



Appeal Decision

Site Visit made on 6 July 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2021

Appeal Ref: APP/A2470/W/21/3272588

The Rutland Dog Walker Ltd, Stretton Road, Greetham, Oakham, Rutland LE15 7QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Bradley (The Rutland Dog Walker Ltd) against the decision of Rutland County Council.
 - The application Ref 2020/1150/FUL, dated 14 September 2020, was refused by notice dated 4 March 2021.
 - The development proposed is amenity accommodation for staff and public to support the previous change of use from 5.1 acre paddock for use as a dog walking area - the permission for the change of use was granted on 29 March 2018 under planning application ref. 2018/0037/FUL.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposed development on the character and appearance of the area and (ii) whether or not the proposed development would accord with the provisions of the development plan with regard to the location of new development in the countryside.

Reasons

Character and appearance

3. The proposed buildings would be of a limited height but building A would have a footprint of 12.6m x 5.3m and building B a footprint of 30m x 9m. Neither could therefore be considered to be insubstantial in their overall form and impact. Although the appeal site is screened from most vantage points by established trees and hedging and new planting is evident within the site, by virtue of the fact that there are no existing buildings present on the appeal site, the proposed development would cause a degree of visual harm to the character and appearance of what is presently an open and unobtrusive area of land that is consistent with its open countryside surroundings.
4. The harm caused would be limited in its scope due to the low height of the structures and the screening that is present around most of the boundaries of the site. Nonetheless, the fact that there would be harm means that the proposal would fail to accord with Policies CS19 and CS21 of the Rutland Core Strategy 2011 (CS) and Policies SP7 and SP15 of the Site Allocations & Policies Development Plan Document 2014 (SAP), where they refer to matters relating

to character and appearance. The appeal site falls within the Greetham Parish Boundary and therefore there would be a conflict with objective 2 of the Greetham Neighbourhood Plan 2016-2036 where it seeks to ensure that development does not impact adversely on the environment of Greetham village and its surroundings in the parish.

Location

5. Policy CS4 of the CS states that development in the countryside will be strictly limited to that which has an essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy. Policy SP7 of the SAP allows for a rural enterprise comprising small scale alterations, extensions or other development ancillary to an existing established use appropriate to the countryside and for new employment growth comprising small scale, sustainable rural tourism, leisure or rural enterprise that supports the local economy and communities, subject to a number of criteria being met.
6. It is intended that the proposed buildings would be used in connection with the establishment of a dog day care business at the appeal site. The submissions made during the planning application state that it is anticipated that the maximum number of dogs on site for day care would not exceed 40. It is stated that this could potentially create 4 extra jobs in the future. There however is only limited other information as to how the dog day care business would operate in practical terms and therefore how the proposal which is subject to the appeal might be of such a benefit to the rural economy to justify the permitting of the development in the context of the constraints of the development plan and against the identified harm to character and appearance.
7. In particular, it is unclear as to how up to 40 dogs could be accommodated on site for an extended period. The only intended shelter during inclement weather would be the proposed polytunnel (building B) but it is uncertain whether this could provide appropriate facilities for dogs if poor weather was to continue for an extended period throughout the day. Furthermore, proposed building A extends substantially beyond a size which would be needed to provide welfare facilities for employees, and includes a large public area, whose purpose in connection with the approved use and the proposed business is unclear.
8. On the balance of the information before me and for the reasons set out, I am not persuaded that an essential need for the appeal development in this countryside location for use for a dog day care business has been demonstrated. It is also not possible to establish with any certainty as to what, if any, benefits to the rural economy would arise, in the context of the criteria set out in Policy SP7 of the SAP. Furthermore, I have found that there would be harm, albeit limited, to the character and appearance of the area as a result of the proposed development. Therefore, taken as a whole, the proposal fails to accord with Policy CS4 of the CS and Policy SP7 of the SAP where they refer to new development in the countryside, including the consideration of the impact on character and appearance.
9. With respect to the main issues arising from this appeal, the revised National Planning Policy Framework 2021 (The Framework) remains unchanged from its predecessor in its approach to the rural economy. However, as I am unable to establish what the benefits to the rural economy would be, it follows that I am

not able to conclude that the proposal would meet the objectives of The Framework in that respect or to give weight to this consideration in favour of the proposed development.

Other Matters

10. The appellant has suggested that a condition could be imposed requiring the proposed development to be removed if the business were to relocate or cease operating on the appeal site and that a condition could be imposed to position the proposed buildings in alternative locations on the appeal site. Such conditions would not however overcome the conflicts with the development plan that I have found.
11. It is noted that there was no objection in principle from Greetham Parish Council and that a letter of support for the proposal containing a number of signatures has been submitted by interested parties. These too do not overcome the failure to accord with the development plan.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR