



Appeal Decision

Site visit made on 26 June 2024

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2024

Appeal Ref: APP/J0540/W/24/3339220

Land On The West Side Of Northey Road, Peterborough PE6 7QJ

- 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 Mr Jason Dean, The Dog Play Co against the decision of Peterborough City Council.
 - The application Ref: 23/01678/FUL, dated 6 December 2023, was refused by notice dated 15 February 2024.
 - The development proposed is change of use from agricultural land to Sui Generis to be used as a dog exercise field.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The operation of a dog exercise business on the field, for which planning permission for change of use has retrospectively been applied, has already been occurring.

Main Issues

3. The main issues in this case are:
 - Whether the location of the development is suitable, with particular reference to the spatial strategy for the area; and
 - The effect of the development on highway safety, with particular regard to access to the development site.

Reasons

Whether a suitable location

4. The Peterborough Local Plan 2016 to 2036 (the LP) sets out the Spatial Strategy for Peterborough. Within this, Policy LP 2 requires development in the countryside to be restricted to a number of forms. The appeal development is not one of these forms of development. As set out in supporting text paragraph 5.5 of the LP, one of the objectives of this approach in Policy LP2 is to help protect the landscape character of the countryside.
5. The appeal site is a field located in an area of countryside, in an area beyond the eastern edge of the Peterborough Urban Boundary. The local area of countryside is characterised by mainly arable fields with middle and longer distance views of tree lines, under big skies which are emphasised by the flat

fenland terrain. The Flag Fen Archaeology Park visitor centre at the end of Northey Road is screened from view the appeal site and its vicinity by intervening perimeter vegetation. Thus, notwithstanding longer distance views of wind turbines and a power station from the locality, and occasional outbuildings, the area of countryside in which the appeal site is located has a predominantly rural, open character and appearance.

6. The dog exercise field includes the following. There is a timber shed and a storage shelter on the appeal site, and gravelled area off the main entrance that is used for car parking. There are various timber and metal fencing elements, including post and rail perimeter fencing, and a gated and fenced entranceway for customers parking on The Droveaway road. Various canine exercise structures are set within an area of closely mown grass. These are of a mix of timber, plastic and rubber materials in the form of a slide, ramps, tyres, a trampoline and a ballpool. Also, some of the appeal site comprised longer grass at the time of my visit.
7. Within its rural setting, this combination of elements appears as an eclectic obstacle course, with associated storage, and customer vehicles parked on the adjacent road and on-site. This is noticeable from various viewpoints in the flat and open terrain of the area, from Northey Road, The Droveaway and other nearby fields. Given this, and the field's use by dog-walking customers, the dog exercise field is atypical of, and discordant with the prevailing rural, open character of the local countryside, in its location outside the Peterborough Urban Boundary.
8. Moreover, the appellant's assertions of need to operate the dog exercise field in this location do not meet the criteria of Policy LP2. I shall address the question of need further in the Planning Balance and Conclusion later in this decision.
9. In conclusion, the appeal development is not suitably located under the terms of Policy LP2 of the LP, and conflicts with this Policy. Furthermore, the development harms the character of the local countryside. Also, it undermines the local spatial strategy, and the objective of protecting the landscape character of the countryside.
10. Regarding Policy LP11 of the LP, Part G, which is cited by the appellant, covers 'proposals involving farm based diversification' that 'support the applicable farm enterprises'. As the appeal development does not involve farm-based diversification that supports farm enterprise(s), the development does not constitute the form of development supported in Part G of this Policy. Meanwhile, Part E of Policy LP11, which is cited by the Council, covers 'expansion of an existing employment use on its current site'. However, according to the Planning Officer's Delegated Report (DR), the appeal site is 8 miles from the employment site identified in the DR. As the appeal site is not the *current site* of employment use envisaged in the DR, Part E is not clearly engaged in relation to the appeal development. Therefore, I find neither conflict with Part E, nor accordance with Part G of Policy LP11 in this case.

Highway safety

11. From what I saw during my site visit on a weekday afternoon, albeit a snapshot in time, Northey Road is apparently a fairly busy road, with a regular flow of traffic. That said, The Droveaway, on which the main vehicular entrance, and a separate pedestrian access to the appeal site are located, appears to be a

quieter cul-de-sac country lane. An anticipated maximum of around 12 to 15 customer vehicles would park at the site on its days of operation. As such, additional vehicle numbers generated by the appeal development would likely continue to be relatively modest. That said, visitors travelling to and from the Flag Fen Archaeology Park visitor centre would pass the appeal site access, adding to the need for safe vehicle movements, at and in the vicinity of the appeal site's access.

12. The Local Highway Authority considers that the appeal site can accommodate adequate space for the parking and turning of vehicles, for the abovementioned number and frequency of customers visiting the site. Albeit a drawing showing the allocated areas would still be required by planning condition. I agree on this point.
13. However, in the absence of a scaled and dimensioned drawing demonstrably detailing the following, I have no certainty that safe surfacing, highway drainage, gate configuration and visibility splays for the site access would be achieved for this development.
14. Therefore, I conclude that the development would not demonstrably achieve safe highway access to the development. As such, it conflicts with Policy LP13 of the LP, which seeks to ensure that, among other things, development makes appropriate provision for safe access to, from and within the site.

Other Matters

15. The appeal site is located within the scheduled monument 'A Bronze Age post alignment and timber platform at Flag Fen and associated Bronze Age and later field systems and settlement to either side of the Northey Road'. While not among the reasons for refusal, the appeal development's adverse impact on the setting and significance of this scheduled monument is a matter referred to in Historic England's advice and the Planning Officer's Delegated Report. As I am dismissing this appeal on other grounds, it is not necessary for me to consider the development's effect on the heritage significance of this scheduled monument further in this instance.

Planning Balance and Conclusion

16. The appeal development does not provide any of the types of open space, or indoor sports and recreation facilities related to new residential development that are identified in Policy LP21 of the LP. Thus, I cannot agree that it provides benefits of this kind.
17. That said, the dog exercise park provide an enclosed outdoor space for dog walking, for individual or groups of dog walkers to book. As such, it is a more controlled environment for owners to exercise their dogs in, compared to public open spaces. Judging by the expressions of customers' support for the dog exercise park, this provides a more relaxed environment for some owners who find it safer and more enjoyable to walk, socialise and/or train their dogs at a site that is not public open space. This likely provides some associated mental and physical health benefits for users of the dog exercise park, and their dogs. Also, a number of supportive customers indicate that the development provides a venue for 'doggie day care', freeing up their time to work or do other things, with associated economic and lifestyle benefits.

18. Maximum numbers of up to around 75 customers a week at the site are indicated in the appellant's statement of case (ASC). That said, accounting evidence of whether in practice these maximums are regularly achieved is not presented. Given the scale of the appeal development, the benefit in planning terms is limited.
19. I appreciate the appellant's entrepreneurial drive, and the good quality service that his supportive customers describe. Nevertheless, for the reasons given above, the benefits of the appeal development do not outweigh the totality of harm identified in this case.
20. Regarding the question of need for this type of dog exercise field, I find as follows. No substantive analysis and quantification of a) the scale of market demand for bookable dog exercise field sites in Peterborough, and b) the supply of existing and potential bookable dog exercise field sites in Peterborough is presented. Furthermore, the ASC sets out that the appellant's dog exercise business operates over different sites and, if something wasn't acceptable at this location, could quite easily be moved somewhere else. As such, I have no certainty that there is significant unmet need for this type of provision in the area. Or that potential supply of sites for this use within the Peterborough Urban Boundary has been substantively explored and found to be exhausted.
21. Together, these factors indicate that, while the operation of the dog exercise field at the appeal site contributes to this business's operation, there is not demonstrably a need for it be located specifically at the appeal site. Therefore, it is far from certain that this dog exercise field in this particular location is necessary.
22. In conclusion, the development is contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is dismissed.

William Cooper

INSPECTOR