



Appeal Decision

Site visit made on 18 June 2024

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 7th August 2024

Appeal Ref: APP/P0240/W/23/3334558

Sopwell Fields, Fordfield Road, Millbrook MK45 2HZ

- 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 & Mrs R & T Long (Woof Stop) against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/01921/FULL.
 - The development proposed is the erection of a new 2 bed single storey detached dwelling in association with the approved dog kennels business.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the determination of the application by the Council, the National Planning Policy Framework (Framework) was updated in December 2023. However, the revisions in the updated framework do not significantly affect the main issues in this appeal, so no further comments have been sought from the parties. References to specific paragraphs have been updated as required.

Main Issues

3. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt;
 - whether or not the proposed development would be a suitable location for housing, with regarding to the accessibility of services and facilities;
 - the effect of the proposed development upon the character and appearance of the surrounding area; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

4. The appeal site, currently used for 24-hour dog kennels, includes two single-storey buildings, car parking, an exercise area, a paddock, and stable land. It

has existing vehicular access off Fordfield Road and is located within the open countryside of the South Bedfordshire Green Belt.

5. To ensure overnight pet safety and care, the staff currently make use of office accommodations. The proposed development would replace this arrangement by providing a single-storey, two-bedroom dwelling to provide on-site accommodation for overnight staff.

Whether inappropriate development

6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions set out in paragraph 154 of the Framework. Policy SP4 of the Central Bedfordshire Local Plan 2021 (the LP) sets out a general presumption against inappropriate development, requiring development proposals to be assessed in accordance with the Framework. It is therefore consistent with the Framework.
8. As a new dwelling, the proposal does not meet any of the exceptions under paragraph 154. This is not disputed. However, the appellants contend that it aligns with the spirit of supporting buildings for agriculture and forestry under paragraph 154 a), citing the Council's approval of the dog kennel business on the site as being sufficiently similar in nature. However, a dwelling associated with a dog kennels would not fall under the definition of agricultural use as set out in the Town and Country Planning Act 1990¹ (TCPA). Additionally, the proposal is not related to any forestry. Therefore, it does not meet the exception under paragraph 154 a).
9. For this reason, I conclude that the proposal would be inappropriate development in the Green Belt.

Openness

10. Paragraph 142 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
11. The Planning Practice Guidance² states that assessing the impact of a proposal on the openness of the Green Belt requires a judgement based on the circumstances of the case. Several factors may need to be considered, including the spatial and visual perception of the proposal. The proposal's duration, permanence and remediability may also be relevant. Additionally, the degree of activity likely to be generated, such as traffic, may need to be taken into account.
12. The location of the proposed dwelling is currently undeveloped land and appeared to be used by horses as pasture. It is otherwise indistinguishable from the surrounding pastureland and open countryside setting. The proposed dwelling would be enclosed by a tall gabion wall.

¹ Interpretation - S336 TCPA

² Paragraph: 001 Reference ID: 64-001-20190722

13. The size and scale of the proposed development would significantly reduce the amount of open land within the appeal site, leading to substantial additional encroachment of built form in this location. The increased space occupied by buildings would erode openness. Visually, the proposed development would still be visible from public views, albeit it would be moderately screened by vegetation. Nonetheless, it would be visible from the entrance into the site and to visitors of the kennel business.
14. A new dwelling would be a permanent structure. Additionally, the dwelling would result in some increased traffic to and from the appeal site for domestic activities and services. Overall, the proposed development would result in a significant loss of openness, spatially, visually and permanently, in the Green Belt when compared to the existing situation. Consequently, there would be significant harm to the Green Belt.

Suitable Location

15. The appeal site is located in the countryside and is positioned close to Ampthill, Flitwick and Center Parcs. The site is separated from Flitwick, the nearest settlement offering services and facilities, by open countryside and accessible only via the narrow, hedge-lined Fordfield Road.
16. The footway along Fordfield Road is absent along certain sections. Pedestrians would have to walk on the carriageway or grass verge. With fast-moving traffic and no streetlighting, this would not be either safe nor convenient for future occupants either on foot or by bicycle, particularly at night or during times of bad weather.
17. In the absence of a regular bus service, future occupants would therefore be reliant on private motor vehicle to access services and facilities to meet their day-to-day needs.
18. A recently approved crematorium development has provided improvements to infrastructure locally, which may incidentally enhance access to the appeal site. However, there is no evidence before me that it substantially improves accessibility for pedestrians or cyclists to or from the appeal site.
19. With a residence on site, there would be fewer daily commuter journeys to the site. However, there would be an increase in other journeys from the site for daily necessities. This does not therefore alter my findings about the suitability of the site in terms of access.
20. Paragraph 84 of the Framework sets out that development of isolated homes in the countryside should be avoided unless certain circumstances apply. This includes an essential need for a rural worker to live permanently at or near their place of work in the countryside.
21. The existing use of the site as a kennels is not an enterprise that has to be in a rural location, although in this case it is. It could occur in other, more urban areas, with the only obvious restriction arising from noise impacts from dogs. Therefore, the proposed development would not fall in the category of a rural workers dwelling. Accordingly, the circumstances set out under paragraph 84 do not apply here.
22. In conclusion, the proposed development would not be a suitable location for housing, with regarding to the accessibility of services and facilities. It would

not provide connectivity to surroundings areas with safe, attractive and convenient routes that encourage travel by sustainable modes, contrary to Policies T2 and HQ1 of the LP and the Framework.

Character and appearance

23. The appeal site is bounded by mature vegetation along the western and southern boundaries, while the northern and eastern boundaries are open to the surrounding countryside. The site for the proposed development is currently an open, undeveloped space which is adjacent to the car park. Although the appeal site is clearly in commercial use, the limited amount of built form is low density and unobtrusive. This allows it to transition effectively with the adjacent fields and natural surroundings.
24. The appeal site is also located within the Greensand Ridge Nature Improvement Area (NIA) which is characterized by wide-open rural spaces. The absence of significant development on the site, makes a positive contribution to this rural landscape.
25. The proposal would alter the rural character of the site through the introduction of a dwelling with associated enclosed outdoor amenity space and domestic paraphernalia. The dwelling itself would still be visible from the public realm, albeit from limited viewpoints due to the presence of boundary vegetation, its relatively low height and its position set within a gradient cut. As such, it would undermine the site's positive contribution to the countryside setting in this location and appear at odds with the open and undeveloped landscape of the NIA.
26. The addition of more development in this location, particularly a residential dwelling within an existing business location, would increase the concentration of development in an area characterised by wide-open undeveloped spaces. As such, it would be out of keeping with and harmful to the rural character of the area.
27. In conclusion, the proposed development would significantly harm the character and appearance of the surrounding area. It would not relate well to the existing local surroundings and landscape, contrary to Policies HQ1 and EE5 of the LP. It fails to recognise the intrinsic character and beauty of the countryside, contrary to Policy SP7 of the LP. It would not respect the landscape of the NIA, contrary to Policy EE8 of the LP. It would also conflict with the Framework which, amongst other things, seeks development sympathetic to local character that recognises the intrinsic character and beauty of the countryside.

Other considerations

28. The appellants have highlighted increased incidents of dog theft, suggesting that unsupervised dogs would be easy targets. However, no substantive evidence of this being a risk in the locality of the appeal site nor of any incidents at the site has been provided. In any event, it seems to me that there are alternative options for securing and monitoring the site, including the use of surveillance cameras, security gates and shift working when required. This matter carries modest weight in favour of the proposal.
29. The proposal would replace the current arrangement where employees 'bunk down' each night in the office to provide an overnight presence at the kennels.

As such, the proposed development would not significantly improve the responsiveness of staff. Nonetheless, I accept that the proposal would allow the appellants to adopt a healthier, more comfortable work/life balance by providing them with dedicated accommodation. These are personal benefits which carry limited weight.

30. There are other developments that have taken place within the Green Belt, including new toilet facilities at Center Parcs and in relation to a crematorium. I have little detail about these. In any event, these are not comparable to a proposal for a dwelling. I therefore give these factors very limited weight.
31. The appellants have provided customer testimonials supporting the high standard of care provided for the dogs. While positive, these comments relate to the business as it currently operates and are not directly related to the provision of a dwelling on the site. These endorsements of the business carry very limited weight.
32. The appellants have taken on apprentices to support students which are studying Animal Welfare on work placements. However, there is nothing before me to suggest that this would not happen were the appeal to fail. On that basis, this consideration carries very limited weight.
33. The original consent³ permitted the construction of a new kennel building and a change of use to part of the existing stable to create office, kitchen and toilet facilities. While the Council approved the dog kennel business at the appeal site, this approval does not inherently justify further development of the land for residential use, as they are wholly separate uses of land. Therefore, this consideration carries very limited weight.
34. The appellants are concerned that the Council has not demonstrated consistency in its decision-making, as it did not refuse the previous application⁴ on the basis of harm to landscape character. The reasons for this have not been made known to me. In any event, this difference in approach from the previous decision carries very limited weight.

Other Matters

35. It is alleged that the Council did not engage with the appellants when they conducted their site visit. Regardless, I have reached my own conclusions having visited the appeal site and so this does not have any material effect on my decision.

Green Belt Balance

36. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also found that the proposal would significantly adversely impact the openness of the Green Belt. These are matters to which I give substantial weight as required by paragraph 153 of the Framework.
37. I have additionally found that the proposal would cause harm to the character and appearance of the area, including the landscape of the NIA. It would not be a suitable location for housing due to the significant degree of harm caused by

³ CB/17/02764/FULL

⁴ CB/22/03464/FULL

the lack of accessible services and facilities and its isolated location within the countryside. These matters weigh heavily against the development. Where appropriate, I have considered the other matters raised by the appellants about the impacts upon amenity, ecology, flood risk and highway safety. However, these are neutral factors in the balance.

38. The proposal would support the existing business on the site, with economic and social benefits associated with this. It would provide the private benefit of greater convenience for the appellants to operate their business. These minor benefits would have very little weight and would not outweigh the substantial harm to the Green Belt I have identified.
39. Consequently, the very special circumstances necessary to justify the development do not exist. As such the proposed scheme would be contrary to the Framework.
40. As such the proposed development would be contrary to the Framework. It would also conflict with Policy SP4 of the LP which sets out that the Green Belt should be protected against inappropriate development.

Conclusion

41. The proposal conflicts with the development plan taken as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR