



Appeal Decision

Site visit made on 20 May 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th of June 2025

Appeal Ref: APP/X3540/W/24/3354619

Land South of Sandy Lane, Iken IP12 2HE

- 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 Angus Mann of Mann Potatoes against the decision of East Suffolk Council.
 - The application Ref is DC/24/0931/FUL.
 - The development proposed is change of use from agricultural land to dog walking and exercising facility.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been materially amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers in this decision.
3. An amended plan (24.029.K0001_P5) has been submitted with the appeal showing the location of the hardstanding at the site. This was consistent with my observations at my site visit. This does not involve a substantial difference to the proposal as considered by the local planning authority and interested parties, and the hardstanding could be seen from the public highway. I am therefore satisfied there would not be any procedural unfairness to any party, and I have taken this plan into account in considering the appeal.

Main Issues

4. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area, including the Suffolk Coast and Heaths National Landscape;
 - whether the site is a suitable location for the proposed development having regard to the locational strategy for economic development in the countryside; and
 - whether the users of the site would be at an unacceptable risk from flooding.

Reasons

Character and Appearance

5. The site falls within the Suffolk Coast and Heaths National Landscape (NL) which is designated for the purposes of conserving and enhancing natural beauty. Section 85(1) of the Countryside and Rights of Way Act 2000 (CROW) places a duty on me to seek to further these purposes. Paragraph 189 of the Framework confirms that great weight should be given to conserving and enhancing landscape and scenic beauty in the NL, and that the scale and extent of development should be limited.
6. The site lies within the J4 Alde Estuary Character Area. It is in a particularly rural location, characterised by expansive open fields with only sporadic development. Boundaries are either hedgerows or low level wire fences which are not prominent in views across the land. Notwithstanding it is a working rural landscape, with the vehicle movements and noise that are associated with agriculture, the area was evidently peaceful and tranquil at my site visit.
7. The site forms part of an agricultural field. Access would be from an existing junction with Sandy Lane, with car parking provided on an existing area of hard surfacing. The proposal involves the installation of a 1.8m deer fence, with rabbit fencing at ground level which would be constructed of wire mesh. Landscaping is proposed around this fence to minimise its visual impact and no external lighting is proposed.
8. The installation of the fence would introduce a tall, urbanising feature into the landscape. While it is proposed that landscaping would be planted, it would take time for this to mature. If at the height of the proposed fencing, it would be somewhat incongruous, as while there are tree groups in the landscape, from my observations, boundary features tended to be lower in height, supporting the expansive views across the landscape. It is not clear how views through the boundary treatment could be achieved without making the fence more prominent. While it may be that such enclosure could be erected using permitted development rights, there is no evidence that this would occur other than in relation to the proposal before me. This therefore does not alter my assessment of the appeal taken as a whole.
9. It is likely that the proposal would give rise to increased levels of noise and disturbance from the activity and barking of dogs using the facility. This would likely be continuous for the hours of use. This would be markedly different from the more muted noise generally perceived in the landscape. While the agricultural countryside can on occasion be noisy, this does not tend to be on an ongoing basis such as would likely result from the proposal. The level of noise may not be that which would concern the public protection officer, but that is not the case as assessing the effect of the proposal on the tranquillity of the area. It is my view that the proposal would have an adverse effect on the tranquillity experienced in the area.
10. The number of users of the site would be limited by a booking system. This would provide 1 hour slots to users with up to five dogs being exercised within the field and only one owner at a time. No members of staff are proposed at the site as access would be via a coded lock. However, these measures would not mitigate

the adverse effects on tranquillity that would arise from the noise that would be generated.

11. The proposal would therefore have an unacceptable effect on the character and appearance of the area and would not conserve or enhance the natural beauty of the area. It would therefore be contrary to East Suffolk (Suffolk Coastal) Local Plan (adopted 23 September 2020) (LP) Policies SCLP4.5, SCLP4.7, and SCLP10.4 which require development to not have significant adverse impact on the natural beauty and special qualities of the NL, and for adverse effects to be avoided or mitigated.

Suitable location

12. Iken lies within the countryside as defined in the LP. The site is in a particularly rural location, quite remote from any settlement of notable size. The appellant acknowledges this would be a car dependent use, but considers that users would already be driving to rural locations to exercise their dogs. Given the distances dog walkers are likely to travel to access the site, it is likely that there would be a wide distribution of locations where they are currently exercising their dogs. There is no evidence to support the assertion that this would have a lower impact than existing travel patterns of future users. However, there are likely to be locations which are more suitably located in terms of reasonable proximity to settlements. Consequently, the scale of the proposal would not accord with the settlement hierarchy.
13. For the reasons set out above, the proposal would have an adverse effect on the character and appearance of the NL. It is well established that dog walking contributes to the recreational pressure facing habitats sites. However, there is no evidence that those who choose to visit coastal locations to walk their dog would want to visit a facility such as that proposed which is a fundamentally different type of activity. Nor is there evidence that the growth of such facilities has reduced the recreational pressure on the habitats sites. This therefore would not weigh in support of the proposal. Nor would the proposal promote healthy lifestyles as people will already be walking their dogs. It is tenuous to suggest the proposal would promote social well being given it is proposed only one dog walker at a time would be using the facility, nor would it deflect so many dog walkers from other areas that it would represent a benefit to those nervous of dogs.
14. The scale of the proposal is not disproportionate to the farming use. However, there is no financial evidence before me to suggest that the benefits of the proposal in supporting a rural enterprise would be so significant that they would constitute a benefit in supporting the enterprise and the employment within it. There is no substantive evidence of need for the facility.
15. The proposed hour long booking time would limit the number of vehicle movements such that it is unlikely there would be an adverse effect on highway safety or on the use of the public right of way arising from the proposal. Sufficient car parking would be provided on the existing hardstanding. I am therefore satisfied that the proposal would not be in conflict with LP Policy SCLP7.1.
16. There is no reason the proposal would not be compatible in principle with the surrounding employment land use. However, there is no evidence before me to suggest that there is any particular need for the proposed facility, notwithstanding it may be attractive to dog owners for a number of reasons. The proposal is for a

use which would be appropriate in the countryside in principle. Given the amount of land required and the likely noise effects, is unlikely to be appropriate in proximity to residential properties. The nature of the proposal is such that previously developed land may not be suitable.

17. The proposal therefore would not be a suitable location for the proposed economic development. It would therefore be contrary to LP Policies SCLP4.5 and SCLP4.7 which require employment development in rural locations and farm diversification schemes to be of a suitable scale for their location and directly support the existing farm enterprise.

Flood Risk

18. The Council's statement confirmed that the reason for refusal should have referred to LP Policy SCLP5.9. As this policy was referred to in the Council's officer report and statement of case, I am satisfied there has not been prejudice to the appellant as a result of this omission.
19. The Framework confirms at paragraph 181 that development should only be allowed in areas at risk of flooding where certain criteria are met. This includes that any residual risk can be safely managed and that safe access and escape routes are included where appropriate as part of an agreed emergency plan.
20. The site lies within Flood Zone 3. It is not necessary for the proposal to be subject to the sequential test as it is for a change of use. Notwithstanding that the proposed use would be water compatible, a flood risk assessment is still required
21. Sandy Lane is shown to be at risk of flooding, and at the access to the site at a greater depth than the surrounding area. It is therefore not certain that users of the site would be able to drive away. It is also not possible to be certain that users of the site would be aware of potential flood risks in the area or that they would otherwise be in the immediate area walking their dogs. A lack of comment from the Lead Local Flood Authority and the Environment Agency is not determinative.
22. The submitted evidence does not adequately assess the risk of flooding to the site. It states that a sudden flooding event at the site would be unlikely, but there is no evidence to support this, or the assumption that the flood level would have built up over a period of time. Without this context, it is not possible to be certain that the appellant's proposed flood plan would be effective.
23. It has not been adequately demonstrated that users of the site would not be at an unacceptable risk from flooding. The proposal would therefore be contrary to LP Policy SCLP9.5 which requires development in Flood Zone 3 to include an acceptable emergency flood plan.

Other Matters

24. The proposal would not have an adverse effect on the Sandlings Forest Site of Special Scientific Interest. Suitable visibility to the access could be achieved without significant harm to the landscape character of the area. However these factors would be neutral in my assessment.

Conclusion

25. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be taken otherwise. For the reasons given, I conclude that the appeal should be dismissed.

Jennifer Wallace

INSPECTOR