



Appeal Decision

Site visit made on 18 November 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2024

Appeal Ref: APP/P0240/W/24/3346872

Dellfield Farm, Millbrook, Bedford MK45 2HY

- 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 Potts against the decision of Central Bedfordshire Council.
 - The application Ref is 24/00157/FULL.
 - The development is described as single storey extension to existing building to create reception and storage area. Change of use from agriculture, equestrian and dog agility training, to mixed use including agriculture, equestrian and kennels with dog behaviour training.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - (i) the location of the proposed development;
 - (ii) the loss of agricultural land; and
 - (iii) the effect of the proposed development on the Public Right of Way network.

Reasons

Location

3. The appeal site is within a small cluster of residential/commercial premises within the countryside. The site is accessed from Woburn Road, along a track which is also a Public Right of Way (PROW).
4. There is dispute between parties as to the lawful use of the site. Whilst the Council acknowledge that the site is agricultural with a small part equestrian there is no substantive evidence to confirm that the site has been used for dog agility training. From the evidence before me I agree.
5. Policy DC1 of the Central Bedfordshire Local Plan 2015-2035 (2021) (the Local Plan) supports the re-use of buildings in the countryside, the Council confirm that the proposed development would be supported by the policy.

6. The appeal site lies outside of any settlement envelope, Policy EMP3 of the Local Plan supports employment generating uses outside Settlement Envelopes, subject to criteria outlined in the policy. The proposed development does not meet a number of the criteria, including confirming that comparable existing or allocated sites, or comparable existing buildings are not available, suitable, achievable and viable within the Settlement Envelope or within another closely related settlement.
7. Another criterion in EMP3 is that the location is appropriately accessible, and the proposal would not result in unacceptable levels of traffic generation. The site is in the countryside and accessed via a track. The existing track serves several premises, whilst the site is linked to footpaths via a PROW due to the nature of the proposed development, pick up and drop off is likely to be via vehicle.
8. The appellant has provided a Transport Statement which includes the level of vehicle trips anticipated from the proposed development. The statement confirmed that there are no restrictions on the agricultural use of the area, and this could generate significant trips.
9. Notwithstanding this the appellant also confirms that the land was used for livestock and due to the soil conditions and size of the land, it would not be possible nor economically viable for this to be used to grow crops. It is therefore reasonable to question the level of trips which could arise from the agricultural use. Whilst I acknowledge no objection from the Council's Highway Team, limited evidence has been provided to persuade me that the potential agricultural trips would be less or comparable to the proposed development or that they would not result in unacceptable levels of traffic generation.
10. Another criterion in Policy EMP3 specified that the development must be on previously developed land; agricultural use does not constitute previously developed land. In terms of the equestrian use of the site, limited evidence has been provided to confirm the extent, as such I am not convinced that the appeal site is previously developed land.
11. Policy EMP4 supports the expansion of existing employment generating uses within the rural area and those related to the visitor economy proposals. The proposed development does not relate to visitor economy. The site is agricultural with a small part equestrian, the appellant confirms in the supporting statement how the site would be subdivided with the operations relating to the dogs, including training, walking and 1-2-1 sessions taking part in paddocks 1 and 2. The remaining paddocks will rarely be used, as such I have no substantive evidence before me to confirm that the proposed development is an expansion of an existing employment generating use.
12. Policy EMP4 also supports proposals for new employment opportunities within the rural area, subject to criteria. One criterion relates to no detrimental impact upon traffic generation. As outlined above limited information has been submitted to confirm trips as such, I cannot be certain that there would not be a detrimental impact on traffic generation associated with the proposed development. I have not considered the other criteria in EMP4 given my findings on traffic generation.
13. Whilst I understand the locational requirements for the type of use, I find that the location is not suitable for the proposed development.

14. There is conflict with Policies EMP3, EMP4 and SP7 of the Local Plan and the National Planning Policy Framework (2023) (the Framework) which seek amongst other things to ensure developments are located in appropriate locations.

Loss of Agricultural Land

15. The Council confirm that the agricultural land is Grade 3, Policy DC5 of the Local Plan seeks to protect the loss of Grade 3a agricultural land. Whilst I am unsure if the land is Grade 3a or 3b I have not been provided with substantive evidence to confirm it is not 3a.
16. The proposed mixed-use scheme does not appear from the evidence before me to include using the land for agriculture as outlined in the appellants supporting statement and referenced previously. Any dog-related paraphernalia associated with the use, would be temporary in nature and minimal in scale, notwithstanding this there would be a loss of agricultural land.
17. Policy DC5 requires that proposals to demonstrate that the location of the development is necessary in order to provide a scheme that is of a valuable public benefit that overrides the loss of the protected agricultural land. Whilst I acknowledge the nature of the proposal and that there may be a shortage of this type of operations, I have not been provided with substantive evidence to demonstrate this, nor that it is of a valuable public benefit which would override the loss of agricultural land. The proposal conflicts with Policy DC5 of the Local Plan.
18. There is conflict with the Framework which also seeks amongst other things to protect the most versatile agricultural land.

PROW

19. A PROW is within the access track within the appeal site. A requirement for a Rights of Way Scheme is included in Policy EE12 of the Local Plan for development proposals which include a PROW. A Rights of Way Scheme should be submitted to demonstrate how the development will protect, enhance and promote the public Rights of Way network.
20. The Transport Statement includes an assessment of the track and analysis of the footpath, notwithstanding this I have not been provided with a Right of Way Scheme as required by Policy EE12.
21. The proposed development would conflict with Policy EE12 of the Local Plan and the Framework which seeks amongst other things to protect the PROW network.

Conclusion

22. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR