



Barkham Parish Council

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Wokingham Borough Council
Planning Department

To whom it may concern

RE: Application 261741- Long Meadow Farm Edneys Hill Wokingham Wokingham RG41 4DS

Full application for the proposed change of use of agricultural land to a recreational dog walking facility, including associated fencing, access gates and the siting of 2no. mobile sheds.

Barkham Parish Council (BPC) objects to planning application 261741 for the following reasons:

1. Highways matters

1.1 It is suggested in the Planning Statement that the proposal would result in only a marginal increase in the number of vehicle movements along Edney's Hill and that traffic generation would be less than during the site's former agricultural use (paragraph 5.20) but this is unsubstantiated. Policy TR6(1) of the 2026 National Planning Policy Framework (NPPF) requires development proposals to be supported by a transport statement or transport assessment proportionate to the nature and scale of the development, together with a travel plan, so that likely transport impacts can be assessed and monitored. No such documents accompany this commercial proposal, which could generate up to 44 additional vehicular journeys daily if operating at full capacity [2 (enclosures) x 11 (booking slots) x 2 (journeys to and from)] during summer months and would be of material significance, given the substandard condition of the highway concerned.

1.2 It is also claimed that a proportion of users of the facility would walk to and from it. In a recent planning appeal for development proposals located approximately 530 metres west of the site in Edney's Hill (APP/X0360/W/26/6005646), the planning inspector's findings about the conditions of the road from its junction with Barkham Road to Toad Hall Nursery were emphatic and unequivocal:

48. Toad Hall Nursery is located on Edney's Hill, a narrow lane with blind bends and concealed access points along its route. It lacks pedestrian and cycle infrastructure and covers a stretch of highway that is subject to national speed limits. It is an unlit route, having a number of pinch points for passing vehicles and great potential for conflict between pedestrians, cyclists and vehicles. With no footpath provision at any point between the nursery and the site and a national speed limit in force, I find this to be an undesirable and indeed unsafe route to walk along, particularly for families with young children. This is borne out by my experience of walking the route between the site and the Nursery.

49. *The combination of the above conditions would likely discourage pedestrians, including families from walking and instead rely on the private car for the relatively short distance between the site and nursery. There is nothing presented as part of the proposed scheme that seek to adequately address these concerns.*
66. *Edney's Hill is of insufficient width to easily accommodate two-way traffic movements safely and I find that the additional traffic generated by the proposed scheme would only intensify use of a substandard road and junction for the proposed purpose.*

Critically, these findings relate to the constraints of Edney's Hill as a highway, between its junction with Barkham Road and Toad Hall Nursery, not the localised problems associated with the access road to the specific housing scheme dismissed at appeal. As Long Meadow Farm is located close to Toad Hall Nursery on the same road, these findings are of direct relevance to the current application, and therefore weigh against it or any proposal that would introduce additional vehicle movements onto this lane.

- 1.3 BPC would also like to draw attention to the content of the Local Highways Authority's (LHA) statement for the appeal referred to, insofar as it relates to Edney's Hill. It confirmed that, at an average of 1,270 two-way journeys per day (from the appellant's own transport assessment), with 85th percentile speeds of 26.3–26.8mph and a national speed limit in force, the road exceeds the threshold of 1,000 motor vehicles per day set in DfT TAL 3/04 for roads on which pedestrians may safely share the carriageway. It is also narrower than current standards permit (a recorded pinch point of 4.05m, with carriageway widths of 4.05m–4.45m extending for some 33 metres, against a minimum standard of 4.8m set by Manual for Streets and the Council's own Living Streets Highways Design Guide). The LHA highlighted the priority given to walking and cycling in the transport hierarchy in the NPPF and, because of the reasons mentioned, concluded that the appeal proposals would be unsustainable from a transport perspective. The inspector came to the same conclusion. The applicant concedes that Edney's Hill has "no footpath or street lighting" (paragraph 3.1).
- 1.4 For the same reasons the LHA and inspector concluded the appeal site to be unsustainable from a transport perspective, BPC suggests the application site is equally so. BPC's concern is not simply that additional trips along Edney's Hill would be generated as a result of the proposal, but the potential for increased conflicts with other road users inherent in that situation. The LHA's evidence at paragraph 8.12 of its submission - "4.05m – 4.45m is clearly substandard and any additional development traffic along Edney's Hill will result in intensification of substandard road width and junction" - is directly applicable in this scenario and the proposal is therefore contrary to policy CP6(g) of the Adopted Core Strategy, which requires that schemes do not cause highway problems. Furthermore, policy TR6(4) of the NPPF states that development proposals should be refused if they would have an unacceptable impact on highway safety. As Edney's Hill already exhibits traffic loading which exceeds the required safety threshold for shared-modal use, the additional vehicle movements created by the proposal would result in an unacceptable, further reduction in road safety in that environment.
- 1.5 The Planning Statement also suggests that local public rights of way could be used to access the site but the only two nearby are BA10/WOK33, the intersection of which meets at the same point on Edney's Hill approximately 140 metres west of it on a blind bend and WOK7, around 113 metres east; meaning that future users of the facility who might walk via them would still have to negotiate sections of this unsafe highway from either direction. Finally, the suggestion that users would walk

to the site with their dogs undermines the very rationale for the proposal as expressed in the Planning Statement. The realistic outcome is that virtually all users will arrive and depart by private motor vehicles, with no mitigation proposed for the impacts that entails.

- 1.6 Whilst BPC acknowledges that four planning applications for similar dog exercising facilities have been approved elsewhere in the borough, it is a well-established principle that every application must be considered on its individual merits and that each assessed on its own evidence — a principle the planning inspector in the appeal referred to above applied expressly (ADN paragraphs 17 and 57). In this instance, BPC believes the shortcomings of Edney's Hill are of such a degree that they differentiate the application from those others and this factor is a significant material consideration weighing against the proposal. Refusal on highways grounds would be wholly consistent with the inspector's findings on the substandard condition of Edney's Hill and the LHA's appeal evidence in this respect.

2. Impact on landscape character

- 2.1 A landscape and visual assessment has not been provided to inform the application. Views into the site from the public realm are greater than suggested, particularly in leafless conditions, when the relatively immature hedgerow on Edney's Hill results in increased visual permeability. This is relevant because the predominantly-undeveloped nature of the southern side of Edney's Hill is precisely what contributes to the quality of the wider rural landscape: similarly, the planning inspector in the appeal cited above found that undeveloped parcels in the J2 Landscape Character Area (in which the application site is also located) provide a "landscape pause or break" whose openness contributes positively to local character. Policy TB21 requires that such features be at least retained.
- 2.2 Although the proposal would not affect the field's openness to the same extent as the residential development proposals subject to appeal would have elsewhere, the accretion of fencing, gates, shelters and associated paraphernalia (for example, dog exercising equipment such as ramps, digging pits, etc., which might also be introduced) would erode rather than retain or enhance the features that contribute to it and result in a degradation of landscape character in this location. In particular, the suggestion shelters are required when exercising dogs is unsubstantiated, given that individuals who walk their dogs outdoors do so in all weather conditions. BPC suggests that the harm caused to the character and appearance of the area by the shelters would outweigh any limited utility they might offer.
- 2.3 Wokingham Borough Council is currently consulting on plans to extend Rook's Nest Wood SANG. The extension would include land adjacent to the application site on its southern boundary and so views of it would be available to sensitive visual receptors using the many footpaths and open areas proposed for this popular countryside amenity space. Those walking established footpath BA10 would also have views in leafless conditions. The proposal would not, therefore, be largely hidden from public view, as is suggested in the Planning Statement.
- 2.4 The site falls outside development limits and in the countryside. The applicant relies on policy CP11 of the Adopted Core Strategy for the principle of development (paragraph 5.2). However, CP11(1) is expressed conjunctively with CP11(2), which requires that the proposal "does not lead to excessive encroachment or expansion of development away from the original buildings". The site plan shows that the proposed enclosures and shelters are located in the open field south of the existing farm

buildings, some distance from them. BPC believes that the exception in CP11(1) is therefore not available to the applicant, regardless of whether CP11(2) is read as a cumulative requirement alongside or an independent qualification of it.

3. Noise nuisance

- 3.1 The proposal is described as 'low-intensity' and it is suggested that the noise associated with its operation would not be elevated substantially above ambient levels, and that the sound of dogs barking is not atypical in the countryside. This misrepresents the situation significantly. First, it is claimed that the facility would be particularly attractive to the owners of 'sensitive' dogs, who could exercise them in isolation. However, as the facility is subdivided, in practice this could result in one or more of this type of dog still being exercised simultaneously with others in the enclosure alongside, resulting in excessive barking (potentially for as long as an hour). If this were to be repeated at points throughout the day, noise nuisance would be considerable. Second, the claim disregards the fact that a purpose-built facility would result in a congregation of dogs in one place far in excess of that which is found in the natural countryside environment. The Planning Statement notes that up to six dogs could be exercised at once in an enclosure. The potential for noise nuisance has therefore been downplayed.
- 3.2 The Officer Report for application F/2005/4144 for Long Meadow Farm identified on page 21 eleven neighbouring properties in proximity to it for the purpose of consultation and so it is not unreasonable to assume that their residential amenity could be affected adversely by noise. Should the application be approved, BPC suggests it would be both proportionate and reasonable to limit the facility's hours of operation by condition to less than has been proposed, in order to limit the exposure of these neighbours to undue noise nuisance, particularly during evenings and at weekends.

4. Other matters

- 4.1 Paragraph 5.9 of the Planning Statement suggests that planning permission is available for the fenced enclosures under Schedule 2 Part 2 Class A of the General Permitted Development Order 2015. This is incorrect. First, at 2.1 metres in height, paragraph A.1(b) of Class A would preclude this. Second, and more fundamentally, permitted development rights are irrelevant to this application, given it is a full application for planning permission (the GPDO is not a benchmark for assessing a scheme that is separately before the LPA for determination). Third, Class A of the Order does not permit the material change of use of land that the proposal would result in.
- 4.2 Although it is conceded in paragraph 5.9 that the fencing structure constitutes development requiring planning permission (of whatever type), paragraph 5.10 asserts that the proposed shelters, resting on timber skids, do not. This is inconsistent with established case law. In *Skerritts of Nottingham Ltd v Secretary of State for the Environment, Transport and the Regions (No 1)* [2001] QB 59, the Court of Appeal held that the key issue is the degree of permanence which a structure has or is intended to have, not solely the degree of its physical attachment to the ground; and in *R (Save Woolley Valley Action Group Ltd) v Bath and North East Somerset Council* [2012] EWHC 2161 (Admin) the High Court held that, despite the substantial size and weight of the mobile structures in that case, they remained capable of constituting "buildings" (and therefore development) under s.55 TCPA 1990. Accordingly, whether or not the proposed shelters constitute development turns on their intended period of use, scale and solidity, and fixation; the first two of which have not been

addressed in the Planning Statement. This matter is pertinent because of its implications for the LPA's ability to control appropriately by condition the shelters' proposed use (and removal, were the business to fail), should permission be granted.

4.3 Paragraph 5.11 states that the applicant will be seeking to obtain a dog day care licence from Wokingham Borough Council. This implies a different use to the 'DIY' dog exercising proposed (which does not require licensing) and could result in impacts not identified in the Planning Statement. The statutory guidance for local authorities on the topic at Gov.uk states that (businesses):

'To be in scope, they must:

- provide daytime housing for other people's dogs, as part of, or as the only activity of, the business;*
- arrange housing for other people's dogs, for example, businesses which connect pet owners with people willing to look after their animals for no fee, just minor expenses, they must meet conditions in schedules 2 and 4 of the regulations.'*

Clarity is therefore necessary on the precise nature of the services intended to be offered at the site.

5. Conclusion

BPC has significant concerns about this proposal, predominantly in relation to highway safety, as set out. The absence of a transport assessment or statement from the planning application is concerning. The inadequacy of Edney's Hill is well-known to the LPA and has been confirmed recently at appeal. BPC does not believe that the potential impacts on this substandard section of the road network, as a consequence of additional traffic generated by the proposal, could be mitigated successfully. The proposal fails the tests of policy CP11 and would degrade the quality of the prevailing landscape character. For these and all the other reasons mentioned, BPC respectfully submits that the application be refused.

Kind Regards

Ellen Tims

Clerk to Barkham Parish Council