



Appeal Decision

Site visit made on 31 July 2023

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2023

Appeal Ref: APP/Y9507/W/23/3314508

Daisy Dog Too, adjacent to existing Daisy Dog Meadow GU31 5RF

- 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 Richard Caines, Caines Farm Partnership, against the decision of South Downs National Park Authority.
 - The application Ref SDNP/22/02905/FUL, dated 14 June 2022, was refused by notice dated 30 September 2022.
 - The development proposed is change of use from agriculture to a dog walking paddock with associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the original application form above is taken from the Council's decision notice. This description reflects that provided on the original application form, albeit is more concise and accurate.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, having regard to the landscape and scenic beauty of the South Downs National Park (NP).

Reasons

4. The appeal site comprises an agricultural field measuring approximately 1.6ha that sits to the east of the B2146, beyond a grass verge. The site's boundaries consist of post and wire fencing, as well as a mix of vegetation. The site has a long frontage onto the B2146, while to the east of the site lies an area of mature woodland.
5. The surrounding landscape is largely characterised by gently undulating, open agricultural land. Despite the presence of the highway, the area has a pleasant, verdant, and tranquil quality, reflective of its agricultural nature and its setting within the NP.
6. The land immediately to the north of the site is also under the appellant's control but is segregated from the appeal site via post and wire fencing. The appellant's adjoining land to the north is already in use as a facility for dog walking following the grant of planning permission (ref: SDNP/21/00416/FUL). That development has been complete to include a sizeable access and parking area that is distinct, and somewhat discordant, from the surrounding

agricultural land through its separate enclosed nature and associated business signage.

7. I understand that application ref: SDNP/21/00416/FUL originally sought for the entirety of the agricultural field to be used as a dog walking facility (i.e. including the current appeal site). However, permission was only granted following negotiations between the main parties, which amongst other matters resulted in a reduced area of land being used for dog walking activities. Following the success of the adjacent facility, the appellant is now seeking to change the use of the appeal site to create an additional dog walking facility.
8. The proposed use of the field itself, for the walking of a small number of dogs at any one time, is unlikely to fundamentally change the agricultural character of the site. This view is based on the proposal not entailing the use of apparatus/dog agility equipment and the fact that the appellant still intends to harvest the field and broadly maintain current agricultural practices. In fact, during my site visit there was very little to differentiate between the appeal site and adjoining land to the north, other than the formal boundary that had been introduced between the sites and the access/parking area associated with the existing dog walking business.
9. Indeed, the Council has indicated that it does not object to the principle of the change of use of the land for dog walking. However, its concerns lie with the additional infrastructure/works that are proposed to facilitate this.
10. The appeal proposal does not seek to introduce any new buildings or dog related paraphernalia at the site. Nevertheless, additional built form is proposed through the creation of a vehicular access, a parking area, as well as new boundary fencing.
11. Notably, the proposed vehicle access appears to be of a rather excessive scale, with the width of the bell-mouth entrance being substantial. Furthermore, although the appellant has identified that parking is only required to allow for two vehicles, the proposed car park would involve far more substantial coverage. The car park would also need to be enclosed with fencing for the safety of dogs visiting the site. Whilst the proposed use of post and wire fencing may be typical of that found in the surrounding vicinity, its arrangement, formalising an area of carparking, would not be.
12. The access and parking arrangements would intensify the built form in the area. Alongside the existing car park serving the adjacent dog walking facility, the proposal would have a proliferating effect leading to a sprawl of development alongside this section of the B2146. This would erode the rural character of the area. Even with the potential use of landscaping measures, I am not convinced that the proposed access and parking arrangements would assimilate well in the surrounding landscape, given their overall scale and prominent roadside location.
13. I note the appellant's arguments that permission SDNP/21/00416/FUL allowed for a car park and access arrangements of a similar scale to that proposed, whilst landscaping was not deemed to be necessary for that development. Although I do not have the full background details of that application, I do not find this line of argument to be suitable justification to allow the proliferation of further similar development.

14. The proposal would be within a highly sensitive location, being within the South Downs National Park, where the landscape is subject to statutory protection. Paragraph 172 of the National Planning Policy Framework (the Framework) requires great weight to be afforded to conserving and enhancing landscape and scenic beauty within National Parks. As such, it is necessary for me to attribute great weight to the harm that I have identified.
15. The appellant indicates there is significant demand for the proposal particularly at peak times (e.g. weekends). However, no robust evidence has been provided to demonstrate this. For example, visitor booking records or details of capacity issues including their frequency. Nor has it been satisfactorily shown that there is a specific need for the additional access and parking infrastructure, given that a sizeable parking area is already in place nearby to serve the existing adjacent dog walking field. Based on the scale of operations proposed, it appears the existing parking facility could adequately serve customers across both sites, subject to appropriate management arrangements being introduced. As such, I do not consider that the harmful proliferation of development that the appeal proposal would result in is warranted.
16. Overall, I find that the proposed development through the introduction of the new access and parking arrangements would have a harmful impact on the character and appearance of the area. It would therefore be contrary to Policies SD1, SD4, SD5 and SD7 of the South Downs Local Plan (adopted 2019), which together seek to ensure that development proposals conserve landscape character, including the natural beauty of the National Park.

Other Matters

17. I appreciate that the proposal would enable rural diversification. However, there is no robust evidence before me to demonstrate the need for, or the level of benefits that would arise from such diversification. Whilst given the scale and nature of the proposed development it is unlikely to generate any significant employment opportunities.
18. I also acknowledge that the appeal scheme may promote access and enjoyment of the NP through enabling customers to experience the natural beauty of the area, whilst also providing a valued facility. Be that as it may, I do not consider the proposed benefits to outweigh the identified harm.
19. Through the appeal the appellant has advanced that part of the site could be 're-wilded' by planting of vegetation. Although this is likely to have biodiversity benefits, there is a lack of specific detail to demonstrate the level of such benefits. Therefore, I give only limited weight to such benefits, and this does not overcome my concerns with the proposed development.
20. The lack of objections to the proposal from third parties is also not sufficient reason to allow otherwise unacceptable development.

Conclusion

21. For the reasons outlined above, having regard to the development plan as a whole and to all other material considerations, the appeal is dismissed.

Lewis Condé

INSPECTOR