

PLANNING GROUP 'B'

Recommendations for Planning Applications.

PL/2022/002294

Hilldrop Farm Greenhill Royal Wootton Bassett

Change of use of existing farm building to dog kennelling (retrospective)

Object and request County Councillor to call-in

The group recommends objecting for the following reasons:

1. The change of use is contrary to Wiltshire Core Policies 1, 2 and 19. The application site is on the periphery of Greenhill, a hamlet in Lydiard Millicent, a small village, and the proposed use meets neither housing nor employment needs for that settlement. It does not support the “existing character and form of the settlement”. Core Policy 19 refers to the need to protect the distinct character of villages and the open countryside, particularly those which adjoin the administrative area of Swindon, as here.
2. The statement accompanying the application cites Core Policy 34 in support. However, the kennelling of racing (or other) greyhounds is not an agricultural use and is supporting neither sustainable farming nor food production. Elsewhere the statement acknowledges the dogs will be regularly transported to other locations for racing. Moreover, in any case, the change of use fails to the conditions set out in Core Policy 34, in particular there is no evidence it meets any local economic or social need (subparagraph c), it is not supported by adequate infrastructure (subparagraph e), will, if permitted to continue, adversely affect the amenity of the surrounding area, and detract from residential amenity (subparagraph b). The site is outside the employment areas identified in the Lydiard Millicent Neighbourhood Plan.
3. There are strong policy considerations against unsustainable development in this location, and it is understood the planning permission for the house (ref 15/12765/FUL) was granted on the basis of a need/business case for the owners to be onsite to manage their farming business. It is, therefore, surprising that a case is now being made for the diversification into an offensive, non-agricultural use. Moreover, condition 4 of that permission limits occupation of the property “to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants”. The current unauthorised use is inconsistent with this provision. Planning permission was granted for the house on the basis that the applicant wanted to expand their herd of cattle from 30 breeding animals to 60, with year-round calving, which would require constant onsite attendance, but the current application references 35 suckling cows, which indicates that the planned expansion (and the need to be constantly on site) has not taken place. The reason for the original condition reflected the policy objective of preserving the agricultural nature of the site and surrounding area.

4. The accompanying statement also refers to National Planning Policy Framework paragraphs 84 and 85. However, the proposed use is not agricultural, nor does it form part of the land based rural economy. It is not sustainable, generating frequent movements to and from the site, not only from racing but from other visitors, including owners of the dogs. It does not support the needs of the surrounding rural economy, but services what, by some, is considered sport, in the urban environment of Swindon and beyond. As well as the impact on roads, the use creates an unacceptable level of noise, and is contrary to paragraph 185 of the NPPF. The disturbance and noise is already having a significantly adverse impact on the quality of life of residents.
5. The site generates unacceptable levels of noise, adversely affecting the residential amenity of its neighbours. The accompanying statement says the applicant is not aware of any complaints about noise having been made since the unauthorised use began in November 2021. This is contradicted by the complaints made to the local county councillor and to the Parish Council, and which the applicant has acknowledged orally. These complaints have been minuted in Council meetings and reported in the local community magazine. So, it is disappointing the accompanying statement contains no details of noise mitigation or sound-proofing, or any solid evidence of the impact. Instead, it gives a misleading picture based on "General internet research" and google maps. The braying of dogs is audible as far away as the transmitter unit approximately half a mile distant at the other end of the hamlet, for periods throughout the day. This is not the occasional barking of a domestic dog but an intrusive pollution of the auricular environment. The comparison to a quiet library is, at best, insensitive and fanciful given the impact on the residential amenity of the neighbouring properties. Paragraph 185 of the NPPF refers to the need to mitigate the impact of noise and to "identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason". Greenhill is one such area, being a quiet rural enclave, situated in an area of natural beauty and tranquillity, adjacent to ancient woodland and an area rich in biodiversity.
6. Vague references are made to the future intention to soundproof, but no detail is given. It is unclear, since a large number of dogs are already being kept on the premises, why the applicant has not already acted in this regard. The design and layout of the kennels is not detailed, and it is not clear where the dogs will be exercised or how this, or their other welfare issues will be met. Reference is made to exercise on surrounding agricultural land (para 2.9) but no particulars are given whose land this is, nor how the impact in terms of noise, waste, risk to wildlife and livestock, directly or through faecal matter and the impact on other users (for example, those using the rights of way which run through the site) will be addressed. While not directly relevant to the change of use *per se*, the lack of detail and adaptation of the unit raises welfare issues. The Greyhound Welfare Board, for example, has published detail guidance on good practice for the keeping of greyhound and it is hard to see how the current application meets that threshold. In addition to the issue of exercise, the unit appears to lack natural light and if condensation renders it unsuitable for livestock, it begs the question how dogs would fare in that environment. The necessary insulation would intensify the issue of condensation.
7. There is no detail of how waste will be disposed of. Parts of the site are susceptible to surface water flooding (as referred to in 21/01031/Ful officer's report) and it is unclear how the urine and faeces of 40 dogs will be dealt with, nor the runoff from cleaning and disinfecting regimes. There is, therefore, a concern over the impact in terms of odour, risk to public health and contamination (the site adjoins natural watercourses, such as the streams which flow into Brockhurst Woods which is an SSI).
8. The accompanying statement also contains inaccuracies over the impact on highways. Paragraph 2.9 refers to a daily visit for a 9am feed. However, presumably this also involves

a return journey, and other visits for feed or supervision (lack of which would indicate a serious welfare issue), so this in itself would result in more than 2 journeys a day, rather than an additional 1.9 journeys a day as cited in paragraph 4.5. It is unclear whether all forty dogs are transported together on race days, which would involve more than the single SUV referred to, or multiple journeys on multiple race days. Added to this, there will be feed and bedding suppliers, waste carriers, dog owners and other visits. It is unclear how many owners rent kennels here, but in the worst-case scenario where each dog had a different owner, you could have up to 40 return trips (i.e., 80 journeys) per day. The site is at the bottom of a hill on a narrow single-track road and must traverse an area of common land for access, which makes it unsuitable for this use. There are no passing places or turning spaces for vehicles other than private drives and there are signs at the top of the road to indicate this. The road is already suffering from increased traffic to and from sites at the top of Greenhill, with verges being eroded and increasing risk to pedestrians, horse riders and other users. There are no pavements on which to shelter from the increasing volume of traffic. The site and its use will necessitate additional journeys by private transport and is therefore not sustainable. While this may be an inherent issue with this type of enterprise, within this particular context it creates an unacceptable impact on highway safety. Added to the already increasing intensification of use in Greenhill, it would be contrary to NPPF paragraph 111. It is also contrary to NPPF paragraph 112 in increasing the likely conflict with more vulnerable road users, namely pedestrians, cyclists, and horse riders where the road is narrow and there is no place to shelter. Indeed, the only vehicular access to the property is along a very narrow track shared with footpath LMIL 25. The use is contrary to paragraph 85 of the NPPF which, while acknowledging certain rural developments may not meet the usual standard of sustainability, states it is “important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads”.

9. Reference is made in the accompanying statement that the building is not suitable for storing modern farm machinery or livestock because of condensation. It does not say what it was used for previously. The ventilation concern would presumably also be an issue with dogs, and the building could presumably be used to store other items, such as bedding, feed, smaller implements, or other agricultural uses. In any case, Core Policy 84 does not support the change in use as its conversion would be “detrimental to the amenities of residential areas” nearby.
10. The change of use would be contrary to Core Policies 51 and 57. While the physical building will be in substantially the same form, it will do nothing to enhance the landscape or built environment. Core Policy 51 refers not only to the physical environment in the narrow sense but to “tranquillity” and “the need to protect against intrusion from light pollution, noise, and motion”. The kennelling of forty or more baying greyhounds in a small dark shed is contrary to this policy objective. Similarly, the lack of attention to noise, odour, and design mean the application also falls short of Core Policy 57.
11. The statement accompanying the application states, at paragraph 4.12, “being an active farmyard has little to no ecological value”. In the application itself states there are no protected or priority species, habitats or other biodiversity features on the site or adjoining or near to the development. It is disappointing the application does not reflect a greater awareness of the natural environment. Brockhurst Wood is to the site’s immediate east and is an SSI. The site itself is in a priority protection area for the Brownhair Streak butterfly, the curlew, the lapwing, and is a priority target habitat for woodland birds. Adjacent woodland is a priority habitat. Ground nesting birds are at particular risk from dogs, particularly greyhounds, which historically, have been bred to hunt, and the siting of a kennels in this location is inappropriate and contrary to Core Policy 50. Far from protecting biodiversity and natural habitats, the use will disrupt and disturb wildlife and prejudice these habitats. The presence of any large number of dogs alone is likely to have an adverse impact, made

worse by their propensity to chase. The lack of detail on how they will be exercised or contained on site in defined and fully secured areas is also of concern.

12. There are a number of rights of way which are on the site or adjacent to it; LMIL10,25, 27 and 28. The application says none of these will be affected. However, without more detail on where the dogs will be exercised and what provision is made to ensure their containment, there is no way of knowing whether there is any potential conflict with people safely using these rights of way. Access to the site would also appear to be over, or adjacent to, the registered common of Lydiard Plain. Whether the applicant has the necessary legal right of access for the proposed commercial use and the intensity of user is, of course, not a planning matter. However, we would respectfully request the Council seek the views of the rights of way officer in this regard. In any case, the increased traffic user over a shared footpath/track increases the risk to walkers and will be a disincentive to its use.