



Appeal Decision

Site visit made on 13 January 2026

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st April 2026

Appeal A Ref: APP/W1525/W/25/3373079

Round Farm, Goatsmoor Lane, Stock, Ingatestone, Essex CM4 9RS

- 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 Tony Netherton of Stock Dogs against the decision of Chelmsford City Council.
 - The application Ref is 25/00849/FUL.
 - The development proposed is change of use of land to dog day care business including siting of two shipping containers and a caravan, associated parking and formation of new access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form includes comprehensive details about the development. In the interests of conciseness, in the banner header above I have taken the description of development from the decision notice as this accurately describes the development.
3. The change of use had already been implemented at the time of my site visit. I shall therefore proceed with the appeal on this basis.
4. The appellant states that the close-board fencing along the site boundary prior to the developments at the site. Although the close board fence is referred to in the description of development on the application form, it seems to form part of a description of the site rather and does not clearly indicate that planning permission is sought for the close-board fence. Furthermore, the close-board fence has not been included on the submitted drawings. As such, I am not persuaded that the close-board fence forms part of the appeal scheme and it therefore falls outside the scope of this appeal.
5. The appellant states that all of the items on the appeal site, including the containers, fencing, agility equipment and caravan, are non-permanent and reversible. Even if this is the case, full planning permission is sought for the change of use of the land including the siting of the containers and the caravan. I have therefore assessed these items against the relevant local and national planning policies.

Main Issues

6. The main issues are:

- whether or not the development would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (2024) (the Framework), including its effect upon the openness of the Green Belt; and
- if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether it is inappropriate development

7. The Framework establishes that new buildings and certain other forms of development in the Green Belt are inappropriate except in certain circumstances, which are listed in paragraphs 154 and 155. Policies DM6, DM10, S1 and S11 of the Chelmsford Local Plan (2020) (LP) are consistent with the Framework, insofar that they seek to prevent inappropriate development in the Green Belt. Policy DM6 also sets out exceptions for development in the Green Belt, which mostly follow the wording of the exceptions in the Framework.
8. The term 'building' includes any structure or erection, therefore the containers, caravan and post-and-rail fences can all reasonably be considered as 'buildings' for the purposes of the development plan and the Framework.
9. Paragraph 154(h)(v) of the Framework allows for a material change of use in the land, while Paragraph 154(b) allows for the provision of appropriate facilities in connection with a change of use, including buildings, for outdoor recreation. In both instances the Framework requires the development to preserve the openness of the Green Belt and not to conflict with the purposes of including land within it.
10. Openness is an essential characteristic of the Green Belt, and one of the fundamental aims of the Green Belt is to keep land permanently open. The Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the development and its size may be relevant¹.
11. It is not disputed that the appeal site was undeveloped prior to the change of use. The containers, caravan and area of loose chippings for vehicles have been situated where no structure previously existed. The post-and-rail fences are of a lightweight design however they enclose an area of land which was previously open. Despite the modest size of the appeal site, for these reasons, and because these features are visible to users of the farm, the development has undoubtably resulted in a reduction in both the spatial and visual openness of the Green Belt, although the reduction in openness would be limited due to the moderate size of the containers and caravan and the lightweight design of the fences. Nevertheless, even a limited reduction in openness would mean that the openness of the Green Belt is not preserved.

¹ Planning Practice Guidance, Paragraph: 001 Reference ID: 64-013-20250225

12. It is also not disputed that the appeal site constitutes grey belt land. Paragraph 155(a) of the Framework states that development that utilised grey belt land would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The Council accepts that the development does not fundamentally undermine the purposes of the Green Belt, including with regards to urban sprawl. Based on the evidence before me I have no reason to disagree.
13. However, for development in the grey belt paragraph 155(b) of the Framework requires there to be a demonstrable unmet need for the type of development. I acknowledge that the dog day care facility is popular, however no substantive evidence or analysis, including the capacity, or lack of, dog day care facilities in the area, has been provided. As such it has not been demonstrated that there is an unmet need for dog day care in the area.
14. The Council asserts that the appeal site is not in a sustainable location, having regard to the distance to the nearest bus stop. However, even if there was a bus stop immediately outside the appeal site, it is uncertain that customers of the dog day care facility would travel to and from the site on public transport with their dog. Nevertheless, the development does not satisfy paragraph 155(b) of the Framework for development in the grey belt for the reasons given above.
15. I have been referred to a planning application for an outbuilding for canine daycare in the Green Belt, planning application ref. 25/00845/FUL. However, full details of this application have been provided so I cannot be certain that the context of this scheme is directly comparable to the appeal development.
16. I have also been referred to alleged unauthorised developments nearby. However, the presence of alleged or actual unauthorised development would not justify the appeal scheme.
17. Due to the reduction in openness the development does not satisfy paragraphs 154(b) or 154(h)(v) of the Framework. Furthermore, as a demonstrable unmet need for the development has not been identified the development does not satisfy paragraph 155(b) of the Framework. Consequently, the development constitutes inappropriate development.

Other Considerations

18. The dog day care facility provides a service to local residents and their dogs, placements for college students, employment opportunities on a contractor-basis and makes contributions to charities. I attach significant weight to these benefits.

Other Matters

19. I acknowledge the Council's concerns regarding the accuracy of the submitted drawings and the red line boundaries, however I note that the Council validated and determined the application based on those drawings. Nevertheless, as I am dismissing the appeal on other grounds, I do not need to consider this matter further.
20. I have no evidence before me to demonstrate that the current situation represents an improvement to biodiversity and habitats compared to the previously undeveloped agricultural field. In the event that the development has not harmed

biodiversity at the appeal site, the lack of harm is a neutral effect which does not weigh for or against the development.

21. Goatsmoor Lane has been identified by the Council as a Protected Lane, and as such is classified as a non-designated heritage asset. Goatsmoor Lane scores highly with regards to biodiversity, which contributes positively to its significance. The Council has not objected with regards to the effect of the development on the protected lane and based on the evidence before me I have no reason to disagree.
22. The appellant asserts that no complaints have been received relating to noise or traffic and no trees have been removed, and I note that the Council has not objected on these grounds. However, this would represent a lack of harm which does not weigh for or against the development.
23. Animal Welfare Licencing is separate to the planning process. Any concerns in this matter, or with regards to the Council's actions during and after the determination of the planning application, would be a matter for the Council in the first instance. I have focussed solely on the planning merits of the appeal scheme.

Planning Balance and Conclusion

24. The development causes harm to the Green Belt by way of inappropriateness, the assessment of which also identified that openness has been harmed. In accordance with paragraph 153 of the Framework, I attach substantial weight to the harm caused in this regard. I find that the other considerations in favour of the appeal fall short of clearly outweighing the harm identified. As a consequence, the very special circumstances necessary to justify the development do not exist. The development therefore does not accord with LP Policy DM6, the aims of which I have set out above. The development also conflicts with LP Policies S1 and S11 insofar as they require development to protect the Green Belt.
25. Part A of LP Policy DM10 relates to the change of use of land and buildings in the Green Belt. However, Part A only refers to the use of land within the curtilage of a building being converted. The development does not include a change of use or conversion of a building, and as such Policy DM10 is not determinative in this case.
26. The Council cannot demonstrate a five-year housing land supply. This is below the minimum level required and with reference to paragraph 11 d) of the Framework, consideration of the presumption in favour of sustainable development is needed.
27. Paragraph 11d)i) of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development. Footnote 7 of the Framework confirms that areas or assets of particular importance include land designated as Green Belt.
28. The development constitutes inappropriate development in the Green Belt and the very special circumstances necessary to justify the development do not exist. This therefore represents a strong reason to refuse the development.
29. I therefore conclude that the development conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be

decided other than in accordance with it. The appeal should therefore be dismissed.

D Ellis

INSPECTOR