



Appeal Decision

Site visit made on 19 March 2025

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2025

Appeal Ref: APP/A2470/W/24/3350784

Rutland Water Camp Site, Gibbet Lane, Edith Weston, Rutland LE15 8HJ

- 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 E.L. Makey & Sons against the decision of Rutland County Council.
 - The application Ref is 2024/0381/MAF.
 - The development proposed is change of use of agricultural field to an enclosed dog walking field. (Resubmission).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed use would be within a suitable location having regard to local policies.

Reasons

3. The appeal site is a parcel of agricultural land, close to Rutland Water, currently used as grazing land for sheep. The site would be accessed through Rutland Water Camp Site, which is adjacent to the site and which in turn provides access onto Gibbet Lane. The site is within the open countryside for policy purposes.
4. Policy CS4 of the Rutland Core Strategy Development Plan [2011](CS) relates to the suitable location of new development. This establishes a sustainable development approach, seeking to locate development towards the most sustainable locations in accordance with its settlement hierarchy. It states that development in the countryside will be strictly limited to development that has an essential need to be in the countryside. It explains that development will be restricted to particular types of development to support the rural economy. The proposed use seeks to provide recreation space to exercise dogs in an open setting. Therefore, locating such a use in a countryside setting can be supported in principle in benefitting the rural economy.
5. The site is within the Rutland Water Area. CS policy CS24 states that development in the Rutland Water Area will be carefully designed and located to ensure it respects the nature conservation of Rutland Water. It also requires development to not have an adverse impact on the landscape and wildlife interests and its general tranquil and undisturbed environment. It states that new development will be limited to small scale recreation, sport and tourist uses within the five Recreation Areas (RAs) around the shores of Rutland Water where it is directly related to the use and enjoyment of Rutland Water.

6. The policy states that areas within the Rutland Water Area, but outside the five RAs, would be restricted. These would be limited to small scale development for only recreation, sport and tourism facilities and where these are essential for nature conservation, fishing or operational requirements of existing facilities. It is noted that CS Paragraph 5.28, the preamble text for CS policy CS24, recognises that Rutland Water plays a major role in providing recreational activity, such as sailing, water sports, walking, cycling, bird watching and picnicking and may require some limited development to support this role. However, this does not suggest that such support facilities should be located beyond the RAs.
7. The proposed use would be recreational in character and would be small scale in nature. The appellant has explained how the use would operate. This explains that the proposal would involve the use of the land for dog walking, by dog owners who would generally be staying at Rutland Water Camp Site. It is asserted that the use would be intrinsically linked to the adjacent campsite and would cause minimal disturbance to the surrounding area. Dog owners visiting the site, who are not already staying at the campsite would create some, albeit limited, further economic activity in the area. It is also recognised that the use would provide an enclosed space for dogs to run without causing nuisance to other live-stock and would prevent the scope for dog attacks.
8. However, the appellant fails to adequately explain how the use would be intrinsically linked to the camp site and such a claim is eroded by the conflicting claim that it would be capable of operating when the campsite is not in use. Furthermore, it seems that offering such a facility to existing campers could only be regarded as a benefit rather than be deemed essential for operational requirements of an existing service. Also, whilst the proposed use would undoubtedly benefit users of the adjacent camp site, the evidence suggests that dog owners already have access to other dog walking facilities within the area, further eroding the appellants assertion that the use would be intrinsically linked and of great benefit to campsite occupiers.
9. Accordingly, it is not considered that the proposal would be essential for nature conservation, fishing or the operational requirements of existing facilities. As a result, the proposal would conflict with CS policy 24, whose objectives I have already outlined above.

Other Matters

10. The appellant identifies that the proposal is a revised version of a scheme that was for a similar use over a larger parcel of land. That scheme was refused by the Council on three grounds. The proposal the subject of this appeal has addressed some of these concerns, but this has a limited bearing on the merits of this proposal.

Conclusion

11. The proposal would not accord with the development plan, when taken as a whole, and there are no material considerations of sufficient magnitude to indicate that the appeal should be determined other than in accordance with the development plan. For the above reasons, the appeal is dismissed.

B Plenty (INSPECTOR)