



Appeal Decision

Site visit made on 1 April 2025

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 28th May 2025

Appeal Ref: APP/Z1510/W/24/3352260

Land North West Of Maltbeggars Farm, Tey Road, Coggeshall, Essex

- 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 Mrs Nicola Baker and the Colchester Dog Agility Club against the decision of Braintree District Council.
 - The application reference is 24/00289/FUL.
 - The development proposed is change of use of agricultural land to a Dog Agility field.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's Decision Notice as this describes the development more clearly.
3. Following the Council's determination of the application, a revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024 and updated it on 7 February 2025. The parties have had the opportunity to make comments on the revisions to the Framework as part of the appeal process and I have taken any comments that I have received into account in my decision.

Main Issues

4. The main issue in this appeal is whether the site is a suitable location for the proposal having particular regard to local and national policies for rural development and transport.

Reasons

Rural development

5. There is no dispute between the parties that the appeal site is located in the countryside, outside of a settlement boundary. The site forms part of an open field. The boundary with Tey Road is formed by a mature, dense hedge. The site currently exhibits a sense of openness and tranquillity reflective of the surrounding agricultural landscape. These are positive features contributing to the character and appearance of the area.
6. The proposal would change the use of the land to provide a dog agility field, and, at the time of my site visit, various apparatus for this purpose was present.

7. Policy SP3 of the Braintree District Local Plan 2013-2033 (the Local Plan) seeks to support diversification of the rural economy. Against this background Policy LLP1 of the Local Plan the seeks to restrict development to uses appropriate to the countryside, whilst protecting and enhancing the intrinsic character and beauty of the countryside.
8. Policy LLP7 allows proposals for small-scale commercial development outside development boundaries, which involve the conversion and re-use of existing buildings. However, the site does not contain any buildings.
9. The change of use would involve land which is currently part of a farming enterprise. Colchester Dog Agility Club (CDAC) has, from the evidence before me, operated for some time from another location without a link to the farm and there is no evidence to demonstrate a link between the proposal and the specific location. Further, it has not been demonstrated that, whilst land for use for this purpose may be difficult to find in an urban setting, there is no intrinsic reason that the proposal specifically requires a rural location.
10. The proposed development would result in the introduction of equipment parking and paraphernalia for the activities associated with the proposed use. This would introduce a concentration of activity and car parking which would be at odds with the rural setting.
11. Whilst the field could be returned to its current appearance and the activity cease, no storage facilities are proposed and, even in the absence of parked cars, the equipment would present an incongruent feature in the landscape. Whilst its visibility would be restricted by the existing hedge, it would, nonetheless be visible from the road and persons passing it would be aware of its presence. There would, thus, be a negative effect upon the open, rural character of the land. Even were the proposal to provide a store into which the equipment would fit, this, itself, may be intrusive to the area.
12. Additionally, the movement of vehicles, as they access the site would introduce additional disturbance, undermining the rural tranquillity. Together, these elements would undermine the rural character and beauty of the area that I have identified above.
13. The Framework seeks to protect the best and most versatile (BMV) agricultural land; defined as land in Grades 1, 2 and 3a of the Agricultural Land Classification. The Planning Practice Guidance¹ sets out that planning decisions should take account of the economic and other benefits of the best and most versatile agricultural land.
14. The evidence before me indicates that the appeal site extends to approximately 0.875ha and is classed as Grade 2. The appellant further submits that there would not be a permanent loss as use of the land for agriculture could be re-instated if the business ceased.
15. Having regard to the size of the appeal site there is no evidence before me to demonstrate that the loss of local agricultural production would be anything more than limited. Nonetheless, this would still be a loss whilst the business operates, and therefore harm to the supply of BMV agricultural land weighing against the

¹ Paragraph: 001 Reference ID: 8-001-20190721

proposal. There would therefore be conflict with Paragraph 187 of the Framework in this regard.

Transport

16. The appeal site is located in a rural area with only sporadic development. It is some distance from any nearby settlement of any size. The roads in the vicinity are mainly narrow, often reducing to a single lane with passing places and unlit. They are subject to a 60 MPH speed limit, albeit that their physical features act, to a degree, to reduce vehicle speeds. They lack footways and are frequently bound by hedges. Tey Road is typical of these.
17. No facility to access public transport has been identified and the appellant accepts that the majority of those using the facility will travel by private car.
18. Given the nature of the surrounding roads and the distances involved, it is unlikely that persons accessing the site by foot or cycle would use the surrounding roads. Access is therefore likely to be almost entirely dependent on private transport.
19. Whilst the appellant asserts that most of these trips will be by “local” people, there is no evidence before me of the actual distances such persons would travel. In any case, given the density of development in the immediate area and the lack of convenient public transport access, these trips are unlikely to be other than by the use of the private car. Indeed, the appellants identify the need for such persons using the field to transport dogs and equipment using private motor vehicles.
20. There is no dispute between the parties that the proposal has safe access for motor traffic, and the numbers of trips associated with the proposal is likely to be low overall. There is no suggestion that the proposal would have a significant adverse impact on the capacity of the highway network. However, given the above dependency of the site on the private car for travel would be, in all likelihood, almost total.
21. Whilst paragraph 116 of the Framework advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios, it goes on at Paragraph 117 to explain this in context and requires that development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport.
22. Given the development’s almost total reliance on the private car, whilst not necessarily unusual for a business in a rural area, the site is not what could be considered a sustainable location.

Conclusion on location

23. Bringing these matters together I find that the proposal would not be a suitable location for the proposal having particular regard to local and national policies for rural development and transport. The proposal would be contrary to Policy LPP1 of the Local Plan in as much as this seeks to protect and enhance the intrinsic character and beauty of the countryside. The proposal would also conflict with Policies LLP42 and LPP52 of the Local Plan which, together, seek to ensure that, amongst other things, development proposals should provide appropriate provision

for pedestrians, cycling, public transport and promote sustainable modes of transport.

Other Considerations

24. The Framework does not impose a blanket restriction on development outside defined settlements, nor does it explicitly prevent the use of such boundaries.
25. The application would represent a diversification of use of the farmland and thus there is some support for the proposal given by Paragraph 88 of the Framework. The appellants have provided evidence to indicate that the business is viable and under no immediate financial threat. The Framework, at Paragraph 89 advises that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. However, there is no evidence before me that the proposal would not result in any increase in rural job opportunities and so any economic benefits to the local area would be likely to result from the economic activity of persons visiting the area. These benefits weigh in favour of the proposal.
26. The activities at the site would have benefits to the mental and physical wellbeing of users of the site by participating in an outdoor pursuit. These are social benefits resulting from the proposal and provide support to it.
27. The appellants have suggested a temporary permission for the proposal. However, a temporary use would nonetheless result in the harm that I have identified and this would endure throughout this prolonged period. Conditions are unlikely to change during this period to resolve the harm that I have identified. I do not, therefore consider that a temporary use is appropriate.
28. I am aware of the comments received in support of the proposal from people in the local and wider area, many of them members of CDAC. I realise that the outcome of this appeal will disappoint them. However, I am obliged to determine this appeal in accordance with current planning policy and practice at both local and national level.

Final Balance

29. The proposal would be almost totally reliant upon the use of the private car and would spread urbanisation into the countryside. There would be conflict with Policies LPP1, LLP42 and LPP52 of the Local Plan.
30. These policies accord closely with the aims of the Framework, which seek to protect the intrinsic character and beauty of the countryside and promote sustainable development in terms of location and accessibility and so conflict with them carries full weight in my deliberations. The proposal would therefore not accord with the development plan as a whole and this is a matter that counts significantly against allowing the appeal.
31. I have also found specific conflict between the proposal and the aims of Paragraph 187 of the Framework through the loss of Grade 2 agricultural land.
32. However, the Government's has objectives to support a prosperous rural economy, including the diversification of agriculture and other land-based rural businesses, and to enable and support healthy lives.

33. Although there is some support provided for the proposal by the Framework, in terms of the diversification of rural business and community health, overall these benefits would be limited. Thus, in this case, the importance of protecting the natural environment and providing sustainable transport eclipses the provision of a small rural business.

Conclusion

44. The proposed development would be contrary to the development plan and there are no other material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

I A Dyer

INSPECTOR

