



---

## Appeal Decision

Site visit made on 23 March 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

---

Appeal Ref: APP/K3415/W/20/3264866

Land to the east of Tithe Barn Lane, Goosemoor Green, Nr Chorley, Staffordshire WS15 4LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Jeffrey against the decision of Lichfield District Council.
  - The application Ref 20/01299/COU, dated 21 September 2020, was refused by notice dated 17 November 2020.
  - The development proposed is change of use to dog walking field.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the change of use to a dog walking field at land to the east of Tithe Barn Lane, Goosemoor Green, Nr Chorley, Staffordshire WS15 4LR in accordance with the terms of the application, Ref: 20/01299/COU, dated 21 September 2020 subject to the conditions in the attached schedule.

### Application for costs

2. An application for costs was made by Mr A Jeffrey against Lichfield District Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
  - The effect on the openness of the Green Belt.
  - If the development is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by any other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

### Reasons

#### *Inappropriate development*

4. The appeal site is a piece of land approximately 1.2 hectares, proposed to be used as a dog walking field. There is an existing vehicle access from the highway and an area of hardstanding where vehicles would be parked. The site

- would be enclosed by 2m high deer fencing to keep dogs from roaming other than in the exercise field.
5. The appeal site is located within the Green Belt. Material changes in the use of land are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The change of use of land to a dog walking field as proposed in this appeal is not included in the examples mentioned in paragraph 146 of the Framework but could be considered to be a change of use for outdoor sport/recreation purposes.
  6. Therefore, it is necessary to assess whether the proposals harm the openness of the Green Belt, or conflict with the purposes of including land within it.

### *Openness*

7. A fundamental aim of Green Belt policy, as set out in the Framework, is to keep land permanently open. Openness can be considered as meaning an absence of built or urbanising development.
8. The site would comprise of a large field, with fencing surrounding it, which according to the evidence would not be solid or close boarded fencing. The proposals would entail no physical works to the field, except I would assume for mowing and in that regard that would have no effect on openness.
9. It is proposed that booking will be required to utilise the facility, in hourly slots, of which 50 minutes would be for exercise, and the remaining 10 minutes to be used to ensure customers did not attend and leave at the same time. Bookings would be for a maximum of one car, two people, and a maximum of four dogs. Such comings and goings, and the parking of vehicles, could give rise to visual impact, which in turn would affect openness.
10. However, the field could reasonably be used for the grazing of animals on a permanent or regular basis. I would consider that vehicle movements associated with the appeal proposal would be similar to the movements associated with the agricultural use as the use of land for livestock could entail a number of daily visits at various times and would involve vehicles or agricultural machinery.
11. On balance, I therefore conclude that the use of the site for dog walking purposes would preserve the openness of the Green Belt.

### *Other Considerations*

12. Paragraph 83 of the Framework seeks to support the sustainable growth of all types of business and enterprise in rural areas. The proposals are entirely consistent with the Framework in this regard.
13. Paragraph 141 of the Framework states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking at opportunities to provide access, to provide opportunities for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity or to improve damaged and derelict land. The Courts have held that the compliance of development proposals with this paragraph is capable of being a material consideration in the overall balance.

14. The site would be secure and as such I consider it would be unlikely that dogs would cause a hazard by running onto the highway, or in respect of any nearby grazing animals. As identified above, vehicular comings and goings would be minimal and as such there would be no effect upon highway safety.
15. The development, in terms of changing the use for the walking of dogs, constitutes appropriate development in the Green Belt. These other considerations alone are, in my view, sufficient to clearly outweigh any harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do exist.
16. Overall, I find that the proposal is consistent with Policies BE1, CP1, CP2, CP3 and NR2 of the Lichfield Local Plan Strategy (2015), which, amongst other matters, expect development to protect and enhance the character and distinctiveness of the district and retain the openness of the Green Belt

#### Conditions

17. The Council have suggested a number of conditions that it considers would be appropriate in the event I was minded to allow the appeal and I have considered these in light of the Framework.
18. Conditions are necessary in respect of timescales for the works and compliance with the submitted plans for the avoidance of doubt and in the interests of proper planning.
19. A Condition is also required in respect of operating hours, and numbers of dogs and vehicles in the interests of highway safety and living conditions of neighbouring residents.
20. Finally, in the interests of maintaining the openness of the Green Belt I agree that it would be necessary to prevent the storage of related equipment on the site.

#### Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Paul Cooper*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby approved shall be begun before the expiration of three years from the date of this permission.
- 2) The development authorised by this permission shall be carried out in complete accordance with the approved plans and specifications :-  
Site Location Plan  
Proposed Access and Parking Plan  
Proposed Fence Detail  
Any modification to the above shall be submitted and approved in writing by the Local Planning Authority, prior to its modification
- 3) The premises shall be available for customers between the hours of 0700 and 1900 daily. All customers must have booked in advance of any exercise visit. A booking slot shall last 50 minutes, and a 10-minute gap must be left between booking slots. No more than two customers and four dogs shall be exceeded at any time.
- 4) All equipment used during operational hours shall be completely removed from the site outside of the allowed operational hours.

END OF SCHEDULE



## Costs Decision

Site visit made on 23 March 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

---

Costs application in relation to Appeal Ref: APP/K3415/W/20/3264866  
Land east of Tithe Barn Lane, Goosemoor Green, Nr Chorley, Staffordshire  
WS15 4LR

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr A Jeffrey for a full award of costs against Lichfield District Council.
  - The appeal was against the refusal of planning permission for change of use to dog walking field.
- 

### Decision

1. The application for an award of costs is refused.

### Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) indicates that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.
4. The applicant states that **the Council's reason for refusal does not** stand up to scrutiny and makes assertions unsupported by objective analysis and have prevented/delayed development that should have been permitted.
5. The Council argue that the case and the reason for refusal were clearly outlined in the delegated report, and with regard to other approvals, each case is considered on its own merits. It was also not considered appropriate to carry out further discussions with the application for the reasons outlined in the delegated report and the application was dealt with in the time frame allocated for such an application.
6. **The Council's reason for refusal is complete, well founded and specific to the** application. The reasoning was substantiated by the Council in its officer report and they were entitled to make a planning judgement based on the information in front of them to determine the prior approval application. I do not find the **Council's approach to be unreasonable, nor have they unreasonably prevented** or delayed the development.
7. **I may not agree with the Council's interpretation, but it was not an** unreasonable position for the Council to take and merely a planning judgement.

8. I therefore conclude that for the reasons set out above, unreasonable behaviour during the process has not been demonstrated by the Council. For this reason, an award for costs is therefore not justified.

*Paul Cooper*

INSPECTOR