
Appeal Decision

Site visit made on 23 April 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th June 2024

Appeal Ref: APP/P0240/W/23/3334143

Land to the North of Leighton Road, Hockliffe

Grid Reference Easting: 496089, Grid Reference Northing: 226100

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Dashwood against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/00976/FULL.
 - The development proposed is Change of Use from Agriculture to Dog Walking Field (Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted for Change of Use from Agriculture to Dog Walking Field (Sui Generis) at Land to the North of Leighton Road, Hockliffe (Grid Reference Easting: 496089, Grid Reference Northing 226100) in accordance with the terms of the application, Ref CB/23/00976/FULL, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The decision notice refers to 2m high tensile mesh perimeter fencing. However, I have considered the appeal scheme on the basis of the details shown on the submitted plans, which show the proposed fence would be 1.9m high.
3. Whilst Policy EE8 of the Central Bedfordshire Local Plan 2015-2035 (July 2021) (LP) is not referenced on the decision notice, it is referred to in the evidence from both parties. I have therefore had regard to Policy EE8 of the LP in my consideration of the appeal.
4. Temporary planning permission, for a period lasting 32 years, has been granted for a solar farm on land to the northwest of the appeal site. Access to the solar farm is permitted to be taken from the existing junction with Leighton Road and would include land within the appeal site. The junction with Leighton Road is required to be upgraded prior to the commencement of the solar farm development.
5. The parties' views are not aligned as to whether the junction improvement works have been carried out. However, there is no substantive evidence before me to confirm that the junction has been improved in accordance with the solar farm permission. Moreover, I cannot be certain from the information before me whether or not the solar farm permission will be implemented. I have therefore proceeded to determine the appeal with regard to the junction I observed on my site visit which, in the absence of evidence to the contrary, is proposed to serve the appeal scheme on a permanent basis.

6. The Council has not indicated that the proposed development would interfere with the operation of the solar farm if it is constructed. Based on the evidence, and my own observations, I have no reason to take a different view. Therefore, whilst I have had regard to the permitted solar farm, I have determined the appeal scheme on its own merits, based on the evidence before me and my observations of the site and surroundings.

Main Issues

7. The main issues are:

- whether the site is in a suitable location for the proposed use, having regard to relevant development plan policies for rural diversification and leisure facilities, and the accessibility of the site, and
- the effect of the proposal on the character and appearance of the area.

Reasons

Whether a suitable location

8. The appeal site comprises part of an agricultural field and an existing vehicular access from Leighton Road. The site lies immediately adjacent to a large barn and an existing area of hardstanding. The access from the highway also serves a track which leads to land north and east of the appeal site. The site lies outside of a defined settlement boundary, in the open countryside.
9. Amongst other things, Policy SP7 of the LP recognises the intrinsic character and beauty of the countryside and restricts development outside of settlement envelopes to particular types, none of which are relevant to the appeal scheme. However, it also states that proposals for other uses including employment and leisure uses will be considered favourably subject to the conformity with other development plan policies, including Policy EMP4 of the LP.
10. Policy EMP4 of the LP relates to the rural and visitor economy and includes criteria that should be met by proposals to expand existing employment generating uses and those related to the visitor economy. The proposed use is a recreational facility for dog-walking and there is no substantive evidence before me to indicate it would directly generate new employment opportunities. However, amongst other things, Policy EMP4 of the LP also provides support for leisure developments, particularly those which provide opportunities for rural diversification and are well located to support local services, businesses and other tourist and leisure attractions.
11. The proposal would provide an opportunity for leisure activities through dog walking and would support agricultural diversification and the rural economy. However, the site is located on a 60 miles per hour road with no dedicated footway or street lighting. Therefore, and given the distance between the site and the nearest settlements, most future users of the proposed development would be likely to rely on the use of private vehicles to access the site.
12. However, the National Planning Policy Framework (the Framework) states that sites to meet local business and community needs may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. Moreover, the Central Bedfordshire Design Guide A Guide for designing high quality new developments (September 2014) (Design

Guide) acknowledges that it is not always more important to provide for pedestrians than it is for other modes, albeit that they should at least be considered first.

13. In that regard, I observed on my site visit that the appeal site is reasonably close to the Rights of Way network. Whilst I cannot be certain from the evidence before me where the nearby footpaths lead, there is nonetheless some connectivity for pedestrians. Given the fundamental nature of dog-walking, it is reasonably likely that some future users of the proposed development would access the site on foot as part of a longer walking route in the countryside.
14. Moreover, it is not uncommon for dog-walking to be undertaken outside of settlement boundaries. Therefore, given the availability of sustainable transport options varies between urban and rural areas, it is reasonably likely that local dog-walkers regularly travel by private car to dog-walking destinations. Consequently, the proposed use is unlikely to generate a significant number of additional private vehicle movements that are not already operating on the local road network. It follows that the environmental effects of private car travel arising from the proposal would be limited.
15. Taking all of the above into account, I conclude that the site is in a suitable location for the proposed use, having regard to relevant development plan policies for rural diversification and leisure facilities, and the accessibility of the site. Therefore, there would be no conflict with Policies SP7 and EMP4 of the LP which, taken together and amongst other things, support leisure developments that provide opportunities for rural diversification. There would also be no conflict with Section 12 of the Framework insofar as it seeks to create places that promote health and well-being.

Character and appearance

16. The appeal site lies within the Toddington-Hockliffe Clay Hills Landscape Character Area (LCA), as defined by the Central Bedfordshire Council Landscape Character Assessment (January 2015). The site shares many of the key characteristics of the wider LCA, including its agricultural landscape comprising fields defined by hedgerows. The host field is bound by a mix of hedging and low-level wire fencing. A large area of hardstanding exists around an agricultural barn that lies adjacent to the appeal site.
17. Whilst the proposed use would not be agricultural, the majority of the appeal site would remain a green field and there would be no change to the existing boundary hedging. Consequently, many of the key characteristics of the LCA would be retained and preserved by the appeal scheme. Moreover, other than the proposed fence and area of hardstanding, no permanent structures are proposed within the existing field. Therefore, the proposed development would not preclude the site from being used for agricultural purposes in the future.
18. Furthermore, whilst the proposed fence would be taller than the existing boundary fencing, it would be a wire structure and would have a light-weight appearance that would not be unduly dominant in views from the surrounding area. The proposed access gates would also have a similar appearance to a typical metal field gate and therefore would integrate harmoniously with the surrounding agricultural landscape. In that regard, the development would accord with the principles set out in the Design Guide. Consequently, I am

satisfied that no additional landscape enhancements would be necessary to make the development acceptable in planning terms.

19. The proposed parking area would result in the loss of a small part of the existing agricultural field. However, it would be proximate to the Leighton Road junction and an existing area of hardstanding. Therefore, the proposed parking area would not encroach unduly onto areas of open field. Moreover, given the topography of the site, views of the parking area from public vantage points would be very limited due to the screening provided by existing hedgerows and the adjacent barn. Consequently, the proposed parking area would not cause undue harm to the landscape character.
20. Overall, I conclude that the proposal would not cause harm to the character and appearance of the area. There would be no conflict with Policies HQ1 and EE5 of the LP, and the Framework, insofar as they seek to ensure that development responds positively to its context and has regard to the characteristics of the site and its setting. There would also be no conflict with Policies EE4 and EE8 of the LP, which amongst other things seek to protect existing trees and hedgerows and to respect local topography and landscape.

Other Matters

21. The site lies within the zone of influence of the Chilterns Beechwoods Special Area of Conservation (SAC), which is designated for its beech forests, semi-natural dry grasslands and scrub, and its population of Stag Beetles. The evidence indicates that the principal pathway of impact on the SAC is the effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents. The conservation objectives are to ensure the integrity of the site is maintained and restored.
22. Whilst the proposal would provide an additional recreational facility for dog-walking, it would not lead to an increase in the number of households in the area. Consequently, it is unlikely that the development would increase recreational pressure on the SAC either alone or in-combination with other plans or projects. Therefore, it would not undermine the conservation objectives of the SAC and an Appropriate Assessment is not required.
23. I note the concerns raised by the Highway Authority with regard to the intensification of use of the site access from Leighton Road. However, from my observations, the existing access is constructed with a durable material and has sufficient space for multiple vehicles to pull clear of the highway and to pass each other safely. There is also adequate visibility in both directions along Leighton Road from the existing junction. Therefore, I am satisfied that the existing access would be sufficient to serve the proposed development without detriment to highway safety.
24. I am also mindful of the concerns raised regarding the sufficiency of the submitted drainage information. However, the Council is satisfied that this issue could be dealt with through a condition in the event the appeal is allowed. Based on the evidence, I have no reason to take a different view. I will set out my approach to drainage and other conditions later in this decision.
25. In its Officer's Report, the Council raised concerns about the lack of proposed biodiversity enhancements, although it did not cite this matter in its reasons for refusal. I also note that it has not suggested a condition would be required to

secure any enhancements in the event the appeal is allowed. Given that the proposal would retain a large area of green field and existing hedgerows, I see no reason to conclude that planning permission should be withheld due to the lack of proposed biodiversity enhancements.

Conditions

26. The Council provided a list of suggested conditions, which I have considered against the tests set out in paragraph 56 of the Framework and the Planning Practice Guidance (PPG). Where appropriate, I have adjusted the wording of the conditions to improve precision and enforceability, and to prevent unnecessary duplication.
27. In addition to the standard time limit condition, I have attached a condition listing the approved plans to provide certainty.
28. I have included a condition requiring details of parking and manoeuvring arrangements to be submitted for approval prior to the development coming into first use, including surfacing materials and drainage arrangements. This condition is necessary to ensure there would be sufficient circulation space for moving vehicles in the interests of highway safety, and to ensure there would be no increase in surface water flooding.
29. Although the appellant has stated that no gate is proposed across the Leighton Road junction, a gate is shown to be proposed on the submitted drawings. Therefore, in the interests of highway safety, I have included a condition to control the position and opening direction of any such gate.
30. The Council suggested a number of conditions which collectively sought to secure improvements to the existing junction between the site access and Leighton Road. However, I have found that the existing access is sufficient to serve the proposed development without detriment to highway safety. Therefore, these conditions are not necessary.
31. The Council also suggested a condition requiring that customer appointments are recorded and retained in order to reduce the risk of overspill parking and in the interests of highway safety. However, there is no substantive evidence before me to indicate the proposed parking provision would be insufficient. Moreover, there would be no mechanism through which the Council could limit the number of customers using the proposed facility. Therefore, the condition would not be reasonable or enforceable.
32. Because condition 3 requires the submission of surfacing materials and details to manage surface water run-off from the proposed parking area, it is not necessary to include a separate condition for a detailed drainage scheme.

Conclusion

33. For the reasons given above the appeal should be allowed.

E Catchside

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A/49457/1B, A/49457/2B and A/49457/6C.
- 3) Notwithstanding the details shown on approved plan A/49457/6C, the development shall not come into use until a scheme for the parking and manoeuvring of vehicles has been laid out in accordance with details that have first been submitted to and approved in writing by the local planning authority. The submitted scheme shall include:
 - details and locations of parking spaces to be provided for a minimum of four cars;
 - vehicular circulation arrangements;
 - details of surfacing materials; and
 - measures to manage surface water run-off.

The scheme for parking and manoeuvring of vehicles shall thereafter be retained in accordance with the approved details.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no gate across the vehicular access from the highway shall be erected unless it is inward opening only and is positioned a minimum of eight metres from the closest part of the public highway.

END OF SCHEDULE