

## AGENDA ITEM NO 9/1(e)

<b>Parish:</b>	<b>Upwell</b>	
<b>Proposal:</b>	<b>Change of Use from Agricultural Land to a Dog Walking Field and associated car parking, access, storage container, lighting, mobile field shelter, fencing and landscaping.</b>	
<b>Location:</b>	<b>Land North of Horsehead Drove Three Holes Norfolk PE14 9JJ</b>	
<b>Applicant:</b>	<b>C/o Ceres Property</b>	
<b>Case No:</b>	<b>26/00275/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Tom Ellis-Daish</b>	<b>Date for Determination: 16 April 2026 Extension of Time Expiry Date: 15 May 2026</b>

**Reason for Referral to Planning Committee** – Call in by Cllr Spikings.

**Neighbourhood Plan:** No

### **Case Summary**

Permission is sought for a change of use from agricultural land to a Dog walking field and associated car parking, access, storage container, lighting, mobile field shelter, fencing and landscaping.

### **Key Issues**

- Principle of development, Sustainability, Consistency of Approach and the Use of Agricultural Land
- Form and Character
- Impact on Neighbour Amenity
- Transportation and Highway Safety
- Ecology
- Community Benefits and the Rural Economy
- Any Other Material Considerations

### **Recommendation**

**REFUSE**

## **THE APPLICATION**

Permission is sought for a change of use from agricultural land to a dog walking field and associated car parking, access, storage container, lighting, mobile field shelter, fencing and landscaping.

The site is located along Horsehead Drove, Three Holes and currently comprises an agricultural field. The surrounding area is largely agricultural, with the exception of a small number of dwellings.

## **APPLICANT/AGENT SUPPORTING CASE**

No supporting statement has been received at the time of writing this report, although a planning statement was received with the application.

## **PLANNING HISTORY**

25/01542/F: Application Withdrawn: 09/12/25 - Change of Use from Agricultural Land to a Dog Walking Field and associated car parking, access, storage container, lighting, mobile field shelter, fencing and landscaping.

## **RESPONSE TO CONSULTATION**

### **Parish Council: Supports.**

- The popularity is growing for this type of amenity, and diversity of this type of enterprise should be welcomed,
- The applicant has confirmed that they would be responsible for emptying dog waste bins and that the lighting would be for winter “after work” times access of 4pm to 7pm, which can be conditioned if necessary.
- There is minimal impact on neighbouring properties.

### **Local Highway Authority: No objection** subject to condition:

- Horsehead Drove is narrow with restricted passing opportunities, however, it is observed from the planning statement that “It is anticipated that numbers using the site will be limited to one or two users at any point in time. The need to book specific time slots will also mean that visitor arrivals and departures will be spread over the day, having negligible impact at peak times.”
- Given the locality of the site, it is anticipated that traffic levels would be generally low, and are mindful that Horsehead Drove experiences existing low traffic levels,
- On balance, although not ideal given the narrow carriageway, we do not oppose the principle of the application. However, this would be on the basis that the booking system is conditioned to limit the chances of two vehicles meeting,
- Also request a condition requiring that the access and parking be laid out in accordance with the approved plan and retained prior to the first use of the development.

### **Natural England:**

Make reference to their comments on withdrawn application 25/01542/F- No objection.

### **Ecology Officer:**

- Notes that the site walkover and photograph provided in the Small Sites Metric are out of date and should be updated. Once undertaken, would have no issue with Biodiversity Net Gain, (This has since been updated).
- The lighting proposed is likely to have high luminance and wildlife friendly lighting would be more appropriate in this location given the rural nature and potential for light spill some distance into the wider landscape and potential to effect nocturnal species such as badgers and bats using the adjacent drain as a commuting feature. Advise the applicant to review the Bat Conservation Trust Lighting Guidance. State lighting could be resolved at determination, or a condition could be attached to any notice requiring a scheme to come in for approval prior to commencement. (Since providing these comments, additional information has been provided in relation to lighting to which the Ecology Officer raises no objection).
- If the above issues are resolved, recommend informatives and conditions relating to Biodiversity Net Gain, Biodiversity Net Gain Plan, Habitat Mitigation and Monitoring Plan and Light Condition 02.

**Community Safety and Neighbourhood Nuisance Officer: No objection** subject to the imposition of conditions and informatives.

- There has been an increase in applications for these facilities in recent years but are yet to see the long-term impact of these in terms of nuisance complaints after consent is granted and have a lack of data to base decisions on. As such, the applicant should be aware that regardless of conditions attached to any consent, the CSNN Team could receive complaints and investigate in accordance with the Environmental Protection Act 1990, which may result in action requiring changes to abate nuisance.
- There will be a maximum permitted vehicles and dogs, and all booking must comply with these. Therefore, it is unlikely that the proposed group activities will be able to take place unless vehicles are shared.
- There is a need for a robust management plan to mitigate any potential adverse impact on nearby residents. Further details of this are given within the CSNN Officer's full comments.
- Suggest that the operating hours be conditioned to: From the 1st April to 31st August in any calendar year, on Monday to Sunday between 0700hrs to 2100 hours and from the 1st September to the 31st March in any calendar year, on Monday to Sunday between 0700 to 1900hrs.
- Suggest a condition relating to lighting details and limiting its use to only between the 1st September and 31st March between the hours of 1600 and 1900.
- Suggest a condition limiting the number of vehicles on site to two and the number of dogs to 5.
- Suggest a condition relating to waste.
- Suggest an informative relating to the Environmental Protection Act 1990.

## REPRESENTATIONS

**EIGHTEEN** letters of support and **ONE** letter of **OBJECTION** have been received at the time of writing this report.

The letters of **SUPPORT** are summarised as follows:

- Will be well used and there is demand for such a facility,
- Despite living in the country, places to walk dogs are not that available for owners wanting to walk, train or socialise their dogs,
- Footpaths are unsafe to walk with pets due to the amount of traffic and lack of greenspaces in the villages, along with village halls prohibiting dog walking this will be a huge contributor to dog owners,
- This would be closer than other dog parks,
- Supported by the public,
- Would also support exercise and wellbeing for local residents in a safe environment,
- Such facilities provide secure, private and fences for dogs to run off-lead, providing peace of mind for owners of reactive, nervous or high-prey-drive pets whilst keeping wildlife disturbance to a minimum.

The letter of **OBJECTION** is summarised as follows:

- The proposal is a resubmission which fails to overcome concerns previously identified.
- Objector's property has three front-facing bedrooms that directly overlook the proposed field and access.
- Compares the proposed opening hours with other sites referenced within the planning statement, which have shorter opening hours despite being located in more remote locations with no residential dwellings in close proximity.
- Concern over noise and opening hours which would be contrary to LP21 and ET2, and which is likely to be constitute a statutory nuisance under the Environmental Protection Act 1990.
- Concern over floodlighting and vehicle headlights.
- The application does not include an acoustic assessment and fails to recognise the significance of noise in an area where ambient noise levels are exceptionally low.
- The application relies on assertions about dog behaviour and operator management that are unenforceable and unverifiable.
- Group bookings would have an even greater effect on amenity and no details have been given about these.
- Concern over impact of lighting on rural landscape.
- Concern over highway impacts and lack of passing places. Reliance on a booking system is unreliable, as vehicles would not arrive/depart exactly at their scheduled times. Additionally, delivery vehicles and the proposed overflow parking create circumstances where multiple vehicles will meet. The proposal is therefore contrary to Policies LP14 and ET2.
- The 17km of catchment of the proposal contradicts the characterisation of the proposal as creating minimal traffic, as it encompasses many thousands of dog owners.
- Concern over impacts on Red List ground nesting birds (skylarks) and their habitat.
- No Ecological Survey has been provided and impacts on protected species have not been assessed.

- The proposal is contradictory to LP19 as it does not protect or enhance biodiversity or the national biodiversity goals in Environment Act 2021. The absence of a species specific ecological assessment prevents the LPA from discharging its duty under the Natural Environment and Rural Communities Act 2006.
- Misapplication of references to GIRAMS should be afforded no weight.
- The 17km catchment would draw users by car, which redistributes recreational activity whilst generating additional car movements.
- No HRA screening assessment has been provided and the impact of the proposal on European Protected Sites has not been assessed.
- The proposal would significantly urbanise the character of the agricultural field and rural landscape, contrary to Policies LP18 and LP21 of the Local Plan.
- The application site is Grade 1 Agricultural Land (the highest quality and most productive). The proposal is therefore contrary to EN2.

The Planning Statement also states that public engagement was undertaken via Facebook. However, these responses were not directly to this planning application.

## **KING'S LYNN AND WEST NORFOLK LOCAL PLAN 2021-2040**

**LP06** - Climate Change (Strategic Policy)

**LP07** - The Economy (Strategic Policy)

**LP13** - Transportation (Strategic Policy)

**LP18** - Design & Sustainable Development (Strategic Policy)

**LP19** - Environmental Assets - Green Infrastructure, Landscape Character, Biodiversity and Geodiversity (Strategic Policy)

**LP21** - Environment, Design and Amenity (Strategic Policy)

**LP25** - Sites in Areas of Flood Risk (Strategic Policy)

**LP27** - Habitats Regulations Assessment (HRA) (Strategic Policy)

**LP38** - Community and Culture (Strategic Policy)

**LP39** - Community Facilities

## **NEIGHBOURHOOD PLAN POLICIES**

Economy and Tourism Policy ET2: Economic Development  
Environment and Nature Policy EN1: Flood Risk and Prevention

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2021

## OTHER GUIDANCE

### PLANNING CONSIDERATIONS

#### The main considerations are:

- Principle of development, Sustainability, Consistency of Approach and the Use of Agricultural Land
- Form and Character
- Impact on Neighbour Amenity
- Highway Safety and Impacts on the Road Network
- Flood risk
- Ecology
- Community Benefits and the Rural Economy
- Any Other Material Considerations

#### **Principle of Development, Sustainability, Consistency of Approach and the Use of Agricultural Land:**

Paragraph 2 of the National Planning Policy Framework (2024) reiterates the requirements of planning law which is that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

In this instance, the Development Plan comprises the Local Plan (2021-2040) and the Upwell Neighbourhood Plan (2015-2036).

*Sustainability:* The proposed development is located outside of any development boundary, being approx. 1.17km from Lakes End (Tier 6 Smaller Village), 2.7km from Three Holes (Tier 5 Rural Village) and 2.8km from Upwell and Outwell (Tier 4 Key Rural Service Centre).

The principle of the diversification and development of agricultural businesses is supported by Policy LP07 of the Local Plan, subject to compliance with the criteria given within section 8 of that policy. Of relevance to the principle of the application in this case is criteria b, which states that the development should be adjacent to the settlement. The proposal is not adjacent to the settlement, and the proposal is therefore contrary in principle to LP07. Policy LP07 goes on to state that the LPA will support proposals for alternative uses of employment land where it can be demonstrated that the use of the site for employment purposes the proposal would not give rise to unacceptable accessibility problems, particularly for sustainable modes of transport.

The principle of the proposal is further contrary to Policies LP06, LP13, LP18 and LP21 of the Local Plan due to its unsustainable location, attracting visitors to an area of countryside not served by public transport and which would, in most cases, require the use of private motor vehicles.

#### *Consistency of Approach:*

Whilst every application must be taken on its own merits, a consistent approach should be applied to development of this type. The Planning Statement accompanying this application makes reference to application 25/00526/FM, which was for a dog walking field and was located outside of development boundaries. The Planning Statement incorrectly states that

25/00526/FM was 2.17km from the development boundary for Docking. The Planning Officer measures this distance to be approx. 678m from the development boundary at the furthest point of the site, and approx. 437m at the closest point. The officer report under application 25/00526/FM describes the site as being “located just outside the peripheries of Docking”.

Of the applications for dog walking fields within the Borough, the majority have been within, adjacent to, or near to, development boundaries with few exceptions.

#### *Use of Agricultural Land:*

The site comprises Grade 1 Agricultural Land. Policy EN2 of the Upwell Neighbourhood Plan states that new development will only be permitted on Grade 1 agricultural land if:

- a) there are overriding community benefits; or
- b) There are no reasonably available sites within Upwell Parish appropriate for the proposed development on
  - i. Previously developed land;
  - ii. Land not in agricultural use; or
  - iii. Land which is not viable for commercial agricultural use.

Paragraph 187 of the NPPF states that the natural environment should be enhanced by recognising the economic and other benefits of the best and versatile agricultural land. Footnote 65 states that where significant development of agricultural land is deemed to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Policy LP19 states that the long-term capability of the best and most versatile agricultural land will be safeguarded as a resource for the future.

Given the map provided in Figure 5 of the Upwell Neighbourhood Plan shows that almost the entire Parish area comprises Grade 1 land, with the exception of a small area to the Southwest of the Parish, it is not reasonable to expect that the development could be located other than on Grade 1 Agricultural Land.

Given the proposed use would not permanently seal the land, or be likely to cause significant damage to it, it is considered that the land could reasonably be restored to an agricultural use with relative ease if the proposal were to be carried out, and therefore a refusal on this ground could not likely be sustained. The principle of the application in relation to the use of agricultural land is therefore acceptable in accordance with Policy LP19 of the Local Plan and Policy EN2 of the Upwell Neighbourhood Plan.

#### **Form and Character:**

The most prominent built aspect of the proposal in relation to form and character would be the 1.8m high wire mesh tornado fencing, example photographs of which have been provided on the Proposed Enclosure Plan P2523-P20-P03 C. Small sections of 1.2m high post and rail fencing would also be present at the North Eastern and South Eastern corners of the site.

Whilst fencing of this height would generally be permitted development, in this instance it facilitates the change of use of the land and therefore can be considered. It is considered that the fence is of an appearance associated with other agricultural uses, such as the keeping of deer, and although more commercial in appearance than the existing open boundary is therefore not out of character with this rural location.

The mobile field shelter is not considered to be development in accordance with the Town and Country Planning Act 1990, given it is mobile. It therefore cannot be considered under

this application, although it is noted that in the example photographs provided with the planning statement give the appearance of a structure not dissimilar from a store, bird watching or shooting station often seen in fields.

No claim that the proposed container would be mobile or moved has been made. The container can therefore be considered development and require permission. The container would have approximate dimensions of 2.6m in height, 2.5m in width and 9m in depth. The proposed container would appear of a similar appearance to containers sometimes seen in other agricultural fields and is not uncharacteristic of an agricultural use. The container is therefore considered acceptable.

The car parking area would be accessed by an existing track to a farmyard, with an entrance to the parking area being made approx. 98m from Horsehead Drove. The access would consist of a hardstanding area, finished in compacted road planings, with vehicular access gates into two separate dog unloading areas, from which further gates would allow access to the field. Another gate is also proposed connecting the two separate dog walking areas. The parking area is not considered to adversely impact the character of the area or wider countryside. A perimeter track would also be present but would not adversely impact the character of the field or site.

The lighting poles would be approx. 6m in height, with a diameter of approx. 0.15m and would include two lighting elements at the top, protruding approx. 0.4m each. It is not unusual for farmyards to be illuminated by floodlights mounted on poles such as this, although generally these would be located within/around a farmyard rather than within a field itself.

On balance, it is not considered that the physical form of the three floodlights proposed would have a detrimental impact on the character and appearance of the area, given their distance from Horsehead Drove (approx. 127m at the nearest pole) and the semi-commercial appearance to the site that would result from the Tornado Fencing.

The proposal is therefore considered to accord with the requirements of Policies LP18, LP19 and LP21 of the Local Plan.

### **Impact on Neighbour Amenity:**

The application site would be divided into two main dog walking areas, with a linking gate in-between. The southernmost area would be approx. 32m from the nearest dwelling along Horsehead Drove, with the northernmost area being approx. 126m away.

The Planning Statement states that "it is anticipated that numbers using the site will be limited to one or two users at any point in time". The planning statement also refers to group bookings, but states that these are not likely to be on a regular basis. No limit on the number of dogs is suggested.

The application seeks opening hours of 0700-1900 every day during the winter, and hours of 0700-2100 every day in summer months (April to August). The visitor numbers and booking slots would be controlled by an "air lock" gate and booking system arrangement. The CSNN Officer does not oppose these opening hours.

No data has been supplied in relation to the anticipated noise levels. The planning statement accepts that this is a relatively quiet area but notes background noise from the main road (the A1101 is approx. 0.2km west of the site and B1094 is approx. 0.9km north of the site), general noise associated with farm activity and wildlife/animals.

It is not considered that a noise assessment is required in this instance, and it is further noted that the CSNN team have not suggested one be undertaken. The Planning Statement further asserts that it would not be proportionate to require a noise assessment or that it would provide any substantive additional information, other than the existing background noise level.

The CSNN Officer suggests a limit of two motor vehicles and a maximum of five dogs be permitted on site at any one time.

It must be acknowledged that domestic animals could also make noise in dwellings, although likely less frequently than dogs visiting a walking field where they would be playing and training, which can involve shouting barking and whistling.

Policy LP21 of the Local Plan states that proposals which would have an adverse impact on neighbour amenity should be refused and Policy ET2 of the Upwell Neighbourhood Plan states that economic development should demonstrate that the proposal should not have an unacceptable impact on neighbour amenity.

Light spillage from floodlighting has the potential to adversely impact neighbour amenity. The nearest of the proposed lighting is located approx. 150m from the nearest dwelling. Specification sheets and a lighting schedule have been provided. The lighting schedule and planning statement state that the lighting would be fitted and angled to minimise light spill. It is considered that given the distance to neighbouring dwellings, it is feasible that the angle of the lighting (even at a height of 6m) could be adjusted in such a way that amenity impacts are not adverse.

The additional traffic movements generated by the proposal would pose some impact on neighbour amenity, however given the proposed hours of operation and if the number of users to the field were to be limited by condition, the impact of this would not be considered detrimental to such an extent as to warrant a refusal of the application.

### **Transportation and Highway Safety:**

As covered within the **Principle of Development** section of this report, the location of the proposal is considered unsustainable and would result in car journeys into a rural location. Whilst the planning statement states that the catchment area of the proposal would be 14km, if the proposal were located closer to development boundaries, with larger settlements being preferable, the quantity and duration of at least some car journeys could be reduced.

A total of four parking spaces would be provided, with two of those being overflow spaces for customers who arrive early and need to wait to enter the facility.

The planning statement suggests group bookings are a possibility, however this would likely lead to the overflow parking being utilised for the group, and the contingency of the overflow spaces would then be unavailable. The roadway is unsuitable for parking in such a circumstance and therefore the possibility of group bookings is not supported.

The Local Highway Authority's response states that on balance, they are not against the proposal, subject to the imposition of conditions relating to booking systems and parking/access to the proposal.

It is acknowledged that Horsehead Drove is narrow, with extremely limited passing places, but it is not recommended that the proposal be refused on highway safety grounds.

Policy LP13 of the Local Plan states that development proposals which are likely to have significant transport implications will need to be accompanied by a transport assessment or transport statement and travel to show how car-based travel can be minimised. It is not considered that the transport implications in relation to how busy Horsehead Drove would become are significant, but the sustainability implications of the proposal are considered significant. In this location, it is not considered likely that a scheme to minimise car-based travel would be practical.

Policy ET2 of the Upwell Neighbourhood Plan states that proposals for economic development will need to demonstrate that it will not have an unacceptable adverse impact on the transport network, especially in relation to HGV use. Again, the impact is not considered adverse.

The unsustainable siting of the proposal is considered contrary to Policies LP06, LP07 and LP13 of the Local Plan.

### **Ecology:**

The Ecology Officer initially raised some concern regarding the validity of the Biodiversity Net Gain Report, specifically the date of the site walkover and photograph. This has been updated since the Ecology Officer's original comments, to which they now raise no objection.

Neither the Ecology Officer nor Natural England have raised concern around the potential for the dogs themselves to pose detrimental impact on wildlife. However, the proposed lighting has the potential to impact protected species through light spill. Additional information relating to the proposed lighting has been provided, to which the Ecology Officer has confirmed no objection.

Given the landscape here largely consists of arable fields with drains, with a number of similar habitats available, and the limited size of the dog field, the disturbance to ground nesting birds is not considered significant.

The Norfolk General Infrastructure Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) can be applied to visitor attractions on a case-by case basis, with the decision to apply it based on the application, location and links to the coast. In this instance, given the lack of evidence to support claims that the proposal would reduce visits to protected sites or coastal areas and limited scale of the application, GIRAMS should not be applied.

The planning statement asserts that the dog cooling off pond to the northern portion of the site would be fed by rainwater. As such, this would not pose water demand on the area.

No further concern has been raised by consultees.

The proposal is therefore considered to accord with the requirements of Policies LP18, LP19,

### **Community Benefits and The Rural Economy:**

The proposal would provide direct benefits to a specific strata of the population, being dog owners. This would allow dogs to be trained, socialised and exercised in a safe environment. Policy LP39 is supportive of the introduction of community facilities. However, the community benefit provided by this is not considered sufficient to outweigh the sustainability concerns with regard to car travel.

As covered within the **Principle of Development** section of this report, Policy LP07 states that “the council will support rural economy and diversification through a rural exception approach to new development (including expansion and/or diversification of existing businesses) within the countryside”. However, this is subject to criteria which include a requirement that the proposal should be adjacent to a settlement, which the proposal is not.

Policy ET2 of the Upwell Neighbourhood Plan is supportive of new economic development and the provision of new facilities and services. Again, this is not considered to outweigh the sustainability issues associated with the location of the site.

Paragraphs 88 and 89 of the NPPF are also supportive of agricultural diversification and supporting rural economies. Whilst the NPPF includes support for development beyond development boundaries in this regard, it does not give the same level of support to sites on previously undeveloped land or that are not physically well-related to existing settlements. The planning statement makes further reference to Policies of the NPPF which are supportive of economic growth, but it is not considered that these outweigh the sustainability issue associated with the location of the site.

#### **Any Other Material Considerations:**

The site is located within Flood Zone 2/3a and elements of the site are at risk of surface water flooding. However, given the proposed use of the site, limited footprint of built form and that the car parking area and permitter track would have a porous base, it is not considered necessary to require mitigation measures in relation to flood risk and the proposal is considered to accord with the requirements of Policies LP06, LP18 and LP21 of the Local Plan and Policy EN1 of the Upwell Neighbourhood Plan.

#### **CONCLUSION:**

The proposed location of the development is considered unsustainable due to its distance from development boundaries. Therefore, the application is unacceptable in principle and should be refused, being contrary to Policies LP06, LP07, LP13, LP18 and LP21 of the Local Plan.

It is therefore recommended that the application be refused for the following reason:

#### **RECOMMENDATION:**

REFUSE for the following reason(s):

- 1 The proposal would conflict with the spatial and sustainability aims of the Development Plan through its siting, some distance from the nearest development boundaries, resulting in increased car journeys into a rural area.

The proposal is therefore contrary to Policies LP06, LP07, LP13, LP18 and LP21 of the Local Plan and Paragraph 89 of the NPPF.