape impacts and there are potential biodiversity gains if the hedgerows and meadow are managed to encourage a greater diversity of species.

Additional Landscape Officer comments:

I hadn't seen a car parking plan. I think it is important that we have those details along with details of where the 'unfinished' fencing will go. Is it possible to condition the final bit of fencing and access gate as they are a critical part of this application? For example the silver colour of the posts might be less intrusive when seen from the field gateway if they were a matt grey colour. Also the hedgebanks either side of the existing gateway are not particularly thick so if we could have a landscape condition to cover potential new planting to thicken up the hedgerow either side of the gate that would be useful.

It's not directly a planning issue but does the applicant own all of the hedgerows? If not then he would not be able to include them in the hedgerow management plan

which could have implications for screening say between his field and the properties to the north.

The car parking area is very large for three cars. In a town car park you would allow approx. 5mx2.5m per space with 6m between each opposite space for the car to drive in and reverse out. Given it's a rural location I would suggest you don't need more than 18m width by 7m deep.

If County require the access to be hard surfaced I would recommend concrete for the first 8m rather than tarmac as it looks more agricultural whereas tarmac always look suburban.

Planning Officer comment on Landscape Officer comments:

The issue of maintenance of the meadow has been discussed with the applicant. They have responded that a twice yearly cut would be too long for a lot of dogs to use and can potentially cause allergies for some dogs. It can also cause issues with paws after the hay cut is made and after wet weather wet, long grass would potentially leave the site out of commission for more days. It is also noted that other permissions in the district for canine related uses have had no such requirements.

The applicant has confirmed that they are happy with such a requirement for the areas in between the fence and the field hedgerows. The applicant has confirmed they are happy for this to be covered by the ecological management condition.

Having regard to the above, the development is considered to be acceptable without twice yearly meadow cuts.

The applicant has referred to the convention followed historically by the vendors that these hedges were maintained for 60 years by the vendor and neighbours. Furthermore that practice has continued, without issue since the change in ownership. The applicant has confirmed they have not been made aware of any information that would be prejudicial to this continuing.

The landscaping condition will include new planting within the roadside hedge to increase the screening from the road.

Whilst the area for parking cars is more generous than in a typical town carpark, the landscape impact of this area is considered to be acceptable given that the grass surface would remain largely undisturbed from the reinforced ground matting. It is also noted that the area needs to accommodate plant and machinery to access the field for grass cutting, hedge maintenance etc.

Days of operation:

In relation to the request for greater restrictions on working days the applicant has made the following comments:

Permissions for other canine related outdoor facilities such as Dukes Paddock, K9 Rec, Houndsville and Staple Dogs had no days or hours restricted.

The operation as it is outdoors would be subject to the weather which would naturally restrict the hours and days of operation.

Having regard to the above, the hours and days of operation remain unchanged from the original recommendation.

Additional condition:

There is one length of fence that has not yet been erected adjacent to the proposed parking area. The applicant has confirmed that it will match the existing fence. To provide certainty an additional condition is recommended as follows:

The fence to be installed to the Western edge of the parking area as illustrated on plan titled '4A Elevation of Fence and Gates' shall match the existing.

Reason: To protect the character and appearance of the area to accord with policies DM1 and CP8 of the Taunton Deane Core Strategy.

48/19/0065

MR HARRON

Change of use of land from agricultural to canine activity training facility, provision of hardstanding, field shelter and alterations to access on land at Cherry Grove Rise, Yalway Road, West Monkton

Location: LAND AT CHERRY GROVE RISE, YALWAY ROAD, WEST
MONKTON, TAUNTON, TA2 8LW

Grid Reference: 325230.128938 Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The use hereby permitted shall be discontinued no later than 2 years from the commencement of the use hereby approved. Written notice shall be provided to the Local Planning Authority of the commencement date within 10 working days of commencement of the use.

Reason: On the basis of the evidence submitted, the Local Planning Authority are only prepared to grant a temporary permission in order to allow the impacts of the development on neighbour amenity to be fully assessed to accord with Policy DM1 of the Taunton Deane Core Strategy.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan dated 07/03/2019

Unnumbered Site Plan at 1:500 scale dated 03 Dec 2019

Unnumbered plan titled 'Planning Attachment 3: Access Works- drawing and measurements'

Unnumbered plan titled 'Planning Attachment 2: Location, access and hardstanding

3c Field Shelter- drawing and measurements

4b2 Access and Hardstanding cross-section

4A Fencing, Gates

Reason: For the avoidance of doubt and in the interests of proper planning.

4. The use hereby permitted shall be limited to canine behavioural training and therapy only. There shall be no other canine related use of the site such as agility, exercise training, general recreation, flyball or other dog related sport.

Reason: In the interests of the residential neighbours amenity and for the avoidance of doubt as to the extent of the consent granted to comply with policies DM1 and CP8 of the Taunton Deane Core Strategy.

5. There shall be no more than 2 dogs on the site at any time.

Reason: In the interests of the residential neighbours amenity and for the avoidance of doubt as to the extent of the consent granted to comply with policies DM1 and CP8 of the Taunton Deane Core Strategy.

6. The use hereby permitted shall not take place outside the following times:
Monday- Friday 08.00-18.00
Saturdays 09.00- 16.00
Sundays 09.00- 12.00

Reason: In the interests of the residential neighbours amenity and for the avoidance of doubt as to the extent of the consent granted, to comply with Policy DM1 of the Taunton Deane Core Strategy.

7. Prior to installation, details of the hardstanding for the parking area and access including the provision of details of the materials and construction shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to comply with Policy DM1 of the Taunton Deane Core Strategy.

8. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to operational use of the development. The content of the LEMP shall include the following:
- a) Aims and objectives of management.
 - b) Appropriate management options for achieving aims and objectives.
 - c) Prescriptions for management actions.
 - d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - e) Details of the body or organization responsible for implementation of the plan.
 - f) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) for the implementation of the plan for the duration of the permitted use will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species, biodiversity generally and in accordance with policy CP8 of the Taunton Deane Core Strategy

9. A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include the provision of a native species hedgerow around the site and the planting of additional hedge species within the existing eastern site boundary. The scheme shall also include details of the positions on a scale plan, species, siting, numbers to be planted, protection and planting method.
- (ii) The scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of commencement of the use hereby permitted.
 - (iii) Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority within 14 days of the completion of the approved landscaping scheme.

- (iv) For a period of five years after the completion of each landscapingscheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow or are uprooted shall be replaced by trees or shrubs of similar size and species.

Reason: In the interests of the integrity of a European site, the Favourable Conservation Status of populations of European protected species, biodiversity generally and in accordance with policy CP8 of the Taunton Deane Core Strategy

10. There shall be no lighting installed within the site at any time without the prior express grant of planning permission.

Reason: To protect the character and appearance of the area and to safeguard residential amenity to accord with policies DM1 and CP8 of the Taunton Deane Core Strategy.

11. The fence and gate posts shall be painted in accordance with details that shall be submitted and approved in writing by the Local Planning Authority. The painting shall be carried out and completed in accordance with the approved details prior to the commencement of the use hereby permitted.

Reason: To protect the character and appearance of the area to accord with policies DM1 and CP8 of the Taunton Deane Core Strategy.

12. Notwithstanding the details illustrated on plan number Planning Attachment 3: Access Works- drawing and measurements. No consent is given for the indicative field shelter position illustrated on the said plan. The field shelter shall be located in accordance with plan No. Planning Attachment 2: Location, access and hardstanding

Reason: For the avoidance of doubt to comply with Policy DM1 of the Taunton Deane Core Strategy.

13. The entire length of the wire fence shall have devices to mark its presence, such as solid discs, mounted upon it and maintained as such until such a time as the planted hedgerow reaches the same height as the fence. Details of the type of device, number, size, materials, finish, position on the fence and specification for mounting shall be submitted to and agreed by the Local Planning Authority. The devices shall be installed in accordance with the approved details prior to the commencement of the use hereby permitted.

Reason: In the interests of priority birds species listed on s41 of the Natural Environment and Rural Communities Act 2006, biodiversity generally and in accordance with policy CP8 of the Taunton Deane Core Strategy

14. Unless an alternative timetable is agreed with the Local Planning Authority, the metal fence illustrated on the submitted plans shall be removed from site within 3 months of the cessation of the use pursuant to condition 02.

Reason: To ensure the preservation of the local landscape to accord with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

Notes to Applicant

Proposal

The application proposes the change of use of the field from agricultural use to provide an area for dog behavioural training and therapy.

Site Description

The site consists of an existing agricultural field comprising grass and bound by hedgerows on all sides. The site is located on the northern slopes of the Quantock Hills but is outside the AONB which is located approximately 2km to the North West. The site is on the western side of the adjoining class C classified road. Access into the site is from the existing road via an existing field access at the North Eastern corner of the site.

The Hestercombe House Site of Special Scientific Interest and Special Area of Conservation (SSSI and SAC) is located approximately 1km to the west of the site. Hestercombe House is also Grade I Listed and set within a Conservation Area and Grade I Listed Park and Garden which extends to approximately 700 metres from the site at its closest point.

Relevant Planning History

None relevant.

Consultation Responses

WEST MONKTON PARISH COUNCIL - The Parish Council objects to the granting of permission and made the following comments in relation to the application:

- The proposed use of the site as a dog training facility is considered to be an inappropriate use of the land.
- The Parish Council has concern about the level of noise from the proposal from dogs barking and how this will be heard by and disturb neighbouring properties. It was noted that due to the proposed location in open countryside, the noise disturbance could travel some distance. The noise may also have an adverse impact on wildlife in the area, active badger

sets are in the area. In addition, dogs barking may also cause distress to dairy cows and calves grazing on the neighbouring land.

- The proposed location is in the bat mitigation zone, the proposed fencing at 3 metres high, is not conducive for bats. It will impact bats foraging and cause an obstruction to bats.
- The proposal will result in a loss of biodiversity, the land is currently a traditional hay meadow, the proposed use will mean that the grass will be intensely cut thereby adversely impacting biodiversity.
- The proposal will have a negative impact visually and impact the ambience of the area, which is only a short distance from the Quantock Hills AONB boundary.
- The proposal will result in an increase in the number of cars on a quiet country lane. Access to the proposed site is from an unrestricted tree lined road with poor visibility for cars accessing and exiting the site.
- The Parish Council believes that the points raised above mean that the proposal is not compliant with Core Strategy Policy DM1.
- No lighting should be erected in order to comply with the WM&CF NP Dark Skies policy R1. If consented the facility should therefore only be operational during daylight hours between 9am and 5pm Monday to Friday and Saturday morning only.
- Finally, it is noted that the application is only for change of use, the Parish Council questioned whether permission should also be sought for the erection of the fencing and proposed 'summerhouse'.

SCC - TRANSPORT DEVELOPMENT GROUP – Standing advice applies

Environmental Health - all Areas including Housing Standards –

The application is to use the land for dog training with the following hours: Mon-Fri 07.30-18.30, Saturday 08.30-18.30 and Sunday 08.30-18.30.

It is stated that the applicant only plans to train one or maybe two dogs at a time. The site is an open field with the nearest residential property is approximately 120m away.

There is no noise assessment with this application. Although it should be noted that assessing the potential noise from dog barking is not straightforward, as there is no standard way to measure or assess noise from dog barking, and no criteria against which to compare any predicted noise levels. Also, noise from dogs can be very varied depending on the individual dog and the management of the operation.

However, you have provided some information which shows that a dog barking on the site can be heard clearly at the nearest property, and also heard further along the lane.

It is not possible to confirm whether or not the noise from the proposed use will lead to an unacceptable increase in noise levels in the area, as there are so many things that could vary with this type of use (for example the number and type of dogs, how

many training sessions are held and how the dogs behave and the barking is managed). However, there could be a problem if the use did lead to noise from dog barking for the hours proposed, which includes weekends when neighbours are more likely to be at home. As the proposal is for the use of open land there is no potential to contain any noise within a building.

If the proposal did go ahead would it be possible to limit the number of dogs on site at any one time and to have more restrictions on the use at weekends?

An additional option could be to grant a temporary use, as this would allow the impact to be monitored.

LANDSCAPE – No comments

ECOLOGY-

I (and Natural England) should have been consulted on this one as it involves land use change that could potentially affect the SAC lesser horseshoe bat population.

I do not understand why a 2 metre wire mesh high fence is needed but would recommend the exterior is planted with a native species hedgerow to form a 'green lane' around the boundary of the site between it and the existing hedgerow. Lesser horseshoe bats would habitually commute using the hedgerow and are unlikely to cross into the field unless grazing cattle are present. Yellow dung fly form part of the diet of lesser horseshoe bats. Otherwise hay and silage use is likely to prevent or suppress any micro moth abundance and therefore the field is likely to be of low value as a resource to lesser horseshoe bats when cattle are not present. Therefore the change of use is likely to lead to the loss of some foraging resource, probably for a single lesser horseshoe bat and perhaps her pup at this range from the maternity roost. The species has individual traditional hunting territories within a maternity colony's home range. I do not consider a significant effect on the Hestercombe House SAC would occur and unless Natural England requires otherwise do not intend to carry out a Habitats Regulations Assessment for the application.

The hedgerow planting, at least where the distance between the fence and existing hedgerow is wide enough, would mitigate the loss of grazing and potentially would provide biodiversity gain. The applicant states that hedgerow would be allowed to grow out and subject to an alternating trim. However, to be of benefit to bats, hedgerows should be trimmed at minimum once every three years if an abundance of insects is to be provided. The lane around the site should be cut once per year between November and February on a rotational basis so that only two side are cut at any one time. This management would allow Lepidoptera to complete their life cycle, including micromoths which are hunted by lesser horseshoe bats. I can provide approximately worded conditions for the provision of hedgerow planting and landscape management.

However, my main concern is about the height of the fencing is that it can pose a risk of collision injury /mortality to birds, such as raptors, which fly over the hedgerow and drop immediately not expecting the barrier to be there, especially when chasing prey.

A hedgerow of similar height would go towards solving the problem but not in the short/medium term. The fence needs to be made more visible.

Second response:

I consider that such surveys (wildlife surveys) would be onerous but would add the following condition to the two afore stated to make the fence more 'visible' as follows (or words to that effect). We do not know if priority bird species are present as listed on s41 of the Natural Environment and Rural Communities Act 2006 for which the local planning authority has a duty for the conservation of in carrying out its role.

The entire length of the wire fence shall have devices to mark its presence, such as solid discs, mounted upon it and maintained until such a time as the planted hedgerow reaches the same height as the fence. The type of device and specification for mounting shall be submitted to and agreed by the local planning authority prior to any work commencing on site.

Reason: In the interests of priority birds species listed on s41 of the Natural Environment and Rural Communities Act 2006, biodiversity generally and in accordance with policy CP8 of the Taunton Deane Core Strategy

Provided these conditions can be applied I would be more comfortable with progressing the application.

Third response:

You could increase the fence's visibility by hanging solid shapes, such a large disc or perhaps decorating it with continuous foliage, along its entire length in the short / medium term. The applicant needs to provide details. A 2m high hedgerow would eventually hide it. *(Later comment relating to discs- The image of the discs you've forwarded are suitable. However the reflective surface ones would be preferential in preventing bird strike until the new hedge is grown and the fence can be removed as per our previous comms on this.*

Alternatively UV window alert decals could used on a muted colour disk if reflective once can't be used. Bare in mind that they only last for around two years. Solid coloured/black decals should not be used as they do not prove successful. For UK stockists see: <https://www.britishbirdfood.co.uk/other-accessories/protection-and-security/windowbird-alert-wild-bird-food-feeders-and-accessories> or <https://www.livingwithbirds.com/search?sw=stickers>).

As no ecology surveys have been undertaken for the application and as Section 99 of the Government circular 2005/06 on biodiversity and geological conservation states that *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the*

decision' without the mitigating hedgerow planting and appropriate management I would consider the proposed development unacceptable.

Provisional conditions:

A native species hedgerow will be planted along the outer side of the existing wire mesh fence. A planting schedule and plan will be submitted to and approved in writing by the Local Planning Authority prior to any work or operational use of the site commences, whichever is earlier. The approved scheme will be planted at the earliest opportunity and maintained thereafter.

Reason: In the interests of the integrity of a European site, the Favourable Conservation Status of populations of European protected species, biodiversity generally and in accordance with policy CP8 of the Taunton Deane Core Strategy

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to operational use of the development. The content of the LEMP shall include the following:

- a) Aims and objectives of management.
- b) Appropriate management options for achieving aims and objectives.
- c) Prescriptions for management actions.
- d) Preparation of a work schedule (including an annual workplan capable of being rolled forward over a five-year period).
- e) Details of the body or organization responsible for implementation of the plan.
- f) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species, biodiversity generally and in accordance with policy CP8 of the Taunton Deane Core Strategy

NATURAL ENGLAND –

We do not consider that the scheme poses a significant risk to the Hestercombe House Bats SAC and therefore a Habitats Regulations Assessment is not needed.

We do, however, support the improvements advised by the County Ecologist which will benefit bats and other wildlife.

THE QUANTOCK HILLS AONB SERVICE – No comments received.

Habitats Regulations Assessment

The site is approximately 1 km from the Hestercombe House SSSI/SAC, however the development has been deemed to be of a nature and scope such that there would be no likely significant effect on these protected sites.

The site is within the catchment for the Somerset Levels and Moors RAMSAR/SSSI/SAC which is currently deemed to be in an unfavourable condition due to phosphate levels. This proposal would not have any impact on phosphate discharge as it would not result in any raising of the local population as would occur with residential and it would not present any other specific impacts or concerns. Accordingly there would be no likely significant effect on the Levels and Moors Protected site.

Having regard to the above, there is no requirement to carry out a Habitat Regulations Assessment.

Representations Received

Following consultation representations have been received 13 individuals from 11 households, 08 objecting and 06 in support (2 of these not within the District) and 1 making neutral comments. The following comments are made:

Objection:

- Concerns over noise from dogs barking
- Traffic congestion
- Potential impact of artificial lighting
- Harm to wildlife- fence is a risk to feeding bats and birds, loss of foraging habitat for bats. Likely to impact on Hestercombe House SAC.
- Metal fence, tarmac is harmful to the character and appearance of the area.
- Site is within the setting of the AONB.
- If planning permission is granted it should be restricted to 09-1800 5 days a week only.
- Barking dogs could affect the nearby dairy farm where cattle are in the open fields year round.
- No wildlife surveys submitted with application.
- Limited benefit in terms of job creation.
- Active badger set in lower field boundary.

Support:

- The site is away from residential areas.
- Limited numbers of customers and plenty of space within the site will not cause adverse issues.

- The applicants are considerate people and would not wish to impinge on neighbour amenity in any way.
- The applicant is qualified in animal behaviour.
- There is a need for this service in the area.
- Wider benefits to public health

Neutral comments:

- Fencing should be screened by new hedge planting if permission is granted.
- If permission is granted there should be a limit on the number of dogs of perhaps 4.
- Further clarification should be provided in relation to toilet and wash facilities.
- Planning conditions should restrict the future change of use to kennels/day care and also a limit on the number of dogs, traffic and hours of opening.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,
 A1 - Parking Requirements,
 ENV1 - Protection of trees, woodland, orchards and hedgerows,
 CP8 - Environment,
 DM2 - Development in the countryside,

Local finance considerations Community Infrastructure Levy

Not applicable to this development.

Determining issues and considerations

Principle of development:

The site is located outside settlement limits and accordingly is classed as open countryside. Policy DM2 relates to development in the open countryside. It sets out certain categories of development that will be supported. In addition it sets out several tests, all of which must be met, such as preserving landscape character and visual amenity, ensuring ecological interests are not harmed and ensuring there will be no harm to highway safety.

In addition, Policy CP8 is relevant and supports development provided that it protects habitats and biodiversity, protects and conserves the landscape, and natural and historic assets, and is appropriate in terms of scale, siting and design.

Canine related facilities do not fit into any of the categories of development that are specifically supported by DM2, however it is a use that requires an amount of space and as such it is generally expected that such sites will be proposed in the open countryside. In addition, this is a business use and whilst not within the B class uses specified by DM2, there is general support for businesses in the countryside within the NPPF.

Having regard to the above, the acceptability of the proposal is not precisely prescribed by Local Plan policies, however it is clear that the acceptability is dependant on the assessment of the environmental and other impacts of development. These considerations are set out within the report below.

Visual Amenity:

The site is visible from the adjoining road and from some more distant views in the area. The main impact visually is from the existing metal fence. There has been no unlawful use of the site as the dog facility has not yet commenced and accordingly these building operations can be carried out under permitted development rights.

Other visual impacts would arise from the alterations to the access and parking area. The applicant has proposed a light touch approach which comprises interlocking cellular ground reinforcement products. These would allow the grass to grow through the product to achieve a much lower visual impact compared to tarmac or other approach. In addition, should the use cease in the future, the product can be easily removed.

There would be some impacts from parked vehicles, although given the small scale of the proposal this would be acceptably discreet in its visual impact. A field shelter is proposed close to the western boundary of the site. This would be a small, simple timber structure which is typically used for animals and is characteristic of a rural area. It would have a very minimal visual impact.

The fence has the greatest impact on the character of the area. The materials and overall appearance are not characteristic for a rural area. The site is relatively prominent being on a hillside with the road running up the eastern site boundary. Accordingly there is some localised harm to the character of the area at present as a result of the installation of the fence. Significantly however, as mentioned above, the fence is not included within the planning application as it was erected under permitted development rights. The fence could theoretically remain in perpetuity with the land used for agriculture/grazing. The fact that the fence did not require planning permission weakens the ability to refuse permission for the change of use on these grounds.

There are also measures that can be taken to reduce the visual impact of the fence and these can be secured through planning conditions. The metal posts are the most visible aspect of the fence. The applicant has agreed to paint these green which will reduce the visual impact of the fence and will assist to camouflage this element against the adjacent hedgerows. The applicant has agreed to the planting of a hedge around the perimeter of the exercise area. This would be located inside the fence line to allow sufficient space for any maintenance of the existing field

boundaries. This will help to screen the Northern, Southern and Western section of the metal fence and would provide a green backdrop to the Eastern boundary as viewed from the road. The applicant has also agreed to a planting scheme within the existing roadside hedgebank to fill existing gaps and ensure increased screening from the road. The applicant has also agreed to a condition that would require the removal of the fence if at any point in the future the dog training use ceases permanently. A condition is required by the ecologist to secure a scheme to prevent bird strike on the galvanised mesh part of the fence. This could involve attaching metal disks or squares or other similar means onto the mesh to make the structure more visible to birds. This will also have an increased visual and landscape impact, however in the context of the existing and proposed screening and other mitigation measures it is considered that this would not be sufficiently significant to warrant refusal.

Given the relatively small scale of the existing and proposed development and relatively low key nature of the use, it is considered that there would be no impact on the nearby Grade I Listed Park and Garden. Subject to the above conditions, it is considered that the appearance of the fence can be acceptably mitigated. The proposal would therefore comply with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

Residential Amenity:

The main concerns expressed by neighbours relates to the impact of barking dogs on neighbour amenity. The closest neighbours are Nos 1 and 2 Hillside Cottages, located approximately 140 metres from the site boundary and Cherry Rise Cottage which is located approximately 240 metres from the site. Dog barking would be audible from these properties although it should not be assumed that dog barking would be heard regularly as this would be dependant on a range of factors.

The Environmental Health Department have commented that it is not possible to confirm whether or not the proposed use will lead to an unacceptable increase in noise levels in the area given the range of variables that can exist such as the number of dogs, site management etc. Further suggestion is made in relation to restricting the number of dogs, increasing restrictions at weekends and considering a temporary consent. Further discussions have been held with Environmental Health and on the basis of a temporary consent being issued, no evening operation and the restriction on the number of dogs at any one time have confirmed that an objection would be unreasonable.

A planning condition is recommended to ensure that the field is used as a dog behavioural training and therapy facility only. It is further recommended that other canine activities such as agility, exercise training and any other canine sports and general recreation by members of the public are excluded.

The applicant has agreed to a reduced hours of operation from that originally proposed to 08.00-18.00 Monday to Friday, 09.00-16.00 Saturday and 10-12.00 Sundays and Bank Holidays. Given the small scale nature of the use and other restrictions imposed, it is considered that these hours of use would be acceptable.

Having regard to the above, subject to conditions, the proposal would comply with Policy DM1 of the Taunton Deane Core Strategy.

Ecology:

The site is relatively close to and within the foraging zone for the Hestercombe SSSI/SAC which is designated for its colony of horseshoe bats. The County Ecologist and Natural England have been consulted. They have commented that subject to conditions the impact would be acceptable. They also comment that any impact would not be sufficient to require a Habitats Regulations Assessment.

The main impacts would be as a result of the loss of some foraging resource within the site for bats. The Ecologist has suggested the planting of a new hedgerow within the existing field boundaries to mitigate this loss. The other impact relates to the potential for bird strike as a result of the metal fence. Measures to increase its visibility are suggested such as metal discs attached at 2 metre intervals. A planning condition is included to secure the agreement and implementation of these details. In order to secure the appropriate management of the site, in the interests of general ecology and the SSSI/SAC, the Ecologist has also requested a Landscape and Ecological Management Plan condition to be included. Given the sensitivities of the site being within the foraging zone of the protected bat colony and the statutory duty to ensure the protection of the colony it is considered that these conditions are necessary and reasonable in planning terms and will ensure the protection of the protected site.

Having regard to the above, subject to conditions, the proposal would comply with Policy CP8 of the Taunton Deane Core Strategy.

Highway Safety:

The Highway Authority have referred the application to standing advice. The application would utilise an existing agricultural access. The road is class C classified, however it is relatively lightly trafficked. The road at the point of access is not restricted, however due to the nature of the road, vehicle speeds are likely to be generally up to approximately 30mph. Subject to minor trimming of vegetation on the highway verges, the visibility splays in both directions would be acceptable.

The applicant has amended the proposed details for hard surfacing the entrance and parking area due to concerns raised over the visual impact of the proposals. The amendment is to a mesh type surface which is laid over the existing grass surface for the parking area and a cellular type product which is installed into the existing grass surface for the entrance. These details have been discussed with the Highway Authority who have commented that they are likely to be acceptable in principle given that this is an existing access, the road is relatively lightly trafficked and that this would be a temporary consent to allow reassessment of the success of the material in practice. A planning condition is recommended to secure full technical details and specifications for these aspects of the scheme.

Having regard to the above, subject to conditions, the proposal would comply with Policy DM1 of the Taunton Deane Core Strategy.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

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