



Appeal Decision

Site visit made on 7 October 2025

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2025

Appeal Ref: APP/P0240/W/25/3370819

Brodie Stables, The Rye, Eaton Bray, Central Bedfordshire

- 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 Mrs T Wilson against the decision of Central Bedfordshire Council.
 - The application Ref is CB/25/1477/FULL.
 - The development proposed is described as “installation of pet cremation machine within pre-existing container and use of land as mixed use and pet cremations”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In their evidence the appellant states that the local planning authority amended the description of development on the Decision Notice without seeking their consent. Accordingly, in my banner heading above I have used the description of development as set out on the planning application form.
3. At my site visit I observed the container to be *in situ*. However, the pet crematorium machine was not in place. It is not for me, under a section 78 appeal, to determine whether or not the container is lawful. I will therefore consider the appeal in the same manner as the Council. It is open to the appellant to apply to the Council for a separate determination under sections 191/192 of the Act regardless of the outcome of the appeal.
4. In evidence reference is made to the installation of solar panels to the roof of the container. Whilst I observed these at my site visit, they do not form part of the application plans submitted.

Main Issues

5. The main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt and the effect of the proposal on openness;
 - ii) the effect of the proposal on highway safety; and
 - iii) whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations (and if so, whether this would amount to the very special circumstances required to justify the proposal)

Reasons

Whether Inappropriate Development and openness

6. The proposal would be for a pet crematorium. An incinerator would be positioned within the container with a chimney protruding from its roof.
7. There is dispute between the parties as to whether the container, as a moveable structure, is a building, with the appellant drawing comparisons to skips. Case law¹, has established that three primary factors have been identified as decisive of what is a building: size, permanence and physical attachment. Whether the proposal is a building is a judgement based on fact and degree, with none of the factors more decisive than another.
8. In this circumstance, although the container is not of a size that it had to be constructed on site and the evidence indicates that it will rest by its own weight, it is intended to be permanently in one place. As the container has a permanent, rather than a fleeting character, the proposal has resulted in a physical change to the characteristics of the land.
9. The National Planning Policy Framework (the Framework) sets out that the provision of new buildings in the Green Belt should be regarded as inappropriate other than for certain exceptions. These include at paragraph 154(b) 'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'.
10. Policy SP4 of the Central Bedfordshire Local Plan 2015-2035 (LP) (adopted 2021) states that development proposals within the Green Belt will be assessed in accordance with government guidance contained within the Framework and the Planning Practice Guidance (PPG).
11. The appellant sets out that the proposal would be a diversification project of the existing stables to attract an additional revenue stream. The appeal proposal would not fall into any of the exceptions listed in Paragraph 154 (b) of the Framework. Nevertheless, this is not a closed list, and I acknowledge that there could be uses other than those listed as being not inappropriate. However, this is provided the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
12. The Framework defines one of the essential characteristics of the Green Belt to be its openness. There is no formal definition of openness but, in the context of the Green Belt, it is generally held to refer to an absence of development. Openness has both a spatial (physical) dimension, and a visual aspect.
13. The appeal site lies to the north of existing single storey stables on an area of hardstanding. To the west of the appeal site, I observed land to be relatively flat and subdivided by fencing to create parcels of land that were in use for the keeping of horses and their exercise.

¹ Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Co Ltd [1949] 1QB 385, endorsed by CoA in Skerritts of Nottingham Ltd v SSETR (No.2) [2000] 2 PLR 102

14. Containers are usually found in industrial areas and are wholly untypical of buildings found in the countryside. Whilst the container may have no foundations and could be conditioned to be a temporary structure only, in spatial terms, the proposal introduces development into an area previously devoid of development. Whilst modest in size, and relatively low level, the proposal would, nevertheless, have an adverse impact on the openness of the Green Belt in spatial terms.
15. The container is located close to the access track. However, it is screened from this view due to the presence of mature vegetation along the site's western boundary. A number of single storey stables are located close to the site. In certain views the proposal would be seen against the backdrop of existing buildings and vegetation. Notwithstanding its dark green external finish, the construction and shape of the container is such that it is obtrusive and unattractive. Furthermore, the chimney adds to the harm to visual openness. Whilst the visual impact would be limited it nevertheless detracts from the openness.
16. For the reasons stated, the development would cause some, albeit limited, harm to the openness of the Green Belt in both spatial and visual terms. Accordingly, the proposal is inappropriate development within the Green Belt and conflict arises with Policy SP4 of the LP and Paragraph 154 of the Framework. In accordance with paragraph 153 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This harm is attributed substantial weight.
17. The appellant advances that the proposal is grey belt. The revised Framework introduced further developments that should not be regarded as inappropriate. Paragraph 155 states that development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; there is a demonstrable unmet need for the type of development proposed; the development would be in a sustainable location; and where applicable, the development would meet the Golden Rules requirements set out in the Framework. The last of these criteria is not applicable in this case. I return to grey belt considerations later in my decision.

Highway considerations

18. The appeal site is accessed via an existing gated access taken from The Rye. It is a long and narrow track that serves a cluster of existing stables at the appeal site, and the cricket club. The track is constructed of unbound, granular material with grass verges. The Rye is a narrow country road devoid of footpaths, is unlit and subject to the national speed limit.
19. The evidence before me indicates that the existing access off The Rye is substandard. Gates are located close to the highway, meaning vehicles stopping to open the gates are likely to pose an obstruction on the public highway. Furthermore, the track does not appear to be wide enough to allow vehicles to pass one another.
20. No details of the access have been provided in terms of junction visibility, geometry or width. Whilst I accept that vehicle speeds are likely to be less than 60mph due to the narrow road conditions in the vicinity of the appeal site, no evidence is before me as to what vehicle speeds are, and accordingly, what might be an appropriate

visibility splay for the proposed development. It is also unclear what visibility splay would be available.

21. I have not been provided with any substantive evidence on the number of vehicular trips likely to be associated with the proposed use. The appellant contends that the facility would not be open to the public and that they would offer a pet collection and delivery service to minimise traffic entering the site. Nonetheless, this would not significantly reduce the number of trips made to and from the site as this would still be carried out by the employees, rather than customers. Moreover, I cannot be certain that individuals would not want to drop off/collect remains of pets as this would be a personal and emotional service for many. Therefore, any condition limiting such trips/use would not meet the tests of being enforceable or reasonable in all other respects in accordance with the Framework and PPG. Consequently, the additional journeys, even those undertaken by the appellant in association with the proposed use, would intensify the use of the narrow track and the use of the access.
22. For the reasons given above, I cannot be certain that a safe and suitable access for all users can be achieved. I therefore find the proposal would be in conflict with Policy T2 of the LP and the Framework which, amongst other things, requires the provision of a safe and suitable access for all.

Other considerations

23. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
24. The appellant advances very special circumstances on the basis that the proposal would support business diversification to compliment the established stables, as there has been a slowdown in the equestrian business. Whilst I have no evidence to substantiate this, I have no reason to disagree. The appellant goes on to cite compliance with Policy EMP4 of the LP which supports the rural and visitor economy. Whilst rural diversification and economic growth is welcomed, the scale of operations with the proposed business is unknown and I therefore attribute limited positive weight to this consideration.

Grey belt

25. The appellant advances that the land in question is grey belt. Annex 2 of the Framework states that for the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.
26. There is no dispute between the parties in respect of criteria (a) of Paragraph 155 of the Framework on the basis that the proposal would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

27. Criteria (b) of Paragraph 155 of the Framework requires there to be a demonstrable unmet need for the type of development proposed. The appellant submits that there is a required need for a pet cremation service in this location. I recognise support for the proposed business and the distances of other comparable pet cremation services. However, the evidence before me indicates that other pet crematorium services are available in the wider locality, including Dunstable and Luton and at many veterinary practices.
28. It is not disputed that the appellant would provide an independent and personal service. However, there is no substantive evidence before me that the alternatives in the locality also do not. Consequently, whilst the proposal would add to the choice of service, I am not satisfied that there is a demonstrable unmet need for the service such that it would amount to very special circumstances.
29. Even if there were an unmet need, no alternative sites suitable for the proposed development have been explored. On this matter, I therefore conclude that there is no compelling evidence to persuade me that there is a demonstrable unmet need for the proposal.
30. Turning to criteria (d) of whether a sustainable location, paragraphs 110 and 115 of the Framework promote sustainable transport in terms of managing patterns of growth to support this objective. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.
31. It is advanced that the site is in a sustainable location as the appellant lives on site and in any event, will be travelling back and forth from the site. The location is not well served by public transport. However, I recognise its practicality limitations in this circumstance due to the sensitive nature of the use.
32. I note the appellant would be agreeable to a condition to tie the proposed business to the existing equine activities at the site, which would go some way to restricting vehicular movements at the site. However, even though it is not intended that members of the public would access the site the business would be largely reliant on the private motor vehicle to access customers. Although the likely number of trips is presently unknown it is likely that there would be a material increase in the number of trips to and from the site. Accordingly, for the purpose of this appeal, there is no compelling evidence before me that the appeal site is within a sustainable location in terms of Paragraph 155 of the Framework.
33. For these reasons I do not concur that the appeal site comprises grey belt.

Other Matters

34. The appeal site lies within the Zone of Influence of the Chiltern Beechwood Special Area of Conservation. Had I been minded to allow the appeal, it would have been necessary for me to undertake an Appropriate Assessment to consider the impacts of the development upon the European designated site. However, as I am dismissing the appeal for other reasons, I do not need to consider the matter further as it would not change the outcome of this appeal.

Green Belt Balance and Conclusion

35. The proposal would be inappropriate development in the Green Belt which, by definition, is harmful. In addition, there would be harm, albeit limited, arising from

the loss of openness. The Framework establishes that substantial weight should be given to any harm in the Green Belt.

36. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
37. The other considerations advanced by the appellant do not clearly outweigh the totality of harm to the Green Belt. Therefore, the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal conflicts with Policy SP4 of the LP and Green Belt policy as set out in the Framework, which seek, amongst other things, to protect the Green Belt from inappropriate development.
38. For the reasons stated, I, therefore, conclude that the appeal should not succeed.

R. Gee

INSPECTOR