



Appeal Decision

Site visit made on 19 February 2026

by **A Owen MA BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 MARCH 2026

Appeal Ref: APP/K3605/W/25/3376048

Lian Yard, Redhill Road, Cobham, Surrey KT11 1EG

- 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 Alexander Stewart-Clark of Lasch Ltd against the decision of Elmbridge Borough Council.
 - The application Ref is 2025/0866.
 - The development is creation of dog exercise area to include mesh fencing, entry vestibule, mobile shelter and landscaping, and utilising existing entrance road and hardstanding for car parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At my site visit I saw that the development has already commenced. The land was being used by around 12 dogs, the exercise area was bounded by wire mesh fencing and there was a small wooden shed type structure in the northern end of the site, roughly in the position where the mobile shelter is shown on the plans. The entrance and a concrete access track was also in situ.
3. One of the reasons for refusal referred to the provision of Biodiversity Net Gain. Additional information has been provided during the appeal process, and the Council now consider this issue has been satisfactorily addressed.

Main Issues

4. In light of the above the remaining main issues are:
 - i) whether the development is inappropriate in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and local policies;
 - ii) the effect of the development on openness;
 - iii) the effect on the character and appearance of the area; and
 - iv) whether the harms to the Green Belt, and any other harms, are clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Green Belt

5. Paragraph 154 of the Framework sets out that development in the Green Belt is inappropriate unless it constitutes one of the limited forms of development that are

considered not inappropriate. Subsection b) and h) v. of paragraph 154 state that the use of land, and the provision of appropriate facilities, including buildings, for outdoor recreation would not be inappropriate.

6. The appellant has provided an Operating Plan which illustrates that the intention is for the site to provide an area for dogs to exercise in a safe environment. Dogs are collected from their homes in the morning and returned in the afternoon. Up to 48 dogs could be on the site at any one time.
7. In my view, the use does not constitute outdoor recreation. None of the dog owners can use the site, and the staff at the site are employed to be there. For no person is this a recreational use, though I do not doubt the dogs themselves enjoy being at the facility. As such, the use, and the associated shelter and mesh fencing, do not fall within paragraph 154 of the Framework.
8. Paragraph 155 of the Framework refers to other forms of development in the Green Belt that can also not be regarded as inappropriate, providing certain criteria are met. Part b. requires there to be a demonstrable unmet need for the type of development proposed. There is reference in the Operating Plan to there being a high demand for the service provided as over the past 12 months many dog owners are now being required to return to office working environments after many switched to home working during the covid pandemic. Whilst I do not doubt this general trend, and there are a number of letters in support of the development, there is no substantive evidence of the scale of that need or whether other facilities locally already meet that need. Overall, any unmet need has not been sufficiently demonstrated. Its failure to meet part b. means the development cannot accord with paragraph 155 of the Framework.
9. As the use fails to constitute any of the exceptions listed under paragraphs 154 and 155, it is inappropriate development in the Green Belt. The Framework advises that substantial weight should be given to any harm to the Green Belt.

Openness

10. The use of the land by the dogs has very little impact on openness. The mesh fencing is relatively transparent being made of thin wire at a fairly low density stretched between wooden posts. Indeed, at a distance, mainly only the wooden posts are visible, and it is difficult to perceive the wire. However, overall the fencing is apparent and does reduce the visual openness of the site, compared to if it were not there at all. Moreover, it is clearly a permanent structure essential to the use of the land as a dog exercise facility.
11. The provision of the mobile shelter affects openness spatially insofar as it occupies land that was previously open. Its small scale and position at the back of the site furthest from the road means its impact on visual openness is limited. The structure may be able to be moved around the site, but it is likely that there would be a need for a structure here to serve the facility, so I have no reason to consider the shelter shown would not be retained permanently.
12. The existing entrance and hardstanding is made of concrete and passes through the appeal site, leading to a building and open land behind. The access, and particularly the bell mouth at the very front of the site, is clearly visible from Redhill Road. Although the hardstanding itself has a limited impact on openness, its use

by vans transporting dogs, and to accommodate the parking of those vans, does visually reduce the openness of the Green Belt.

13. The development, as a whole, reduces the openness of the Green Belt. The degree of harm resulting from that impact is limited. Nonetheless, that harm should be given substantial weight as set out in paragraph 153 of the Framework.

Character and appearance

14. The wider area has a mixed character with an area of dense woodland opposite, some commercial properties either side of the site along Redhill Road, and a few scattered dwellings.
15. The Council consider the vehicular entrance, and hardstanding harms the character and appearance of the area due to their commercial appearance. However, there are a number of other vehicular entrances along Redhill Road, including at Worthy Yard immediately to the south, which have a similar commercial appearance. The length of the access into the site is greater than that at Worthy Yard and is apparent in the street scene, but this is only be when stood directly at the site entrance. The vegetation along the site frontage and at the neighbouring site to the north, obscures views of the hardstanding from most other positions.
16. As a result the hardstanding and entrance do not unacceptably harm the character and appearance of the area. There is therefore no conflict with policy CS17 of the Elmbridge Core Strategy (2011) or policy DM2 of the Elmbridge Development Management Plan (2017) (the 'DMP') which together seek to ensure that development is of high-quality design whilst responding to the positive features of individual locations and be based on an understanding of local character.

Other considerations

17. Paragraph 153 of the Framework sets out that inappropriate development should not be approved unless other considerations clearly outweigh the harm such that they amount to very special circumstances. Policy DM17 of the DMP is consistent with this.
18. There is extensive planning history on the site including enforcement. I am aware that an Enforcement Notice has been served which, among other things, required the removal of the access included in the current appeal. The Notice was amended on appeal such that a narrow concrete drive could be retained. The width of the access in the plans roughly reflects that on site and this is narrower than that indicated in Site Plan A to the Enforcement Notice which showed the extent of hardstanding that was required to be removed. Although the Council provide a historic aerial photo which shows a narrow track in this position, it is not sufficiently clear that I could be confident that the access now shown is not broadly that which the enforcement appeal allows to be retained. Furthermore, it is not excessively wide, being of a reasonable width to serve the dog exercise operation and is too narrow for two way traffic. In any case, even if this part of the proposal were already lawful, it does not affect my consideration of the other parts of the proposal, including the use of the hardstanding for parking of vans, and the impact in Green Belt terms.

19. It is suggested that fencing up to 2m in height could be provided and that the site could be used for dog exercise up to 28 days a year, both under permitted development rights. There are no Lawful Development Certificates in place for such works, though I accept that is not critical to them being considered as reasonable fallback positions. However, in terms of the use of the land; that possible under permitted development rights would not have the same degree of persistence as the current scheme so would be less harmful to the Green Belt. With regard to the fencing, I have no evidence that any other use of the land would be likely to require the same degree of fencing as that required by the current operation. As such I give only limited weight to these fallback scenarios, which is consistent with the appellant's view.
20. Paragraph 88 of the Framework supports the development of land-based rural businesses, and paragraph 85 says that significant weight should be given to the need to support economic growth taking account of local business needs and wider opportunities. The development could employ up to six staff to manage the dogs and may allow for dog owners to return to work. However as set out above, as I am not satisfied that there is a demonstrable unmet need for the facility, I could not conclude that there is a local business need that would warrant the significant weight suggested. Nonetheless, I accept that there is some moderate economic benefit of the development.
21. Some tree and hedge planting is proposed which would slightly exceed that required statutorily by BNG regulations. Also, although it is suggested that the facility alleviates pressure on the nearby Thames Basin Heath Special Protection Area (SPA), there is no substantive evidence to support this, such as where clients live or how likely they are to walk their dogs on the SPA. Therefore, the environmental benefits are limited.
22. The facility provides a place for dogs to run and play off-lead or be un-muzzled, and it is understood that this may not otherwise be possible for some dogs. The benefit to dog welfare is a matter I give moderate weight to.

Green Belt Balance

23. The development is inappropriate in the Green Belt and harms openness. These factors carry substantial weight. The lack of harm to the character and appearance of the area is of neutral weight.
24. Balanced against that are the other considerations set out above. Overall, I find that they do not clearly outweigh the harms to the Green Belt. They do not therefore amount to the very special circumstances required to justify the development.

Conclusion

25. The development fails to accord with the development plan taken as a whole. There are no material considerations that indicate a decision otherwise than in accordance with the development plan. As such, the appeal is dismissed.

Andrew Owen

INSPECTOR