

**PLANNING, DESIGN AND ACCESS, BIODIVERSITY NET GAIN AND HERITAGE STATEMENT
FOR THE FULL PLANNING APPLICATION RELATING TO THE RETROSPECTIVE CHANGE OF
USE OF LAND FOR THE PURPOSES OF COMMERCIAL DOG WALKING WITH ASSOCIATED
VEHICLE PARKING**

At:

Land adjacent Pilgrim House
Bath Road
Oakhill
BA3 5AF

SUPPORTING STATEMENT

By:

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Our Ref: PL.5728
Date: July 2026

1.0 The background

- 1.1 The Application relates to land adjacent Pilgrim House, Oakhill.
- 1.2 The Applicant lives in Pilgrim House which is a detached dwelling located just to the north of Oakhill and adjacent to the A367 (Bath Road).
- 1.3 Access to Pilgrim House is via a shared entrance to the south of the dwelling and near Oakhill Lodge. From this entrance a long track runs parallel to the A367, in a north-east direction, before terminating at the Applicant's property.
- 1.4 The planning application relates to the land located to the north-west of the A367 and adjacent to the access track leading to Pilgrim House.
- 1.5 There is no relevant planning history for the land subject to this planning application.
- 1.6 The whole of the Application site lies within the Oakhill Conservation Area. Pilgrim House is not Listed, but the gate piers and walls at the access are Grade II Listed, as is the adjacent Oakhill Lodge.
- 1.7 The site is not in the National Landscape (nor a locally designated Special Landscape Feature), nor is it subject of any other Local Plan designations.
- 1.8 Public right of way SM1/33 crosses the Application site. The right of way enters the site via a pedestrian gate onto the A367, crosses the existing track leading to Pilgrim House and then heads in a north-western direction – the footpath does not cross the field used for dog-walking, but runs parallel to the south-west boundary.
- 1.9 This site lies in Flood Zone 1 (low risk of flooding from rivers and the sea) and is not at risk of flooding taking account of climate change (2070 – 2125). It is not within an area shown to be at risk of surface water flooding on the Environment Agency's 'Flood Map for Planning'.

2.0 The Application

- 2.1 This Application is made retrospectively. It seeks planning permission to use the land for commercial dog-walking purposes, with associated vehicular parking provided immediately adjacent.
- 2.2 The Applicant has lived at Pilgrim House for approximately 2.5 years and, in August 2024, commenced using the land for commercial dog-walking purposes – a business known as 'Dug's Dog Park'. It is understood that the previous owner of the property also used the land for commercial dog-walking, albeit in a different manner: the former owner was a professional dog-walker who collected dogs from clients and brought them to the site, whereas the current use involves members of the public exercising their own dogs on the land.
- 2.3 No operational development is proposed. The land is already securely fenced and enclosed and off-street parking is provided on an area of the existing hard-surfaced driveway.

3.0 Planning Policy Considerations

- 3.1 Planning law requires proposals to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Notwithstanding the formation of the unitary Somerset Council the Development Plan here comprises the Mendip District Local Plan Part 1 (adopted December 2014) and the Local Plan Part 2 (adopted December 2021). The key policies insofar as this application are contained in the Part 1 Plan and are as follows.
- 3.2 Core Policy 1 (1) (c) of the adopted Mendip District Local Plan Part 1 states that development outside of the development limits of existing settlements will be strictly controlled but may exceptionally be permitted in line with the provisions set out in Core Policy 4: Sustaining Rural Communities. Core Policy 1 (3) says, inter alia, that any proposed development outside the development limits, will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities.
- 3.3 Local Plan Policy CP3 states that proposals for economic development will be supported where they encourage a diverse, robust and resilient local economy and enhance the image of the area as a business location.
- 3.4 Policy CP4 also says support will be given for proposals for development of the rural economy which enable the establishment, expansion and diversification of business in a manner and of a scale which is appropriate to the location and constraints upon it.
- 3.5 Development Policy 3 relates to heritage conservation. It says, inter alia, that proposals affecting a Heritage Asset will be required to demonstrate an understanding of the significance of the Heritage Asset and/or its setting by describing it in sufficient detail to determine its historic, archaeological, architectural or artistic interest to a level proportionate with its importance.
- 3.6 Development Policy 4 relates to the Mendip landscapes and, amongst other things, it says that outside of designated landscape areas, proposals should demonstrate that their siting and design are compatible with the pattern of natural and manmade features of the Landscape Character Areas, including cultural and historical associates, as detailed in the "Landscape Assessment of Mendip District".

- 3.7 Development Policy 7 relates to the design and amenity of development. It requires, inter alia, new development is of a scale mass, form and layout appropriate to the local context and protects the amenity of users of neighbouring buildings and land uses.

Other material considerations

- (i) National Planning Policy Framework (December 2024)
- 3.8 Paragraph 85 of the NPPF advises local planning authorities that planning decisions should help create the conditions in which businesses can invest, expand and adapt. It goes on to say that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 3.9 Paragraph 88 of the NPPF is in the section titled '*Supporting a prosperous rural economy*' and it says that planning decision should enable the development and diversification of agricultural and other land-based rural businesses, and enable sustainable rural leisure developments which respect the character of the countryside.

4.0 Case for granting planning permission

Principle

- 4.1 The application site lies outside of the settlement boundary of Oakhill as shown in the Local Plan, albeit the defined settlement boundary finishes at Oakhill Lodge immediately adjacent the site entrance. Core Policy 1 states that any proposed development outside settlement limits will be strictly controlled and will only be permitted where it, amongst other things, benefits economic activity.
- 4.2 The development benefits the economy and creates part-time employment for the Applicant through the administration and maintenance of the dog-park. There is also some synergy with visitors to the dog park using other amenities in the local area, including the village pub and guests staying at Oakhill Camping and Caravan site which is located a short distance to the north.
- 4.3 Furthermore, a countryside location is necessary because the operational requirements of the use cannot be accommodated within the built-up area of a settlement. The facility relies on providing a large, enclosed and controlled area where dogs can exercise freely and safely, which necessitates a land-take and separation distance from neighbours that are simply not achievable within urban setting.
- 4.4 In summary, a countryside location offers a naturalistic environment that allows dog-owners to exercise and train their dogs in a safe, controlled environment.
- 4.5 Policy CP4 gives support to proposals for the development of the rural economy which enable the establishment, expansion and diversification of business in a manner and of a scale which is appropriate to the location and constraints upon it. The economic benefits of this scheme are manifest insofar as the proposal will sustain the part-time job of the Applicant.
- 4.6 For the avoidance of doubt commercial competition with other dog-walking facilities in the surrounding area is not a material planning consideration. Planning decisions must be based solely on land-use impacts, not on the presence or proximity of competing businesses.

- 4.7 The development accords with Core Policies 1 of the Local Plan as it benefits economic activity and is also in accordance with Core Policy 4, subject to the development having an acceptable impact on its location and associated constraints (which are assessed in the remainder of this Statement).

Impact on the character and appearance of the area

- 4.8 The dog walking area comprises of a single field enclosed with post and rail timber fencing (supplemented with wire fencing). The field is laid to grass with various mown paths around the site, and young trees planted in various locations.



Image 1: view looking north over the dog walking area. Public right of way SM1/33 is on the left of the image (contained within the two parallel sections of fence).

- 4.9 The land rises up in a northerly direction such as the dog walking area is visible from the A367, and from the public right-of-way that runs along the western side of the dog walking area.

- 4.10 However, the use of the field for dog walking has no discernible adverse effect on the character of the land. The site remains an open, grassed field framed by hedgerows, fencing and the wider countryside, and the proposed use does not introduce any built form, hard surfacing or visual clutter that might negatively affect its appearance. Dog walking is a transient, low-key activity that simply makes use of the field as it currently exists and as a result, the proposal preserves the site's visual character and appearance.
- 4.11 In respect of vehicular parking it occurs on the existing broad section of driveway serving Pilgrim House – the parking is located adjacent the entrance to the dog walking field and close the A367 frontage.



Image 2: the parking area used by visitors to the dog walking area (the vehicular access to the site is visible in the background)

- 4.12 Parking in this location does not give rise to any adverse impact on the character of the area either because it takes place within a space which already had a consolidated surface as the long-established access to Pilgrims House, and is contained in an area enclosed by low stone walls on the roadside and fencing elsewhere, such as it visually reads as part of the established built-up part of the area rather than the wider countryside. A small number of vehicles parked in this location do not appear alien within this context and the rural backdrop remains the dominant feature, ensuring that the overall appearance of the area is preserved.

Impact on heritage assets – Oakhill Conservation Area and setting of the Listed Buildings

- 4.13 The entire Application site lies within the Oakhill Conservation Area. In addition, Oakhill Lodge is Grade II Listed, as are (the separately Listed) the gate piers and front wall which are adjacent. Further to the south of the Application site entrance the Methodist Church and its gate piers and gate are also Grade II Listed, and to the south-west (approximately 230 m south-west of the dog-walking field) Oakhill House is also Grade II Listed.
- 4.14 Given the location of the Application site within the Conservation Area Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged. It requires the decision-maker to pay special attention to *“the desirability of preserving or enhancing the character or appearance of that area.”*
- 4.15 Furthermore, given the proximity of the Listed Buildings (and structures) Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision-maker to have ‘special regard’ to the desirability of preserving the Listed building or its setting or any features of special architectural or historic interest which it possesses.
- 4.16 As with the general character of the area, the development would not harm the character or appearance of the Conservation Area, nor the setting of the nearest Listed Buildings.
- 4.17 The dog-walking field is a simple, grassed enclosure defined by post-and-rail fencing and mown paths. The dog-walking activity taking place within it is low-key, such as the land remains an open rural field with no built structures, surfacing or visual clutter.

- 4.18 Visitor parking occurs on the long-established driveway serving Pilgrim House, close to the A367 frontage. This area is already surfaced and visually contained by stone walls and fencing, meaning a small number of vehicles sit comfortably within the existing built context rather than intruding into setting of the nearby Listed Buildings in a manner that would harm their special architectural or historic interest.

Impact on neighbour amenity

- 4.19 The site is located at the edge of the village with only a limited number of dwellings in third party ownership near the Application site.
- 4.20 No complaints regarding noise or disturbance have been received directly by the Applicant since the enterprise commenced in 2024. As a resident living immediately adjacent to the dog-walking field, the Applicant is committed to operating the facility in a manner that minimises any potential disturbance to nearby neighbours.
- 4.21 The nearest third-party residential property is Oakhill Lodge, which is adjacent to the entrance, but here the local environment is already affected by noise from traffic on the adjoining A367 (Bath Road). In this context, any noise from dog-walking activities within the large 0.9 ha (2.4 acre) dog-walking field, and from vehicles arriving or departing the site, is contextually modest and would not materially undermine the amenity environment of the nearest properties.

Impact on highway safety

- 4.22 The dog-walking field operates through pre-booked 25-minute or 55-minute sessions, each separated by a five-minute gap and providing exclusive use of the site for a maximum of six dogs. This exclusivity is typical of secure dog-walking facilities and naturally limits the number of visitors at any one time, thereby regulating traffic generation associated with the use. The Applicant introduced the option of 25-minute slots to accommodate clients who either do not have the time, or are not physically able, to exercise their dogs for longer periods.
- 4.23 The gap between bookings minimises the potential for crossover in cars arriving/leaving the site. Most customers arrive in a single vehicle, so typically each session produces only one arrival and one departure, this equates to a maximum of between 2 and 4 vehicle movements per hour, which is a very low level of activity.

- 4.24 Bookings typically peak at weekends, when the local road network is quieter due to the absence of school and commuter traffic. Even then, sessions are rarely booked continuously back-to-back throughout the whole day, being influenced by factors such as weather conditions and seasonal hours of darkness. As a result, vehicle movements remain modest and intermittent.
- 4.25 Vehicle access to the site's parking area is via the existing entrance onto the A367 (Bath Road) and the internal private access road. The site entrance lies within the 30-mph speed limit which continues throughout the village to the south and the start of the 40-mph speed limit on the Bath Road lies approximately 110 m to the north-east of the entrance.
- 4.26 The existing access with splayed entrance walls has reasonable visibility in both directions over the pavement that extends in both directions either side of the access.



Image 3: visibility looking south-west from the existing site entrance.



Image 4: visibility looking north-east from the existing site entrance.

- 4.27 The parking area provides space for two vehicles. The size of the area can therefore comfortably accommodate the parking needs of the development, which typically would involve no more than one vehicle on site at any one time. There is sufficient room for vehicles to turn within the site too, such as they can leave in a forward gear.
- 4.28 The public right of way (SM1/33) crosses the existing driveway leading to Pilgrim House and the area used for vehicular parking associated with the dog-walking facility but there is sufficient room for parked cars not to interfere with the passage of those walking on the right of way.
- 4.29 Overall, the development makes safe and satisfactory provision for access and provides parking and turning to meet the operational needs of the development, and would not conflict with the use of the right of way, in accordance with Local Plan Policies DP9 and DP10.

Impact ecology, including Biodiversity Net Gain (BNG)

- 4.30 The site lies within the Consultation Zone C of the Mells Valley Special Area of Conservation for Greater Horseshoe bats. As a European Designated Site, this is protected pursuant to the Conservation of Habitats and Species Regulations 2017 (as amended).
- 4.31 No operational development is proposed within the application, nor is any external lighting proposed or required, as such it can reasonably be concluded that the development would not adversely affect the integrity of the Designated Site.
- 4.32 The change of use has already commenced and in that regard retrospective planning applications made under section 73A of the Town and Country Planning Act 1990 are exempt from mandatory BNG¹.

¹ See the Planning Practice Guidance - Paragraph: 003 Reference ID: 74-003-20240214

5.0 Conclusion

- 5.1 The application seeks to regularise the existing use of the Application site as a commercial dog-walking facility. This is a business that has operated here successfully since 2024.
- 5.2 The location, scale and nature of the development would not harm the character of the area, or the setting of any heritage assets.
- 5.3 There would be no adverse highway implications, or neighbour amenity conflict and the scheme would not give rise to any other recognised planning harm. As such, the development involves the establishment of a business in a manner and of a scale which is appropriate to the location and constraints upon it.
- 5.4 Paragraph 85 of the NPPF says that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In this case subject to appropriate planning conditions, the development has no adverse impacts on the natural or built environment and would have benefits to the economy and so in weighing the overall planning balance the development should be found acceptable.
- 5.5 It is respectfully requested that planning permission is granted on that basis.