



Appeal Decision

Site visit made on 12 August 2025

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Appeal Ref: APP/P0240/W/25/3363700

Land Adjacent to Floss & Smile Dental Practice, Tring Road, Eaton Bray, Dunstable LU6 2FW

- 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 AR & HC Hunt against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/03663/FULL.
 - The development is the change of use of land to dog walking field (sui generis) together with retention of boundary fencing and gates and retention and use of hardstanding area for vehicle access, parking and turning.
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Decision

1. The appeal is dismissed

Preliminary Matters

2. The development is described on the application form as complete, and the use has commenced. The fencing, gates and hardstanding shown on the drawings accord with my observations of the development on the appeal site. I have considered the appeal scheme on that basis.
3. Despite some of the evidence before me referring to the Chilterns as an Area of Outstanding Natural Beauty, all such areas in England became National Landscapes in November 2023. I have therefore referred to it as the Chilterns National Landscape ("the CNL") in this decision.

Main Issues

4. The main issues in this appeal are:
 - Whether the appeal development is inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework ("the Framework"), and any effects on Green Belt openness and its purposes.
 - The effect of the development on the character and appearance of the area including the landscape and scenic beauty of the CNL.
 - Whether the development is in a suitable location having particular regard to its accessibility and relevant development plan policies.
 - If the appeal development is inappropriate development, whether the 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 it.

Reasons

Whether inappropriate development

5. Policy SP4 of the Central Bedfordshire Local Plan 2015-2035, July 2021 (“the CBLP”) states that development in the Green Belt will be assessed in accordance with government guidance contained in the Framework and the Planning Practice Guidance. The essential characteristics of Green Belts are their openness and their permanence. The fundamental aim of the Framework’s Green Belt policy is to keep land permanently open and therefore most forms of development in the Green Belt are inappropriate unless they fall within one of the exceptions listed in the Framework.
6. In this instance the dog walking use of the appeal site is outdoor recreation and includes the associated boundary enclosures and car park. The relevant exceptions in Framework paragraph 154, include: b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for amongst others, outdoor recreation, and other forms of development in paragraph 154.h) including (ii) engineering operations and (v) material changes in the use of land (such as outdoor recreation). This is provided they preserve Green Belt openness and do not conflict with the purposes of including land within it. The Framework’s concept of openness is held to mean being free from built development and it has a spatial and visual aspects.
7. The appeal site is covered mostly by closely mown grass with a manicured appearance. A stone surfaced hardstanding for car parking has been constructed near to the Tring Road entrance, close to the Dental Practice’s larger car park. The car park’s surfacing has resulted in the spread of built development where no such surface previously existed. The evidence indicates it was previously a grass paddock and the appellant refers to agricultural purposes. The vehicles parked on the car park can be seen from outside of the appeal site in views from Harling Road and Tring Road, particularly given the sparse planting on the northwest facing rear boundary of the appeal site.
8. The appellants have not observed more than 2 cars parked at any one time per dog walking booking. However, it is expected that the activities intrinsic to the year-round use of the appeal development, involving dogs and their walkers, their comings and goings, and the parking of vehicles, is a more intensive use of the appeal land. It is likely that agricultural activities, including the operation of machinery and vehicle parking, would likely have been intermittent and seasonal. The evidence before me does not indicate otherwise. The more intensive level of activities intrinsic to the appeal use and the car park’s surfacing have therefore caused a moderately harmful reduction in Green Belt openness in the spatial and visual dimensions.
9. The gates and fencing are relatively tall and extend for a considerable distance around most of the appeal site’s perimeter and close to its boundaries. They are likely to have been erected where such a structure did not previously exist. Despite being of a permeable design allowing views through, the fencing and gates are clearly visible from Harling Road and Tring Road, given the relatively close weave of the mesh, the presence of some timber panels, and the repetitive timber supporting posts. Therefore, the boundary fencing and gates have resulted in a

more than limited reduction in Green Belt openness in the spatial and visual dimensions.

10. Most of the appeal site by area remains open. However, the built development and the more intensive use of the appeal land has reduced Green Belt openness resulting in a failure to preserve it. Consequently, for the reasons given above, the appeal development is inappropriate development in the Green Belt. It has also encroached into the countryside, in conflict with the Green Belt's purpose of assisting in safeguarding the countryside from encroachment.

Character and appearance

11. The Central Bedfordshire Landscape Character Assessment 2024 ("the LCA") identifies the appeal site as within the Rolling Chalk Farmland ("the RCF") landscape type. Land within the RCF is set below the steeply sloped landform of the Dunstable Downs chalk escarpment which lies within the nearby CNL, allowing views of the escarpment across the landscape. Therefore, the RCF contributes positively to the setting of the escarpment in the CNL and its landscape and scenic beauty.
12. The appeal land is almost entirely visible from Harling Road in a wide vista that includes largely arable fields in the foreground and the backdrop of the steeply sloped escarpment in the CNL. The appeal site's likely baseline condition was likely to have been characterised by verdancy, tranquillity and an absence of built development. It would have been representative of the key characteristics of the RCF, and a positive contributor to the rural character and appearance of the area, including the setting of the CNL.
13. The car park is surfaced by dark coloured stone and could be replaced by gravel. Nonetheless, it is an engineered surface that represents an urbanising form of development that has visibly intruded into the appeal site and harmfully eroded its verdant appearance. This would be accentuated by the small number of vehicles that would likely be regularly parked on the car park for most of the day, and which are clearly visible from Harling Road. In those same views, the car park serving the dental practice and the cars parked upon it are barely visible, and do not mitigate its visual harm. The closely mown grass of the dog walking field has a manicured appearance that together with the car park contrasts markedly with the largely cultivated or overgrown condition of the fields in the landscape, highlighting its more intensive use.
14. The long lengths of tall fencing and gates that enclose the dog walking area and car park are clearly visible from Harling Road and Tring Road. Although permeable, the fencing and gates have a somewhat defensive appearance and they emphasise the negative visual contrast between the appeal development and the surrounding fields in the landscape, and its more intensive use. I am not satisfied on the evidence before me that weathering would lessen their visible presence by any meaningful degree. Comparable fencing might be found in agricultural fields elsewhere. However, it is not of a height and appearance commonly found around the appeal site and in my experience livestock fencing would generally be more limited in height.
15. Most of the appeal site is surfaced with grass. However, the visual change brought about by the appeal development is inharmonious with the landscape's character and appearance when seen amongst the largely arable dominated fields and

against the backdrop of the steep slopes of the escarpment in the CNL. Consequently, it is moderately harmful to the rural character and appearance of the area, and to the landscape and scenic beauty of the nearby CNL through development within its setting.

16. There is little information before me to demonstrate that native boundary planting secured by a planning condition would form an impenetrable barrier to public views of the appeal development, particularly the months when not in leaf. Planting takes time to mature and would require regular maintenance to retain a consistent form and thickness. It can fail in the future and there is no mechanism before me that would prevent it from being thinned out or reduced in height by a future operator of the development.
17. The concerns of the Council's Landscape Officer appeared to be confined to the surfacing of the car park. However, the Council nonetheless found it harmful and for the reasons given so have I. An absence of elevated panoramic views of the development looking down from the Dunstable Downs does not weigh positively in its favour, nor alter my conclusions on this matter.
18. For the reasons given above, I conclude on this main issue that the appeal development is harmful to the character and appearance of the area, and the CNL, through development in its setting, contrary to CBLP Policies HQ1, EE5 and EE7 insofar as they seek to ensure that development respects and enhances the character and distinctiveness of the local landscape including the CNL. For the same reasons there would be conflict with Paragraphs 89, 135, 187 and 189 of the Framework, which require development to be sensitive to its surroundings, sympathetic to local character and the rural landscape, and to protect and enhance scenic beauty in National Landscapes, which are valued.

Whether a suitable location

19. CBLP Policy SP7 states that outside settlement envelopes only particular types of development will be permitted with the Council recognising the intrinsic character and beauty of the countryside. This includes employment and leisure uses which will be considered favourably subject to the conformity with other policies of the CBLP.
20. CBLP Policy EMP4 relates to the rural and visitor economy and sets criteria for proposals seeking new and expanded employment generating uses and those related to the visitor economy. This includes supporting the principle of proposals for tourist and leisure developments, particularly those which provide opportunities for rural diversification, and are well located to support local services and businesses.
21. Whilst the appeal development more closely aligns with that of a recreational leisure use, it would be expected to help sustain some limited employment and economic benefits through rural diversification, including through on-site maintenance and administration of the customer booking system.
22. The appeal site is away from nearby settlements and is adjacent to busy roads where there are no footways and where traffic appeared to be relatively fast moving. In my assessment there are no safe and convenient walking routes to the site and limited evidence of any public footpath routes to and from nearby settlements. Whether categorised as an employment opportunity or leisure facility,

or both, the location of the appeal development means that users would be expected to rely on private vehicles to access it. The number of car journeys associated with the use would likely be relatively low by comparison to vehicle journeys on the road network. However, their likely greenhouse gas emissions would nonetheless cumulatively add up over the lifetime of the development causing environmental harms. This carries a moderate amount of weight against the appeal development.

23. The same would likely apply to similar uses in comparable locations, including those dog walking facilities drawn to my attention. The appellants suggest that urban locations would be less acceptable for the appeal use due to the potential impact on residents close by. However, this does not mean that all such developments in rural areas have equal levels of accessibility or that they should be approved. I have necessarily assessed the appeal development based on its site-specific location and context, and the criteria in the relevant policies.
24. The Framework requires decision makers to take account of the different opportunities to maximise sustainable transport solutions between urban and rural areas. However, the Framework does not mandate that all rural development should be permitted and there is no indication, on the evidence before me, of any reasonable opportunities to access the appeal development other than by private vehicle.
25. CBLP Policy EMP4 sets criteria requiring developments to have no adverse impact on their location, appropriately mitigate adverse impacts on designated sites and landscapes, and demonstrate consistency with relevant CBLP policies and national policy on the Green Belt. Given my conclusions on the first two main issues above, the appeal development is contrary to those aspects of CBLP Policy EMP4 as a consequence. Cumulatively those harms bring the development into conflict with CBLP Policy EMP4 when read as whole, and CBLP Policy SP7 as a consequence. I therefore conclude on this main issue that the appeal site is not a suitable location for the appeal development.

Other considerations

26. The appeal development is beneficial to the well-being of dogs and their owners, particularly in training and socialising dogs with behavioural issues. Such facilities are described as experiencing high levels of popularity and continuing levels of demand. It would likely have beneficial effects of reducing the risk of dogs coming into conflict with other animals and wildlife, including livestock, and harming them.
27. The appeal development is also likely to be economically beneficial to the appellants business and the wider rural economy as a farm diversification scheme, through making use of a parcel of land which the appellants consider of little benefit for agricultural purposes given its size and location. Although not quantified in numerical terms those benefits are consistent with the Framework's objective of creating a prosperous rural economy in paragraphs 88 and 89.
28. It is unclear how many dog walks would be diverted away from the Chiltern Beechwoods Special Area of Conservation (SAC), particularly as the enclosed nature of the appeal development appears likely to offer a different kind of dog walking environment and experience. Nonetheless, even if the number was relatively modest, it would likely have a valuable beneficial effect on the nature conservation interests of the SAC as a protected habitats site.

29. The appellant considers the gates and fencing to fall within national permitted development rights. On the evidence before me, I do not necessarily agree with the appellants on this matter. They appear to be an intrinsic part of the use and would likely be necessary for its safe operation. However, it is not for me in determining this appeal to make a formal determination on the lawfulness of the gates or fencing. Should they so wish, the appellants have the option to apply for a certificate of lawfulness of existing use or development under s191 of the Town and Country Planning Act 1990, and this process has its own right of appeal. Nonetheless, I shall consider such a hypothetical best-case scenario for the appellants in my balance section below.
30. Some broad similarities can be drawn between the appeal development before me and the allowed appeal for a dog walking development at Hockliffe¹. However, based on the evidence before me, which consists of the Inspector's decision letter and extracts from the Planning Officer's report, it is apparent that the Hockliffe development did not affect the setting of a National Landscape and it was considered to be reasonably close to the Rights of Way network such that some future users would likely access it by walking.
31. The Council found the Hockliffe development to preserve Green Belt openness, which was not disputed by the Inspector who made no obvious reference to it. However, appeals are fact and evidence specific, requiring each case to be determined on its own merits, based on site and development specific considerations and judgements. I have determined the appeal proposal on its individual merits and found that it does not preserve Green Belt openness and is inappropriate development. For those reasons, I am satisfied on the information before me that the Hockliffe development is materially different to the appeal development and of limited relevance to my assessment of it.
32. Icknield Way Farm Business Centre and National Trust's Dunstable Downs Parking Area are established developments in the area. They have limited intervisibility with the appeal development and do not justify its harmful effects. The main parties agree that the use can be controlled by conditions to avoid unacceptable adverse effects on highway safety or the living conditions of nearby occupants of land and buildings. Even if I were to agree on those matters, they do not weigh positively in favour of the appeal development.

Green Belt balance and Conclusion

33. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with the Framework, I give substantial weight to the appeal development's harm to Green Belt openness and resultant inappropriateness, and conflict with the purpose of safeguarding the countryside from encroachment. Great weight should be given to conserving and enhancing landscape and scenic beauty in the CNL.
34. The other considerations, including the environmental benefits to the SAC, carry weight of a relatively high order in favour of the appeal development. However, they do not clearly outweigh the totality of its harm to the Green Belt, together with its harmful effects on the character and appearance of the area, including the CNL through development in its setting, and the negative environmental effects of

¹ APP/P0240/W/23/3334143

private car travel due to its location. Consequently, the very special circumstances necessary to justify the appeal development do not exist.

35. As set out above, even if I were to treat the fencing and gates as permitted development in a hypothetical best-case scenario for the appellants, I have already found that the hardstanding car park and the more intensive use of the appeal land would fail to preserve Green Belt openness and would be inappropriate development. They would conflict with the purpose of safeguarding the countryside from encroachment and cause harm to the character and appearance of the area, including the CNL through development in its setting. The use has negative environmental effects due to its location and the need to travel by car.
36. The weight that I have attributed to the other considerations does not clearly outweigh the totality of the harmful effects arising from the hardstanding car park and the more intensive use of the appeal land. Substantial weight attaches to the Green Belt harm. Consequently, even if the fencing and gates were permitted development, the very special circumstances necessary to justify the remainder of the appeal development do not exist.
37. The appeal development, in either scenario outlined above, is therefore in conflict with CBLP Policies SP4, SP7, HQ1, EE5, EE7 and EMP4, the relevant objectives of which are set out above. This results in conflict with the development plan, when read as a whole. The other considerations and the benefits of the appeal development do not outweigh that conflict. Therefore, the appeal development is unacceptable and the appeal should be dismissed.

G Sylvester

INSPECTOR