
Appeal Decision

Site visit made on 13 August 2025

by **Andreea Spataru BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

Appeal Ref: APP/X2410/W/25/3361318

Blackbrook Farm, Ashby Road West, Shepshed, Leicestershire LE12 9TL

- 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 Peter De Lisle (Garendon Trustees Farming) against the decision of Charnwood Borough Council.
 - The application Ref is P/24/0930/2.
 - The development proposed is described as 'Change of use from agricultural land to a secure and enclosed dog exercise field'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has drawn my attention to several policies of the emerging Charnwood Local Plan 2021 – 37 Pre-Submission Draft July 2021. These are material considerations, and I have had regard to them in my assessment below.

Main Issue

3. The main issue is whether the appeal site is an appropriate location for the proposed development with respect to local and national policies and accessibility.

Reasons

4. The appeal site relates to a parcel of agricultural land, within the countryside. It is next to Ashby Road West, which leads to Shepshed. The site is set away from the edge of the settlement. The Council's concerns relate to the rural location of the appeal site and the dependency on private cars to reach the proposed dog exercise field. The appellant does not dispute the reliance on private vehicles.
5. Saved Policy CT/1 of the Borough of Charnwood Local Plan 1991-2006 adopted 2004 (BCLP) states that land outside the defined Limits to Development is variously identified on the proposals map as countryside, green wedge and areas of local separation. Development within these areas of generally open land will be strictly controlled. Planning permission will be granted for the re-use and adaptation of rural buildings for uses suitable in scale and nature, and small-scale new built development, where there would not be a significant adverse environmental impact and the proposal would, amongst other things, facilitate the diversification of the rural economy. In all cases it should be demonstrated that the proposed development could not reasonably be located within or adjacent to an existing settlement.

6. Paragraph 89 of the National Planning Policy Framework (the Framework), states that planning policies and 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. It also requires developments to exploit any opportunities to make a location more sustainable.
7. The appeal site is not accessible by public transport. There are not continuous footpaths or bicycle lanes that connect the site to the nearest settlement, thus it is unlikely that the site would be accessed by foot or by cycling. Nevertheless, I understand that customers of certain businesses, like the one proposed, would be more inclined to use private vehicles, rather than rely on public transportation. I also acknowledge that the nature of the business itself requires a certain amount of open space.
8. I understand that the appeal site's location would work well in the context of the existing farm, particularly in terms of management and site safety. However, the appellant has failed to demonstrate that the proposal could not be reasonably located within or adjacent to an existing settlement, in accordance with local and national policies. The proposed measures to improve accessibility through the installation of bicycle racks and pedestrian signage would not be sufficient to mitigate the inappropriateness of the development, particularly given the specifics of the site and the nature of the business.
9. In conclusion, it has not been demonstrated that the appeal site is an appropriate location for the proposed development having regard to local and national policies and accessibility. Therefore, the proposal conflicts with the aims of Policies CS 1, CS 10, CS 11 and CS 25 of the Charnwood Local Plan 2011 to 2028 Core Strategy adopted 2015, and saved Policy CT/1 of the BCLP, which collectively seek to protect the environment. It also conflicts with Policies DS1, C1, and E3 of the emerging Charnwood Local Plan 2021 – 37, which encourage sustainable development, including reducing the need to travel, particularly by private car. There is also conflict with the aims of the Framework, as set out above.

Other Matters

10. The appellant indicates that there are existing successful dog walking fields, which operate without reliance on public transport. My attention has also been drawn to a development allowed at appeal which included a change of use of land to provide dog walking/training facility. I do not have full details of these cases, and it has not been demonstrated that the proposal before me is directly comparable with them. Based on the assessment of the development outlined within the Inspector's appeal decision¹, I find the appeal scheme before me different because it is not subject to the same relevant policy, particularly Policy Q18 of the Queniborough Neighbourhood Plan 2021, which the Inspector in that case found it to take precedence over Saved Policy CT/1 of the BCLP. Accordingly, I have considered the proposal based on its own merits and site-specific circumstances.

Planning Balance and Conclusion

11. The proposal would provide economic and community benefits, as it would support Blackbrook Farm as well as local businesses, and provide a safe environment for

¹ Appeal ref: APP/X2410/W/22/3299241

exercising dogs for the nearby communities. The development would also provide a considerable gain in biodiversity. However, these benefits do not outweigh or justify the conflict with the relevant policies.

12. For the reasons set out above, I conclude that the development conflicts with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

Andreea Spataru

INSPECTOR