
Appeal Decision

Site visit made on 3 June 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th June 2025

Appeal Ref: APP/P0240/W/24/3357414

Field to the north of 77 Mill Road and West of Mill Road, Husborne Crawley, Milton Keynes MK43 0XF

- 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 H Faulkner & Sons against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/00225/FULL.
 - The development proposed is the change of use of agricultural land to a dog exercise area with fencing hard standing parking and manoeuvring area.
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use of agricultural land to a dog exercise area with fencing hard standing parking and manoeuvring area at Land to the north of 77 Mill Road and West of Mill Road, Milton Keynes, MK43 0XF in accordance with the terms of the application, Ref CB/24/00225/FULL and the plans submitted with it, subject to the conditions below:

- 1) The development hereby permitted shall be carried out in accordance with the submitted Site Management Plan.
- 2) Unless within three months of the date of this decision a scheme for soft landscaping along the boundary of the application site with No 77 Mill Road, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within six months of the local planning authority's approval, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within three months of the date of this decision, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained and retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) The hedge shall be cut back twice a year outside the bird nesting season so that it provides the visibility splay indicated on drawing No 1131- TA01 at all times.

Preliminary Matters

2. The address in the application form is incomplete, as a result the address in the banner header and decision above has been taken from the decision notice which correlates with the address on the appeal form.
3. An altered description of development agreed between the appellant and Council is reflected in the decision notice. This agreed description has been used in the banner heading and decision above.
4. The application form states the development was completed in February 2022. During my visit, I noted that the development accords with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place.

Main Issues

5. The appeal site is within the Green Belt, so the main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the Framework; and,
 - the effect of the development on the character and appearance of the area.

Reasons

Whether inappropriate development

6. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework sets out exceptions whereby development is not inappropriate in the Green Belt. One of these, is the provision of appropriate facilities (in connection with a change of use), including buildings, for outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy SP4 of the Central Bedfordshire Local Plan¹ (Local Plan) details that proposals in the Green Belt will be assessed in line with the Framework.
7. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It has both spatial and visual aspects. The alterations to the land in connection with the change of use are limited to the deer fencing around the perimeter of the site and the modest parking area adjacent to Mill Road. In spatial terms these alterations retain the sites open appearance. This is because the deer fencing blends into the background and when stood in the field, you can clearly see through it. In addition, the parking area is both transient in nature and limited due to its small size.
8. In visual terms, the field and parking area is largely screened from Mill Road by a mature hedgerow, with the only visible point being the discreet access adjacent to

¹ Adopted in 2021

77 Mill Road. In addition, given the limited extent of operational development and the open nature of the use, the development aligns with the identified purpose of the Green Belt i.e. to protect the countryside from encroachment.

9. The Council considers that the use results in the intensification of the land due to a more frequent use. However, the field is for exclusive use with only one customer per booking and the parking area is small. As such the use is low level and limited. Given that there is only one customer per booking, it would neither be necessary nor reasonable to impose a condition to limit the number of vehicles or dogs, and it is unlikely that vehicles will need to park on the road.
10. Whilst users of the facility are likely to arrive by car, given there is adequate parking provided and there is only one customer per booking, this arrangement is acceptable. Even if the site was accessible by public transport, it is unlikely that dog walkers would attend a dog walking facility by public transport especially if there are time constraints such as fitting a dog walk in before work or during a lunch hour.
11. Given permission is sought to retain the fence and parking area and it has been established that they preserve the openness of the Green Belt, there is no need to consider whether they have been erected within permitted development tolerances.
12. For the reasons above, the development is not inappropriate development in the Green Belt, and it therefore accords with Policy SP4 of the Local Plan and the Framework.

Character and Appearance

13. The appeal site was formerly an agricultural field adjacent to 77 Mill Road. The site sits at the end of a cluster of residential buildings and farm buildings that front this section of Mill Road. On the opposite side of the road and behind and adjacent to the cluster of buildings, the road is characterised by agricultural fields giving the area a rural character and appearance.
14. The deer fencing is agricultural in appearance and therefore appropriate in its context. In addition, its impact is limited due to its lightweight design blending into the background. The parking area including hard surface adjoins the driveway of 77 Mill Road which has a similar surface and therefore it is in keeping with the adjacent built form. In any event, the parking area is predominantly screened from Mill Road by a mature hedgerow and the access is discreet and only perceptible when stood directly in front of it. This is due to it being set back from the front boundary of 77 Mill Road.
15. Whilst the parking area is visible from adjacent plots, given its modest size, it being positioned next to the road and adjoining the driveway of 77 Mill Road, it is read in the context of the adjacent built form and road. As a result, the parking area does not negatively affect the character and appearance of the area.
16. The appellant has offered to replace the gravel surface with grasscrete. In response the Council has referred to appeal decision APP/P0240/W/23/3320160 whereby the Inspector found that the use of grasscrete can conflict with an undeveloped character of a site. Given that I do not consider that harm arises from the modest parking area, it would not be necessary for the appellant to make this change.

17. Reference is made to the hedge needing to be regularly cut back in order to maintain the visibility splay, which it is alleged would lead to it eventually being removed. However, the Council have agreed that the hedge does not negatively affect the visibility splay currently, and the appellant has agreed to a condition to cut back the hedge twice a year outside the bird nesting season. As a result, the hedge will be retained and maintained.
18. For the reasons given above, the development has an acceptable effect on the character and appearance of the area. It would therefore be compliant with Policy HQ1 of the Local Plan insofar as it requires development to respond positively to its context.

Other Matters

19. The gate serving the access opens into the site. Accordingly, it would not cause an obstruction on the footpath.
20. The impact of the use on the living conditions of the occupiers of 77 Mill Road in respect of privacy has been raised. A condition requiring a soft landscaping scheme to be agreed could resolve this issue.

Conditions

21. I have considered the suggested conditions in light of the Framework and the Planning Practice Guidance. In the interests of precision and clarity, the landscaping condition imposed has been reworded.
22. Given that the use has commenced, a time condition is not required. A condition requiring that the use complies with the submitted site management plan is required to ensure that the level of use is controlled and adequate parking for users is available.
23. Details of a soft landscaping plan to be agreed and subsequently implemented through a condition, is required to protect the privacy of the living conditions of the occupiers of 77 Mill Road.
24. A condition is required to ensure that the hedge does not encroach onto the highway and the visibility splay is maintained. This is required to ensure that the access is safe for users.
25. The Council suggested a condition requiring details of a bituminous or other similar durable material for the vehicular access. However, this does not seem necessary nor reasonable when part of the access is already tarmacked and other properties along Mill Lane have gravel surfaces in closer proximity to the highway than the appeal site.
26. A condition requiring the gates to be located no less than 6m into the site is not required due to the installed gate being set back significantly from the highway.

Conclusion

27. For the reasons given above the appeal is allowed.

V Goldberg

INSPECTOR