



Appeal Decision

Site visit made on 7 March 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2025

Appeal Ref: APP/W1525/W/24/3352440

Shakestones Farm, Writtle Road, Chelmsford CM1 3RL

- 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 P Day of Shakestones Ltd against the decision of Chelmsford City Council.
 - The application Ref is 24/00687/FUL.
 - The development proposed is change of use of agricultural land to dog walking field with associated fencing and gates. Proposed permeable hardstanding area for parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the site address provided in the application form, though I note it is described in the appeal form as 'Land to south of Playing Fields, Paradise Road, Writtle, Chelmsford, Essex CM1 3RL'.
3. I have removed reference to the application being retrospective in the banner above, as that is not a form of development. The application form confirms that the development has started, and I was able to see this during my site visit.
4. The appellant has supplied a previous appeal decision on a comparable proposal¹. This was submitted after the relevant deadline, and in the absence of any justification for the lateness of the submission, I have not considered it in my determination.

Main Issues

5. The main issues are:
 - Whether the development is inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect on the character and appearance of the area, including the Green Wedge; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by any other

¹ Appeal Ref: APP/P0240/W/23/3334143

considerations, amounting to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

6. The appeal site (the site) is in the Green Belt. Paragraph 153 of the Framework states that development in the Green Belt is inappropriate save for certain exceptions. These include, at 154(b), the provision of appropriate facilities, including in connection with a change of use, for outdoor recreation and, at 154(h), material changes in the use of land such as for outdoor sport or recreation. In both instances, the exception applies only if the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
7. Policy S11 of the Chelmsford Local Plan (2020) (the Local Plan) protects the openness and permanence of the Green Belt, supports uses therein that are consistent with the purposes of the Green Belt, and prohibits inappropriate development save for in very special circumstances. The supporting text is explicit that the Framework defines the purposes of the Green Belt and provides the limited circumstances where new development could be acceptable.
8. Local Plan Policy DM10 supports engineering operations in the Green Belt where they preserve openness, do not conflict with the purposes of including land in the Green Belt, and do not harm the character and appearance of the area. Overall, there is a strong correlation between the Framework and these Local Plan policies, save for the reference in Policy DM10 to character and appearance, which is not found in the Framework, and which I therefore discount in assessing inappropriateness.
9. The appeal proposal is to use agricultural land as a dog walking field, and for associated fencing and gates. A permeable hardstanding area for parking is also proposed. I see no reason why dog walking should not be considered a form of outdoor recreation for the purposes of the Framework. Accordingly, the appeal proposal would not be inappropriate if it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Openness

10. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The fencing and gates at the site, whilst largely comprised of a lightweight mesh and simple timber posts and metal frames, are nevertheless man-made structures, located in a position where I have no evidence that any existed before. They are visible from the entrance to the site, and from within the site itself. They have reduced the openness of the Green Belt, albeit to a limited degree.
11. Even if made using 'grassgrid' paving as envisaged in a condition suggested by the Council, the proposed parking area would replace largely unmade ground with a defined, artificial surface of some 225m². Up to two cars could be parked near the site entrance, with at least one vehicle present on a regular basis, resulting in new, additional movements and the sight of those vehicles. These aspects would be prominent from the site entrance as well as from the nearby parts of the site itself and would reduce the openness of the Green Belt.

Character and appearance; the Green Wedge

12. The site is within the Green Wedge, described as a distinctive landscape providing important open green networks for, amongst other things, leisure and recreation opportunities. Policies SP11 and DM10 prohibit development that materially harms the role, function and intrinsic character and beauty of the Green Wedge.
13. The site is a triangular shaped field in a corner of Shakestones Farm. It is bound on two sides by dense tree belts. Beyond the site to the east, arable fields extend onwards for a considerable distance towards an isolated cluster of farm buildings. There is a notable absence in these fields of tall, formal, enclosures, and the land has a wide, open feel; even the boundary with the busy A414 is made of low, open fencing interspersed with greenery.
14. The site is accessed by a gate, near where Paradise Road becomes a bridleway (the lane). This provides a route under the A414 for cyclists and pedestrians, and is likely to be used regularly, therefore. Though much of the site is screened from the lane by existing boundary greenery, the area around the site entrance allows striking eastward views. From here, the open fields of the farm form the backdrop. The foreground is marked by two perpendicular black vehicular gates, and a line of post and wire fencing. These are part of the appeal proposal.
15. The gates have a stark appearance in the setting, at odds with the use of hedgerows and low, five bar gates to enclose field edges in the area. The fencing is set out in uniform manner over a significant length from the site entrance eastwards, such that whilst the wire mesh has a lightweight feel, the posts themselves combine to catch the eye, emphasising the segregation of the site. The result is a jarringly formal arrangement, incongruous in the otherwise open or natural landscape.
16. The proposed parking area would, at some 227m², introduce development with a significant surface area adjacent to the site entrance, where it would be prominent. The visual impact of the parking area could be mitigated to a degree by the use of 'grassgrid' paving, but I have no evidence this approach would prevent the significant extent of the surface area from being apparent, and the parking thereupon of cars would highlight the development further.
17. I recognise that agricultural land will sometimes include developments similar in appearance to those in the appeal proposal, that such sights are not entirely uncommon in the countryside generally, and that it may be possible to undertake works similar to those before me using permitted development rights. However, the area around the appeal site is largely characterised by low, open, or natural forms of enclosure, to which the appeal proposal is at odds. The appellant sets out that the site is not profitable to farm and so is left to grass. In that context, I have no reason to believe that development similar to that before me would be undertaken using permitted development rights if not for the appeal proposal and attach minimal weight to the prospect.
18. The appeal proposal would have a harmful effect on the character and appearance of the area, contrary to the pertinent requirements of Local Plan Policy DM23. Whilst it would be compatible with the role and function of the Green Wedge insofar as it would involve a form of leisure and recreation, it would also harm its intrinsic character and beauty. As such the proposal is contrary to these aspects of Policies SP11 and DM10 of the Local Plan.

Other considerations

19. I do not doubt that the proposed land use would be well managed, with appropriate dog waste facilities and a formal booking system to control the number of users at any one time. I appreciate that the use would not occur in hours of darkness and would not involve lighting. However, my findings above are based on these features being an intrinsic part of the proposal. The harms identified arise, nonetheless.
20. Landscaping could be part of the proposal, and I note the Council's proposed condition requiring a hedgerow. I have no evidence, however, that landscaping capable of mitigating the identified harm would not take many years to establish, would be durable, or would provide adequate screening all year round. Furthermore, it would not reduce the extent of development proposed in the Green Belt. Steps to promote biodiversity may be taken, but I have no evidence the results would compare favourably to the site being left as grassland in the absence of the proposed development.
21. The proposal is described as part of farm diversification. I have no reason to doubt that the farm faces challenging circumstances or that income from the appeal proposal would assist in its ongoing operation. I am mindful that, at Paragraph 88, the Framework supports the development and diversification of agricultural and other land-based rural businesses. At the same time, I have been provided with very little to illustrate the exact value of the proposal to the farm in this respect, or that it is essential in meeting those challenging circumstances. This reduces the weight I can attribute.
22. The proposal would facilitate access to countryside, albeit to a limited extent in that it would be restricted to customers of the dog walking business. I have no doubt as to the popularity of dog ownership, of the social and personal benefits, or that the facility is highly valued by a notable number of customers. However, I have no evidence that demand for dog walking facilities cannot be met elsewhere in the wider area. Indeed, to the extent that the evidence touches on the matter, permissions for other, similar proposals nearby highlighted by the appellant suggest that alternative facilities do exist.
23. My attention has been drawn to two previous appeals in which similar proposals were allowed². I have formed much the same view as those previous Inspectors on whether the use of Green Belt land for dog walking is inappropriate. However, in both previous appeals the effect on openness was assessed against a reasonable expectation that the land in question would, if not used for dog walking, be used for grazing livestock or other agricultural activities, and that this would result in similar vehicle movements. As set out above, the evidence before is that the site would be left as grassland if not for the appeal proposal.
24. Moreover, I have little evidence of the landscape settings in the previous appeals. Even if the developments proposed were similar to that before me, the effect on the character and appearance of their respective areas may not be. Indeed, given the limited consideration of such matters in either appeal decision, it seems reasonable to presume that they were not. Overall, I attach minimal weight to the cited previous appeals.

² Appeal Decisions APP/K3415/W/20/3264866 & APP/Q4625/W/23/3314129.

25. Four previous decisions by the Council regarding similar proposals have been identified by the appellant. These are not in the Green Belt, and so they offer no precedent in that respect. Insofar as they relate to character and appearance, I appreciate that each appears to be in the countryside. Beyond that, however, I have little to demonstrate that the setting of any of these schemes is directly comparable to that around the appeal site in terms of its qualities, which I have described above. I cannot, therefore, ascertain that any of the schemes had comparable effects to the one before me, and attach minimal weight to them.

Other Matters

26. I note observations as to the nature of access rights to the site from Paradise Road. Such matters are not generally material planning considerations and did not, in this instance, result in a reason for refusal. Given this, I have not addressed them in my determination.

Green Belt Balance and Conclusion

27. The proposal would constitute inappropriate development in the Green Belt and would harm openness. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight, and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. The other considerations in this case are not sufficient to comprise the very special circumstances necessary to justify this development, which is contrary to Local Plan Policies SP11 and DM10, where they seek to protect the Green Belt.
28. I conclude that the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

A Knight

INSPECTOR