



Appeal Decision

Site visit made on 21 July 2026

by **A A Phillips BA(Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 August 2026

Appeal Ref: APP/X4725/C/25/3361281

Wragby Grange, Doncaster Road, Wragby, Wakefield

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Christopher Beech against an enforcement notice issued by the Council of the City of Wakefield.
- The notice was issued on 24 January 2025.
- The breach of planning control as alleged in the notice is the change of use of the Land from agricultural use to use for the exercising and/or training of dogs and ancillary operational development comprising of erection of 2 shelters.
- The requirements of the notice are to:
 - I. Cease the use of the Land for exercising and/or training dogs.
 - II. Remove from the Land the two shelters shown hatched black on the attached plan.
- The period for compliance with the requirements is 8 weeks.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (f) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. The time for compliance with the requirements in paragraph 6 of the Notice is “8 weeks days”. The evidence before me is that this is a typographical error and the time period should be “8 weeks”. This can be corrected without causing injustice to either main party.
2. At my site visit I noted that one of the field shelters has been removed, but because both are the subject of the enforcement notice I shall consider the whole development as the matters which appear to constitute a breach of planning control in this case.
3. Since submitting the appeal, the appellant has considered the case under ground (g) and agree that the time for compliance of 8 weeks could be achieved. Consequently, the appeal on ground (g) does not require further consideration.

The appeal on ground (c)

4. The ground of appeal is that the matter alleged does not constitute a breach of planning control. The material change of use of land comprises development for which planning permission is required if such change is material in planning terms.
5. The land can accommodate up to 16 dogs at a time being exercised between around 0900 to 1200 and then from around 1330 to 1530 each day. The appellant draws attention to a previous Inspector’s conclusions that the use would have only “ephemeral” effect and contends that the use would be “no perceptible material change”. The agricultural use of the land would remain with it being harvested for hay. However, the use is for commercial purposes for dog exercising and training.

As such a material use of the land has taken place for which no planning permission has been granted and the appeal on ground (c) cannot succeed with respect to the use of the land.

6. The field shelters comprise relatively small pitched-roof timber structures which are not physically fixed to, but instead rest on, the ground. They have timber external walls on 3 sides with a timber seat. The Council contends that the shelters are permanent and ancillary to the alleged use which continues throughout the year and therefore, considers them to be operational development.
7. Even though the field shelters do not have foundations and could technically be moved, the evidence shows that one has stayed in the same place for a considerable time. Because of this, it has a permanent presence on the land. Although the second shelter has now been removed, the fact that a structure can be moved does not mean it is not development. Therefore, in my judgement the field shelters are operational development associated with the use of the land, and the appeal under ground (c) is not successful.

The appeal on ground (a)

8. The ground of appeal is that planning permission should be granted. The main issues are:
 - i. Whether the development is inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework);
 - ii. The effect on the openness of the Green Belt;
 - iii. The effect on the living conditions of the occupants of nearby residential properties with particular reference to noise;
 - iv. Whether it can be demonstrated that the development makes provision for biodiversity net gain (BNG) of 10%; and
 - v. If the development is inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, or any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Whether inappropriate development

9. The Government attaches great importance to the Green Belt and its essential characteristics of openness and degree of permanence. Substantial weight should be given to any harm to the Green Belt, including harm to its openness.
10. Policy SP3 of the Wakefield District Local Plan 2026 Volume 1 Development Strategy, Strategic and Local Policies Adopted 24 January 2024 (the LP) requires development in the Green Belt to conform to Local Plan and national planning policy relating to the Green Belt. SP22 confirms the extent of the Green Belt in Wakefield.
11. The Framework states that the construction of new buildings as inappropriate in the Green Belt. Exceptions include 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. It goes on to confirm that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include material changes in the use of land.

12. In this case, the development the subject of the Enforcement Notice comprises the material change of use of land from agriculture to the exercising and/or training of dogs. The main parties agree that this is not inappropriate development as it is for outdoor recreation purposes. Indeed, similar use for dog day care has been allowed in adjacent buildings and fields at Wragby Grange.

Openness

13. Although the actual use and associated activities, such as the presence of dogs and their handlers, has no impact on the openness of the Green Belt, there are two shelters used by dog handlers. As I have set out above, these constitute operational development and up to the date the Notice was served, they were permanent features. To the extent that they were buildings where there were previously none, to a limited degree they detracted from the openness of the Green Belt because they had a visible physical presence on the land.
14. Therefore, although the shelters are appropriate facilities for outdoor recreational purposes, in my judgement they detract from the openness of Green Belt and the development as a whole is inappropriate in the Green Belt.

Living conditions

15. Among other objectives, Policy LP56 of the LP requires new development to have no significant detrimental impact on the amenity of neighbouring residents. LP67 also seeks to control pollution.
16. It is my understanding that the additional dog area would not result in any intensification in the number of dogs at Wragby Grange. In addition, a recent planning appeal concluded that the use does not result in unacceptable harm to the living conditions of nearby residents. The Noise Impact Assessment (NIA) submitted confirms that the paddock would accommodate a maximum of 16 dogs at any time, but it is likely that the number would be lower. Dog exercising involves running, walking and interacting in the field whilst duty staff monitor activities.
17. The NIA is robust in its assumptions and its conclusions that noise levels are below background noise levels at the nearest sensitive receptors. Indeed, at my site visit when the dog day care business was open, most dogs were exercising in the open paddock and others were being exercised off-site, there was little audible dog noise on entering the site and for the duration of my visit.
18. Therefore, taking account of the range of evidence available, on this issue I conclude that the development does not have a harmful effect on the living conditions of the occupants of nearby residential properties with particular reference to noise. As such, it accords with Policies LP56 and LP67 of the LP.

BNG

19. Policy LP56 of the LP and the Wakefield District BNG Supplementary Planning Document (the SPD) require proposals to provide a minimum net gain of 10% of the current ecological value of the site, except on householder proposals. However, the SPD goes on to state that “Biodiversity Net Gain has not been commenced yet for planning permissions which have been granted through other routes to permissions. These include successful enforcement appeals.
20. Based on the above, the mandatory BNG requirement does not apply to the development the subject of the enforcement notice and it would be excessive and unjustified for it to be material should I find in favour of the development. Consequently, I find that there is no requirement for it to be demonstrated that the development makes provision for biodiversity net gain of 10%.

Other considerations

21. The appellant has not submitted evidence that there are other considerations so as to amount to the very special circumstances required to justify the development.

Conclusion on Ground (a)

22. I conclude that the development is inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be some harm to the openness of the Green Belt. I have concluded that there is no harm to the living conditions of the occupants of nearby residential properties and no requirement to demonstrate that the development makes provision for BNG. These are therefore neutral in the planning balance. There are no other considerations that clearly outweigh the overall harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
23. Therefore, the development conflicts with Policies SP3 and SP22 of the LP, which seek to protect the Green Belt from inappropriate development. Although there would be no harm with respect to living conditions or biodiversity net gain, the development would not accord with the development plan taken as a whole. Therefore, the appeal on ground (a) fails.

The appeal on ground (f)

24. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve the purpose. The purposes of an enforcement notice are set out in s173 of the Act and are to remedy the breach of planning control (s174(4)(a)) or to remedy injury to amenity (s173(4)(b)). Since the notice requires the use to cease and the two shelters to be removed, the purpose is clearly to remedy the breach. Leaving any part of the development in place would not achieve the purpose.
25. The appellant argues that they would benefit from permitted development rights to use the land for up to 28 days in any calendar year for the unauthorised use. It is further argued that the field shelters could be sited during such temporary periods. If the appellant meets the requirements of the Notice and ceases use of the Land for exercising and / or training dogs, there would remain permitted development rights under Schedule 2, Part 4 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO)

to use the land for any purpose for not more than 28 days in total in any calendar year, subject to relevant restrictions and conditions.

26. The field shelters are operational development which require removal. Under Schedule Part 4 Class A, the provision on land of buildings, moveable structures, works, plant or machinery required would be permitted development subject to the restrictions and conditions set out in the GPDO.
27. Therefore, the steps required are not excessive to achieve the purposes and the appeal on ground (f) fails.

Formal Decision

28. The enforcement notice is corrected by the deletion of the word “days” from paragraph 6. Subject to this correction the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made.

A A Phillips

INSPECTOR