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## Appeal Decision

Site visit made on 13 July 2017

**by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11<sup>th</sup> August 2017**

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**Appeal Ref: APP/B9506/W/17/3172520**

**Land at Stable Cottage, Ringwood Road, Bartley SO40 7LD**

- 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 Jeanette Muldoon against the decision of New Forest National Park Authority.
  - The application Ref 16/00611, dated 18 July 2016, was refused by notice dated 29 September 2016.
  - The development proposed is the continued use of land and buildings for dog training.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application description detailed a lengthy justification for the proposal which the Council changed to make more concise and relevant. For the sake of accuracy, the Council's description of the proposal has been detailed above. As it has been accepted by parties that the use has commenced, the proposal has been considered on this basis.

### Main Issues

3. The main issues are the effects of the development on (a) the character and appearance of the New Forest National Park, having regard to whether the scheme would preserve or enhance the character or appearance of the Forest North East Conservation Area, (b) the living conditions of the occupiers of neighbouring residential properties, with reference to noise and disturbance and (c) the location of the business development within the National Park, taking into account local and national policy.

### Reasons

#### *Character and appearance*

4. The appeal site comprises an outbuilding, paddock land and a frontage gravelled area. To the side of the site, there is Stable Cottage also within the control of the Appellant. Despite vegetation around the perimeter, the site including the northernmost paddock would be visible from the road through the entrance into the site. There are residential dwellings adjacent and opposite the site. The appeal site and its surroundings lie within the Forest North East Conservation Area and the New Forest National Park.

5. The Forest North East Conservation Area comprises the settlements of Copythorne, Winsor, Netley Marsh, Bartley and Woodlands, within areas of countryside including paddock, field, hedgerow and woodlands. The main part of the forest lies adjacent to the western boundary of the Conservation Area. There are also many dwellings and other buildings sporadically dispersed within the surrounding countryside. The range of buildings is varied with both traditional and more recent development but there is a distinctly attractive rural quality to the Conservation Area. The countryside quality is of significance and value and of special interest to the Conservation Area.
6. The scheme is for the continuation of dog care and training facilities. Based on the appeal documentation, the land subject to the change of use would have been likely to have been mainly agricultural with some land, including a gravel parking area, in residential use associated with Stable Cottage. As such, the site would have made a positive influence to the quality of the Conservation Area.
7. The Appellant's Noise and Traffic Statement (NTS) indicates that the day care facility is during the typical working week between 08:00 and 16:00 hours with no more than 15 dogs. The dogs are located in the northern part of the paddock for the majority of the day, with an outbuilding being used for shelter if necessary. Dog training takes place on Wednesday evenings for about an hour during the summer with a maximum of 10 dogs and on Saturdays for about two hours between late morning and early afternoon throughout the year with again a maximum of 10 dogs. During the peak seasons, there would only be one Wednesday and one Saturday training session per month.
8. Measures have been put in place to minimise the dropping off and the collection of dogs both for the day care and training. Most of the day care dogs are collected by staff from owners and brought to the site, with 5-6 dogs being dropped off by owners. Similarly these dogs are mostly dropped off to the owners at the end of the day, with 3-4 dogs being collected by owners between 16:00 and 18:00 hours (according to the NTS). For the dog training, owners are instructed not to park on the premises, instead being required to walk to the premises. Nevertheless there would still be a significant number of comings and goings of both staff and customers with day care dogs which would be noticeable even with these measures. The walking trips of dogs into the facility for training would add to the visibility of a business being carried out on the site.
9. Ringwood Road runs directly past the site and would carry traffic on a regular basis throughout the day. However such traffic generally passes through whilst the vehicles associated with the business would slow down to enter the site, to drop off dogs and collect them in the morning and afternoon, and then leave the site. Consequently such traffic movements are clearly identifiable from those on the main road. Additionally there are the dog care and training activities on the site. Given the visibility of the site, such a level of business activity introduces an incongruous presence into this rural area and conflicts with the identified countryside qualities of the Conservation Area.
10. The appeal development is also within a National Park. Paragraph 115 of the National Planning Policy Framework (the Framework) states great weight should be given to conserving landscape and scenic beauty in National Parks which have the highest status of protection in relation to landscape and scenic

beauty. In this case, the business activities in terms of comings and goings of vehicles and the activities on the site would encroach into the scenic beauty of the National Park.

11. In conclusion, the development fails to preserve the character and appearance of the Forest North East Conservation Area and harms the scenic beauty of the National Park. Accordingly the scheme conflicts with policy DP1 of the New Forest National Park Authority Core Strategy and Development Management Policies Development Plan Document (DPD) 2010, which amongst other matters, requires the demonstration of high quality design, the enhancement of local character and distinctiveness, development to be appropriate and sympathetic in form and to respect the natural and built environment and landscape character.
12. In terms of the Framework, the proposal results in less than substantial harm to a heritage asset. Paragraph 134 of the Framework states the harm should be weighed against the public benefits of the proposal. I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area in accordance with the statutory duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the reasons already indicated, there would be an adverse effect on a heritage asset. The business employs two staff and the business would contribute to the economy. Socially, the service provides facilities beneficial to members of the public. Additionally the training of dogs in the New Forest where disturbance to wildlife by dogs can be an issue would also be environmental benefit. However considerable importance and weight has to be attached to the desirability of preserving assets. Consequently the less than substantial harm would not be outweighed by the public benefits.

#### *Living conditions*

13. There are residential properties near the site, including Bartley Farm House adjacent to the site. Measures have been put in place to minimise any noise and disturbance impact on the living conditions of neighbours. Traffic movements would be reduced by staff picking up and collecting dogs and for training, owners would walk their dogs to the site. Dogs are kept in the part of the site furthest away from nearby residential properties and members of staff accompany the dogs so that they are never alone.
14. Staff can minimise noise and disturbance through training methods, including dog barking, but it is in their nature for dogs to bark especially when they detect other dogs. Furthermore there is some dropping off and collection of dogs by customers who may be less adept at keeping dogs quiet. In the case of dog training, there could also be further opportunities for dogs to bark given the group nature of such sessions with both owners and trainers. The dogs would be kept in the northern part of the site but it has not been demonstrated that noise from barking would not carry to adjacent residential properties especially given that the dogs have to be walked to and from to the gravelled parking area on the site's frontage.
15. There is noise generated by traffic along the main road but dog barking noise is of a different nature. In this regard, the unexpected intermittent nature of barking could be quite irksome and annoying especially for neighbouring residents using their outdoor garden areas. Furthermore traffic noise would not necessarily be a constant throughout the day despite the road classification

of the main road. The Council's Environmental Protection Team has received no complaints but the lack of them cannot be relied upon to deem a development acceptable. Planning is concerned with the living conditions of both current and future residents, and works of this nature are of a permanent long term nature. In any case, there is a local objection from a resident to the unneighbourly impact of current dog barking from the site. Given this property's proximity, I attach significant weight to this objection.

16. In conclusion, the development harms the living conditions of residents by reason of noise and disturbance. Accordingly the scheme conflicts with policy DP1 of DPD, which amongst other matters, requires the demonstration of a high quality development and no adverse impacts associated with noise pollution.

#### *Location of development*

17. DPD Policy CP14 states that outside defined villages, small-scale employment development that helps the well-being of local communities will be permitted. However, irrespective of whether the development entails small-scale employment or helps community well-being, the policy states that permission is dependent upon the re-use or extension of existing buildings, the redevelopment of existing business use employment sites, farm diversification schemes and through home-working.
18. Although some use of an outbuilding is made, the proposal is mainly the change of use of land as evidenced in the red-edged plan accompanying the application. It does not include Stable Cottage and its associated outbuildings. Therefore it would not fall within any of the situations specified within the policy for which permission under this policy is dependent upon. Similarly even if the change of use maintains the land-based economy as a business, contributes to the understanding and enjoyment of the National Park's Special Qualities, the development still fails to comply with the policy for the reasons indicated.

#### *Other matters*

19. Under the Framework, government policy supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable development. As previously indicated, there are economic, social and environmental benefits. However there would adverse impacts to a heritage asset, a National Park and the living conditions of the occupiers of neighbouring properties for the reasons indicated which outweigh any such benefits. The scheme does not amount to sustainable development.
20. Comparison has been made to farm shops in terms of similarity to the appeal development. However they are different form of developments in the countryside which should be ancillary to main agricultural activities on their sites. There may be situations where farm shops do not have an ancillary function but there may be a variety of reasons for this. As no specific examples have been brought to my attention, I am unable to comment on such cases. Nevertheless the application before me is for a different type of development and has been considered on its particular planning merits.

**Conclusion**

21. Having regard to the above and to all other matters raised, I conclude that the appeal should be dismissed.

*Jonathon Parsons*

INSPECTOR