



Appeal Decision

Site visit made on 20 May 2025

by **N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 June 2025

Appeal Ref: APP/B3438/W/25/3359213

Land off Caverswall Road, Caverswall, Staffordshire ST11 9EL

- 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 Jessica Jones against the decision of Staffordshire Moorlands District Council.
 - The application Ref is SMD/2024/0165.
 - The development proposed is described as “Change of use to part of the land for use as enclosed secure dog walking field (resubmission of SMD/2023/0179)”.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site address in the banner heading above is taken from the Council’s decision notice rather than the application form as it is more comprehensive. I have also included a postcode for clarity.

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, including assessing the effect of the proposal on the openness of the Green Belt; and
 - the effect of the proposal on the living conditions of nearby residents with regard to noise and disturbance.

Reasons

Whether inappropriate development

4. The appeal site lies within the Green Belt. Policy SS10 of the Staffordshire Moorlands Local Plan 2020 (the LP) sets out that development proposals within the Green Belt will be strictly controlled allowing only for exceptions as defined by Government policy.
5. The Framework establishes that development in the Green Belt is inappropriate other than for specified exceptions that are set out in paragraph 154. Exceptions include, amongst other things, paragraph 154 h)(ii), engineering operations and (v), material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) and the development

preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

6. The appeal site comprises a field and the use of the land for dog walking would be a form of outdoor recreation. The post and wire fence which surrounds the proposed dog walking area is commonly used in rural landscapes and the nature of its construction allows visibility through it. As a result, the design of the fence ensures that it preserves the openness of the Green Belt. No other buildings or structures are proposed and although it is suggested that dog agility equipment could be brought onto the land, a suitably worded planning condition to accord with paragraph 57 of the Framework would prevent this. As such, the proposal complies with paragraph 154 h)(v) of the Framework.
7. A small hardstanding area next to the existing vehicle access is proposed and would allow two vehicles to park and turn within the site. Vehicles parked on the hardsurface would be limited to two at any one time and only when the site is being used by customers or times of maintenance. In addition, although the parking area is close to the road, it would be largely screened from view by the tall, established hedgerows on the site frontage and the side boundary, adjacent to the Scout Hut. Accordingly, the proposal complies with paragraph 154 h)(ii) of the Framework.
8. Overall, for the above reasons, I conclude that the proposal would preserve the openness of the Green Belt in visual and spatial terms and would not conflict with the purposes of including land within it. Therefore, I conclude that the proposal does not constitute inappropriate development in the Green Belt, and it would comply with the Green Belt protection aims of the Framework, and Policies SS1, SS10, DC1 and DC3 of the LP.

Living conditions

9. Despite the proximity of the appeal site to the edge of the village, the site reflects its countryside location, largely surrounded by fields. As a result, it has a tranquil, rural character, with limited background noise levels.
10. The nearest residential properties to the appeal site are located on Mill Close. Indeed, the upper floor rear windows of a number of residential properties on Mill Close have an outlook towards the site. Likewise, the rear gardens of those properties are also a short distance from the appeal site.
11. The proposal would operate between 08.00 and 20.00hrs from April to September and between 08.00 and 16.00hrs from October to March. Each session would be booked online and would be limited to no more than 50 minutes in duration, with a 10-minute gap between sessions to enable the users to leave the site before the next customer arrives. Access to the field would be via a pin code on the gate, with vehicle spaces provided.
12. While the number of dogs using the field could be restricted to no more than two dogs at any one time, it is reasonable to expect that even two dogs could generate a degree of noise and disturbance during each time slot. Such noise would be intermittent and unpredictable and could occur repeatedly throughout the day when different dogs are using the field, causing irritation and disturbance in this otherwise peaceful rural location.

13. The rear boundaries of neighbouring properties are set away from the appeal site, but the land is open and there is clear intervisibility between the upper floor rear windows of neighbouring properties and the appeal site. There are minimal features that would act as an acoustic barrier between the two, and I note that no such features are proposed. As such, due to the juxtaposition of the appeal site with neighbouring properties, residents would be exposed to barking dogs throughout the day, causing inevitable, adverse disturbance. The conditions suggested by the appellant, which would restrict the operation hours and the number of dogs using the site at any one time, would not suitably mitigate the adverse effects.
14. For the above reasons, I conclude that the proposal would harm the living conditions of nearby residents with regard to noise and disturbance. As such, it would conflict with Policy DC1 of the LP, which amongst other things, requires new development to protect the amenity of the area and residential amenity in terms of noise.

Other Matters

15. The appellant has identified that the Council has raised no objections in respect of highway safety, loss of light, privacy or outlook to neighbouring properties, or from an ecology and biodiversity net gain perspective. I see no reason to disagree with the parties on these matters.
16. The use of the land for recreational purposes would make beneficial use of the land and support a small private business in a rural area, as supported by the Framework. It would also encourage and increase the provision of outdoor recreation on the site in a safe and secure facility. Therefore, there would be social and economic benefits, and the proposed landscaping works would provide biodiversity and visual improvements to the immediate surroundings. However, these improvements would be modest and in the context of the small-scale nature of the appeal scheme I only attach limited weight to the highlighted benefits.
17. Overall, while the proposal would not constitute inappropriate development in the Green Belt, it would cause harm to the living conditions of neighbouring occupiers and would conflict with the development plan as a whole. The conflict with the development plan in this respect carries significant weight and I have found no other material circumstances that would outweigh that conflict.

Conclusion

18. For the reasons given above the appeal should be dismissed.

N Bromley

INSPECTOR