



Appeal Decision

Site visit made on 23 October 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/U2370/W/24/3346115

Moss Gate Farm, Lancaster Road, Out Rawcliffe, Preston PR3 6BN

- 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 Andrew Metcalfe against the decision of Wyre Borough Council.
 - The application reference is 23/00924/FUL.
 - The development proposed is described as 'Use of land for dog exercise field, erection of two metre high fence/gate, and formation of hardcore parking area for three vehicles in field directly accessed off existing private access track to farm (Re-submission of application 22/00990/FUL)'.
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Decision

1. The appeal is allowed and planning permission is granted for use of land for dog exercise field, erection of two metre high fence/gate, and formation of hardcore parking area for three vehicles in field directly accessed off existing private access track to farm, at Moss Gate Farm, Lancaster Road, Preston, PR3 6BN, in accordance with the terms of the application, reference 23/00924/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the appeal was lodged, the government has published "Proposed reforms to the NPPF and other changes to the planning system", and the "National Planning Policy Framework: draft text for consultation", and the Secretary of State's written ministerial statement entitled "Building the homes we need" (WMS). These documents have not raised any new matters which are determinative to the outcome of this appeal.
3. The information before me suggests that the description of development used by the Council on its decision notice was not fully agreed by the appellant. In my decision at paragraph 1, I have used the description of the development as applied for, removing any superfluous text.

Main Issues

4. The main issues are whether the proposed use would be suitably located with regard to (a) development plan policies relating to the countryside, and b) accessibility and minimising the need to travel by car.

Reasons

Countryside location

5. There is no dispute between the main parties that the appeal site lies in the countryside. Policy SP4 of the Wyre Local Plan (2011-2031) (incorporating partial update of 2022), adopted 26 January 2023, (LP), is specific to countryside areas. SP4 (1) sets out that the open and rural character of the countryside will be recognised for its intrinsic character and beauty, and that development which adversely impacts on the open and rural character of the countryside will not be permitted unless it is necessary to achieve substantial public benefits that outweigh the harm. SP4 (2) sets out that within the countryside, new development will only be granted which meets specific purposes listed in criteria a) to h).
6. The Council has not raised any concerns with the visual impact of the proposed development on the open and rural character of this location. The physical elements of the proposed use would be limited mainly to mesh fencing and an area of hardcore for the parking of three vehicles. These elements would largely be screened or softened by existing and proposed hedgerow planting, the latter comprising a new hedge to the northern perimeter, which could be secured by the imposition of a suitable condition, and which would provide biodiversity enhancements also. No external lighting is proposed. As such, I have no reason to disagree with the Council on this matter, I find no conflict with the aim of LP Policy SP4 (1).
7. With regards to criteria a) to h) of LP policy SP4 (2), criterion b) provides support for outdoor sport and leisure facilities where a countryside location is needed and justified, together with the requirement to comply with other relevant policies. The proposal would be available for use by individual dog owners as well as commercial dog walkers. The Council accepts that the proposal could be considered as a leisure facility but finds that there is no justification for a countryside location.
8. The exercise of dogs can be undertaken in both urban and rural settings. However, the appellant states that the proposed development would provide for the exercise and training of dogs off lead in a secure setting. Such opportunities can be constrained in public areas, by a range of factors, including the behaviour of the dogs themselves, proximity to roads, livestock, people, or wildlife habitats. Further, commercial dog walking often involves the exercise and training of a number of dogs at one time, which would further diminish the opportunity for exercise off lead in public areas. I am advised that there are no other secure facilities existing in the area.
9. The appellant questions the suitability of locating such a facility within an urban area close to residential properties. I find this argument persuasive, given the potential for such facilities to give rise to noise disturbance at close quarters. The supporting text to LP policy EP8 recognises that large parts of the Borough are rural, and no other locations, not within a countryside location, have been suggested. As such, the evidence before me leads me to conclude that there is a need for a countryside location and so criterion b) of LP policy SP4 (2) is met.
10. As it is only necessary for one criterion of LP policy SP4 (2) to be met, I do not need to go on and consider the proposal against any other criterion. However,

as the appeal site forms part of the land associated with the appellant's farming operation located to the north, it appears that the proposal would provide an additional income stream for this existing farm business. The evidence before me also suggests that it would bring some economic efficiencies to the existing dog walking business operated by a relative of the appellant. LP policy EP8 aims to maintain a healthy rural economy, by supporting proposals to help diversify both the rural economy and recreational opportunities, providing there is no detriment to the rural character of the area, which would be the case here. As such, the proposal would benefit from the support of LP policy EP8.

11. To conclude on this first main issue, as a leisure facility for which the evidence suggests a countryside location is needed and justified, the proposed use would be suitably located with regard to development plan policies relating to the countryside. I find no conflict with LP policies SP4 and EP8, the purposes of which have been set out above.

Accessibility

12. LP policy SP2 requires that all development in Wyre should be sustainable and contribute to the continuation or creation of sustainable communities in terms of location and accessibility. To deliver sustainable communities, criterion f) references accessible places and the need to minimise travel by car.
13. The appeal site comprises a field in the countryside, detached from any town or village. Access is along a narrow lane, which is also a public right of way (PRoW). This lane has no lighting or dedicated footways, nor does Lancaster Road, which the lane joins further east. I have been provided with little evidence relating to the proximity or frequency of any public transport in the area.
14. Given the nature of the proposed use and the proximity of the PRoW, it is not unfeasible that some users of the appeal scheme might access the site on foot. However, the appellant accepts that due to the nature of commercial dog walking, such users would most likely rely on the private car to firstly collect a number of dogs and then drive to the facility, as opposed to walking or using public transport. I have been provided with some evidence of the operation of the existing dog exercise business run by a member of the appellant's family. This evidence suggests that use of the proposed facility as an alternative to other dog walking locations, would result in a reduction in overall car use. However, I cannot be certain that this would be the case for all users of the proposed development.
15. The appeal scheme is not a significantly scaled development and the National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Given the nature of the proposal, I have concluded above that there is justification for a countryside location. Further, the proposal would have a low capacity, taking only one booking at a time for a minimum of one hour, during daylight hours. As such, the number of associated vehicle movements would be relatively low and so any harm by reason of inaccessibility and reliance on the car would be limited. Nevertheless, the appeal site could not be described as accessible, and the evidence before me does not demonstrate that the proposal would minimise the need to travel by car. As such, the proposal

would conflict with the requirements of LP policy SP2 insofar as it relates to criterion f).

Planning Balance

16. I have found conflict with the development plan insofar as the accessibility of the site is concerned, and the need to minimise travel by private car. However, for the reasons set out above, I have found that the harm by reason of inaccessibility and reliance on the private car would be limited in the circumstances of this case, by the extent of the operation. Furthermore, given the nature of the proposed use, there is justification for a countryside location, where access to sustainable transport options is generally more limited. Additionally, there is support for the proposal from policies aimed at diversifying the economy and recreational activities in rural areas.
17. Therefore, while the relevant policies pull in different directions to some degree, I consider that those policies of the development plan supporting leisure facilities where a countryside location is justified, and the diversification of the economy and recreational activities in rural areas, have greater weight in the assessment of the appeal scheme. As such, the proposal would not conflict with the development plan when read as a whole.

Conditions

18. The Council has not provided a list of suggested conditions that it considers would be appropriate. However, both parties have made reference to possible conditions within their submissions, and I have considered these in light of the Planning Practice Guidance (PPG).
19. In addition to the condition discussed above to secure hedgerow planting, the standard time limit condition would be necessary, and a condition listing the approved drawings, to provide clarity.
20. A further condition is necessary to secure the delivery of the proposed car parking on site, prior to the use commencing, as parking on nearby lanes would be problematic because of their limited width.
21. The submission documents confirm that there is to be no operational lighting as use of the facility is to take place in daylight hours only. My finding that the proposal would not have an adverse impact on the rural character of the area has been made on this basis, and so a condition preventing the installation of lighting is considered necessary.
22. While the Council suggests the imposition of a condition to require a booking system to be agreed, in order to limit the number of users and minimise noise impacts, it goes on to state that the proposal is unlikely to result in any significant increase in noise. The appellant suggests that a booking system would be put in place for operational purposes. Nevertheless, the size of the facility would limit the number of users in any event, and so the information before me does not persuade me that such a condition would be necessary.
23. A representation from an interested party requests the imposition of conditions restricting any other commercial use of the site and requiring the land to be returned to its original condition, should the proposed use cease. Any proposed change of use from a dog exercise field would require further approval. As the proposed development is acceptable permanently, attaching a

requirement for the site to be returned to its original condition is not necessary.

Conclusion

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

S Brook

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawings titled: Site Layout Plan, Site Location Plan and Sketch of Fence.
- 3) The development hereby permitted shall not be brought into use until 3 vehicle parking spaces have been provided in accordance with the drawing titled Site Layout Plan. Thereafter those spaces shall be retained for the parking of vehicles only.
- 4) The development hereby permitted shall not be brought into use until full details of the hedge planting to the northern boundary of the site and a timescale for its implementation have been submitted to and approved in writing by the local planning authority. Any plant species forming part of this hedge which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) No external lighting shall be installed to the site.