

SUPPLEMENTARY COMMENTS

**KERRY HILL FARM
ARMSHEAD**

JANUARY 2024

1 Comments on Local Authority's Case

- 1.1 It is noted that the Local Authority had opted to defend the appeal utilising its original delegated report. They have consequently not sought to challenge the appellant's case that the proposal amounts to an appropriate form of development within the Green Belt and that the proposal will also serve to make beneficial use of the Green Belt in accordance with paragraph 145 of the NPPF (as was) as set out in the Grounds of Appeal.
- 1.2 The Local Authority has also not sought to challenge our contention that the proposal will not generate a substantial number of trips, and that the site is located in close proximity to a number of local settlements. Nor does the Local Authority comment on the demand for the facility as evidenced by the letters of support.
- 1.3 The Local Authority furthermore does not seek to challenge our submissions pertaining to the issue of noise, in particular the observation that their Environmental Health Department did not object to the proposed development.

2 Third Party Representations

- 2.1 The letter of objection from Mrs. Horton raises concerns about the welfare of livestock, in particular a lack of detail regarding enclosing fencing. As set out within the original Grounds of Appeal, the appellant is free to erect perimeter fencing up to a maximum height of 2 metres under Permitted Development and the imposition of a suitably worded condition can require such fencing to be erected (and / or details to be submitted and agreed with the Local Authority prior to commencement of the development). The appellant is also agreeable to undertaking infill planting to the existing hedgerow to enclose

any gaps, thereby avoiding any issues of dogs interacting with any nearby animals.

- 2.2 The letter of objection from Mrs. Taylor on behalf of Bagnall Parish Council contends that if people are willing to talk to the site then they could exercise their dogs on Wetley Moor. Such comments miss the purpose of this type of facility which is to allow dogs to be let off their leads for both exercise and training purposes.
- 2.3 The Noise Mitigation Scheme would be secured via planning condition and agreed with the Local Authority's Environmental Health Officer's prior to first use of the facility. The Local Authority would also have the ability to enforce the provisions set out therein. Dogs are only prone to barking when they are frightened or over excited by other dogs. The private nature of the proposed dog walking field will mean such scenarios are avoided, helping to minimise the prospect of disturbance from barking.
- 2.4 We disagree with the assertions of the Parish Council that the provisions of paragraph 84 of the NPPF (as was) do not apply. This proposal entails the *development* or a land based rural business. We have not sought to argue that it is a diversification of an existing business. It is a new business.

3 Recommended Conditions

- 3.1 No conditions have been put forward by the Local Authority for consideration, but we would be happy to comment on these as and when provided.