



Appeal Decision

Site visit made on 8 April 2025

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 MAY 2025

Appeal Ref: APP/Y3615/W/24/3348009

Tap Farm, Orestan Lane, Effingham, Surrey KT24 5SJ

- 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 Ms Amelia Tyndale against the decision of Guildford Borough Council.
 - The application Ref is 21/P/01849.
 - The development proposed is change of use to allow dog walking/training in association with the permitted dog day care use and retention of mobile home, shepherds huts, portaloos, parking area and dog exercise enclosures and continued use of approved dog day care uses on site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant agreed the above, revised, description of development with the Council. It is set out in my heading as stated on the revised application form, albeit I have omitted the word 'retrospective' as that does not in itself describe an act of development.
3. Notwithstanding the description, the appellant has now provided a unilateral undertaking to remove the benefit of a previous planning permission for dog day care uses. In effect, if granted, that previous permission for dog day care uses would be replaced with a new one on a different part of the site. I have, therefore, considered the appeal on the basis that the previously permitted dog day care use will not continue.
4. It is not clear whether the wooden hut I saw and described in evidence is the 'shepherds huts' in the description of development applied for. However, given the scale of the wooden hut, the effects would likely be similar. As the wooden hut is shown on the drawings and described as such in the appeal evidence, I refer to a wooden hut hereafter for consistency.

Main Issues

5. The main issues are:
 - Whether the development is inappropriate development in the Green Belt, with regard to openness and the purposes of the Green Belt;
 - The effect on the character and appearance of the area;

- 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

Inappropriateness

6. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2019 (“LPSS”) sets out that the Green Belt will be protected in accordance with the National Planning Policy Framework (“the Framework”). The Policy and the Framework confirm that development in the Green Belt is inappropriate unless it falls within one of the exceptions stated in the Framework. The exceptions include material changes in the use of land provided they preserve its openness and do not conflict with the purposes of including land within it.
7. The site is located away from dwellings lining Orestan Lane and a small cluster of buildings at Tap Farm. The surrounding landscape is otherwise undeveloped, except for a number of low fences that divide the agricultural land into smaller paddocks.
8. The dog day care activity has brought numerous small developments to the site, largely for the entertainment of the dogs. These include a maze, minor earthworks and wooden planks, tyre obstacles, grassed mounds, a pool, and further enclosure fencing. In the context of the surrounding paddocks and fencing, these structures are barely perceptible and are generally close to pre-existing ground levels. They do not have any effect on openness.
9. However, the wooden hut and a mobile home surrounded by decking have also been brought onto the site. While close to hedgerow boundaries, they are solid structures that interrupt the openness of the surrounding area.
10. The mobile home does not appear to be attached to the ground, and the decking could be easily removed. However, even if I were to accept that it and the wooden hut were not building operations, the appellant has confirmed that they are required as welfare facilities for the dogs, as part of the license. Therefore, I find that they are a necessary component of the use and, furthermore, would not be at the site if it were not for the use. On this basis, I find that the use fails to preserve openness and in doing so, does not protect the countryside from encroachment, being one of the purposes of the Green Belt.
11. Dog day care has previously been permitted at Tap Farm. However, that made use of the existing buildings and so did not require any further built form. While the application description is for the appeal site to be used in connection with that, the unilateral undertaking means that this would not be the case. Moreover, the application explicitly proposes the ‘mobile home’ and ‘shepherds huts’, that have been described in the evidence as necessary indoor facilities. Similarly, I am aware that a number of other comparable uses have gained planning permission elsewhere in the Green Belt, but the examples that were found not to be inappropriate development all seem to have involved the reuse of existing buildings. This case, on land with no existing buildings, is materially different.
12. The parties agree that the site is located on Green Belt land, as defined by the Framework. As such, the development should also not be regarded as

inappropriate where it would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan, there is a demonstrable unmet need for the type of development proposed and the development would be in a sustainable location.

13. I understand that a significant increase in dog ownership has led to increased popularity and demand for dog care facilities. The appellant has provided evidence of a significant number of enquiries for their services. However, the enquiries come from a wide variety of postcode areas that are not necessarily local, and, importantly, it is not clear that the enquiries, while numerous, demonstrate an unmet need. Moreover, it is not clear that the geographical location of current and potential customers is such that the development, at this site, is in a sustainable location.
14. For the reasons given above, I find that the development is inappropriate development in the Green Belt.

Character and appearance

15. Notwithstanding the effects on openness, the mobile home and wooden hut are fairly small scale structures. While they may be visible from some areas, including the nearby woodland, they are sited against mature field boundaries and are not intrusive or dominant features in the landscape. As already noted, the additional fencing and dog entertainment paraphernalia are barely visible in the context of the surrounding paddocks.
16. Therefore, I find that the development causes no appreciable harm to the character and appearance of the area and there is no conflict with those aims of LPSS Policy D1, Policy D4 of the Guildford Borough Local Plan: Development Management Policies 2023, or Policy ENP-G2 of the Effingham Neighbourhood Plan 2018 that seek to ensure that development reflects the distinct local character of the area and respects rural and landscape character and setting of Effingham.

Other considerations

17. It has also been suggested that the site would provide valuable dog walking facilities such that recreational pressure on sensitive habitats sites might be reduced. However, there is no substantive evidence that the provision of day care facilities significantly changes owners' own recreational activity or use of such sites, and the site does not provide an alternative to public recreation or use of other nearby areas.
18. The development is a diversification from agricultural activities. It would support economic growth in the area, through both direct employment and allowing other people to work while their dogs were cared for, as well as supporting the wellbeing of customers and their dogs. Such facilities may well require a rural location and, in this general area, potentially one within the Green Belt. This site is a reasonable distance from public vantage points and residential property.
19. However, as noted above, there is no robust evidence of a particular local unmet need for the day care facility. Nor is there any compelling reason why the existing buildings, that already benefit from the previous permission and do not harm openness, could not be used. With regard to the above, and while the

development may be an effective and productive use of land, I attribute limited weight to the other considerations before me.

Other Matters

20. The Council also refused permission due to effects arising from noise disturbance and the Local Highway Authority raised concerns about increased traffic. However, given that the unilateral undertaking would ensure that the previous permission was, in effect, replaced with the one applied for here, I have no reason to find that there would be any material change in these effects.

Planning balance

21. The Framework sets out that substantial weight should be given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
22. I am aware that, in some other cases concerning dog day care facilities, it has been found that other considerations have outweighed harm to the Green Belt. However, in this case, as I have found that only limited weight should be given to the other considerations, they cannot clearly outweigh the harm to the Green Belt here.
23. Accordingly, the proposal is contrary to LPSS Policy P2 that requires the Green Belt to be protected against inappropriate development in accordance with the Framework. While I have not identified any conflict with other parts of the development plan, the conflict with Policy P2 results in conflict with the plan read as a whole.

Conclusion

24. For the reasons given, the proposal conflicts with the development plan. Material considerations, including the stated benefits, do not indicate otherwise that permission should be granted. Accordingly, the appeal is dismissed.

M Bale

INSPECTOR