



Appeal Decision

Site visit made on 22 October 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2025

Appeal Ref: APP/Y0435/W/25/3368940

The Poultry Barn, Brook End, North Crawley, Newport Pagnell, MK16 9HH

- 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 S Miller against the decision of Milton Keynes City Council.
 - The application Ref is 24/01967/FUL.
 - The development proposed is a change of use from agricultural to dog walking and training facility, site office, ground finishes and boundary fencing.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Milton Keynes City Council against Mr S Miller and this is the subject of a separate Decision.

Main Issues

3. The main issues in this case are: the impact on biodiversity and ecology; the effect of the proposed use, including the mobile office building on the rural character of the area and harm to the countryside, and the adequacy of visibility at the access to the site in relation to highway safety.

Reasons

4. The site extends in total to 0.6 hectares. The front of the site faces Brook End, otherwise the site is surrounded by fields. The boundaries are generally defined by substantial hedges, particularly along the road frontage. The site is relatively flat with a few isolated small trees along the boundary.
5. The first refusal reason relates to the inclusion in the proposal of a mobile office building, which the appellant's documentation describes as a 'park-home office', similar in appearance to a small bungalow. This would principally operate as a welfare facility (i.e. toilet and shelter) for dog walkers, but would also function as an office for the proprietor. Dog walkers may be present on site for extended lengths of time and may understandably need to go to the toilet or require shelter from the weather.
6. In fact, because of the existing buildings on site and the proposed position of the office, in itself it would not have a substantial effect on the appearance of the area beyond the site. Therefore, taking account of all the other matters that are raised in consultation responses and concerns expressed by neighbouring occupiers, I

consider that the mobile office is a relatively minor part of the proposal, and a more fundamental consideration of the change of use is necessary.

7. The proposed change of use from agricultural land to a dog walking and training facility is broadly acceptable in principle under Policy DS5 of Plan MK 2019 and Policy GS6 of the Milton Keynes City Plan (emerging), both of which seek to control development in the open countryside. These policies support proposals that are appropriate to a rural setting, provided they cannot reasonably be located within a settlement and do not introduce unjustified or intrusive built form. On the first of these provisos, no justification has been put forward for proposing this use in a countryside location, relatively remote from main urban areas.
8. The use itself involves limited physical works and properly controlled would not have a great visual impact on its surroundings. However, substantial concerns have been raised in consultation responses. In terms of ecology and protected species, there is a potential of Great Crested Newts being present and therefore affected by the proposed development. Great Crested Newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). No ecological information has been submitted, but the Ecology Officer considered that an ecological assessment which fully considers the impacts of the proposed development, including (but not limited to) the redressing of hardstanding, replacement of the cess pit and the loss of connectivity/access to the site as a result of the erection of fencing should be provided prior to determination.
9. More fundamentally, in terms of biodiversity net gain, the application form states the applicant believes the application to be exempt under the de-minimis exemption. However, a change of use to a dog training facility is likely to result in degradation of the grassland habitat due to the likely intensification of management, increased trampling and nutrient enrichment from dog waste. Furthermore, the de-minimis exemption criteria is as follows: "The de minimis exemption only applies to development if the following two conditions are met: i) the development must not impact on any onsite priority habitat; and ii) if there is an impact on other onsite habitat, that impact must be on less than 25 square metres (e.g. less than a 5m by 5m square) of onsite habitat with a biodiversity value greater than zero and on less than 5 metres of onsite linear habitat (such as a hedgerow). Onsite habitat is impacted by the development if it is lost or degraded such that there is a decrease in the biodiversity value of that habitat (as determined by the statutory biodiversity metric). A decrease in biodiversity value occurs where there is a change in habitat type, extent, or condition which results in a negative unit score."
10. For these reasons I do not accept that the de minimis exemption is available in this case. The proposal was not accompanied by a Biodiversity Net Gain metric or an Ecological Impact Assessment or, despite the fact that the change of use and associated infrastructure, including fencing, access improvements, and increased footfall, may lead to habitat degradation.
11. In terms of the effect on the character of the area, concerns are raised by local residents about, among other things, the noise of dogs that it is said would be disturbing to the 15 homes and children's nursery in the vicinity. The peaceful ambience of this location is part of the character of the countryside, so that these concerns are reasonable. I note that at one point, the appellant's case is that 'vehicle trips to the site will be relatively very low in number, about a maximum of

10 cars per day, and that each visiting vehicle would not usually stay longer than two hours and typically no more than one hour'. However, at paragraph 4 above I have quoted the appellant as stating, 'dog walkers may be present on site for extended lengths of time'.

12. Turning to the sight lines at the access, I see that these were shown on the applications plans dated September 2024, the application form being dated 3 September 2024. Whilst there has been no survey of vehicle speeds on this section of road, there is a speed limit in place, so that I consider that visibility at the access in both directions is adequate. My concern however is that the hedges each side may need trimming back, which would be unfortunate, but not fatal to the case.

Conclusion

13. There are fundamental objections to the proposed change of use arising from the lack a Biodiversity Net Gain metric and an Ecological Impact Assessment, both necessary for the reasons given above. Furthermore, this rural site, at some distance from main urban areas, is not a sustainable location, and the proposed use would disturb the character of the countryside. I am not swayed by the suggestion that this proposal amounts to farm diversification, since the site is not part of a farming business. I have taken account of all matters raised, but for the reasons given, the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR