



Appeal Decision

Site visit made on 11 November 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2024

Appeal Ref: APP/J1915/W/24/3341758

Land At Brookfield Lane, Aston End SG2 7HG

- 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 Ronan Murray against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/1348/FUL.
 - The development is described as the continued use of land for dog walking activity (Sui Generis), with proposed longer daily hours of operation (07:00 - 19:00), also to be used at weekends, the maximum number of dogs on site to be increased to 20, the private rental of the site for a maximum of 2 members of the public to exercise their dogs, the designation of a portion of the site to agricultural use, and car parking to take place within the site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form and appeal form state that the appeal site address is '1 Brookfield Lane', whereas the decision notice refers to the site as 'Land at Brookfield Lane. I have taken the address from the decision notice as this is sufficiently precise. I do not consider that this has prejudiced any of the parties and I have proceeded on this basis.
3. The application form states that the development has already taken place. I have therefore dealt with the appeal on the basis that planning permission is being sought retrospectively for the change of use.

Main Issue

4. The main issue is effect of the proposed development on highway safety, with regard to access and the provision of parking.

Reasons

5. The appeal site comprises part of a large field accessed from Brookfield Lane. The existing access is set back from the edge of the carriageway beyond an informal layby. An area of land covered by protective matting provides access to the dog walking area. Planning permission has been granted under reference 3/22/0378/FUL for the use of the site for dog walking purposes. The permission limits the number of dogs to 10 accompanied by two members of staff using one vehicle.

6. The development is for the increase in the maximum number of dogs to 20, the extending of operating hours to 0700 to 1900 and the additional use of the dog walking area by private clients when not in use by the appellant's business. The appellant states that the dog walking area is used by up to two households at any one time and that appointments are separated by a 10-minute buffer.
7. The use of the field by members of the public increases the vehicle movements at the access. The submitted plans do not provide a layout of the site, including the position of the access, including the gates, and whether vehicles would not overhang the highway if the gates are closed. There is no indication of the number or position of the parking spaces to accommodate the additional visitors at the site. Moreover, the plans do not include a layout of the manoeuvring area that demonstrates that vehicles can enter and exit the site in a forward gear.
8. The Council has suggested, in the event that the appeal is allowed, a condition requiring the submission of a plan detailing the size and siting of the parking and manoeuvring arrangements in relation to the existing access. However, the submitted details do not provide sufficient information regarding the potential number of vehicles that would visit the site and do not demonstrate that vehicles could enter and exit the site in a forward gear without obstruction. Given that there is no substantive evidence before me in respect of the levels of use associated with the development, I cannot be certain that safe and suitable access can be achieved for all users.
9. I conclude that it has not been demonstrated that the proposal does not have an unacceptable effect on highway safety. The development therefore conflicts Policy TRA2 of the East Herts District Plan 2018, which requires that development proposals should ensure that safe and suitable access can be achieved for all users.

Other Matter

10. The Council have not raised concerns in respect of the number of dogs or the hours of operation. Based on the evidence before me, I see no reason to disagree. Nevertheless, the absence of harm is a neutral factor and does not outweigh the unacceptable effect on highway safety.

Conclusion

11. The development conflicts with the development plan. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR