



Appeal Decision

Site visit made on 5 July 2021

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2021

Appeal Ref: APP/F1610/W/21/3271888

Scrubbets Farm, Scrubbets Lane, Bagpath, Gloucestershire GL8 8YG

- 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 R Hazell against the decision of Cotswold District Council.
 - The application Ref 19/04052/FUL, dated 31 October 2019, was refused by notice dated 12 November 2020.
 - The development proposed is the change of use and alterations to existing agricultural buildings to dog kennels.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and the tranquillity of this area of the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

3. The proposal is for the change of use of some agricultural buildings to dog kennels. There would be no significant physical alterations to the buildings or site layout, though there would be the traffic associated with the proposed business and also the impacts of keeping a large number of dogs at this site, particularly through the noise from barking.
4. The site is within the Cotswolds AONB, in what is a distinctly rural area. There are some dwellings and Scrubbets Farm within Bagpath, but otherwise it is mainly agricultural land and woodland in this area, being primarily a natural landscape.
5. Paragraph 176 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty. An aspect of this landscape character is its tranquillity.
6. Furthermore, policy EN5 of the Cotswold District Local Plan states that "the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight." Furthermore, the supporting text refers to the Cotswolds AONB Management Plan 2013-2018 in its list of special qualities of the Cotswold AONB, which includes the tranquillity

of the area. The updated Cotswolds AONB Management Plan 2018-2023 has a desired outcome that tranquillity is 'conserved and enhanced' with an avoidance of noise pollution. Policy CE4 also states that '*Proposals that are likely to impact on the tranquillity of the Cotswolds AONB should have regard to this tranquillity, by seeking to (i) avoid and (ii) minimise noise pollution and other aural and visual disturbance.*' (Page 20).

7. Although not local policy, the Cotswolds AONB Management Plan does provide evidence and guidance, making clear that tranquillity is one of the special qualities of the Cotswolds AONB. There is no standard definition of tranquillity, but the Management Plan provides a definition being that it is a state of calm and quietude associated with peace. It is experienced in places with mainly natural features and activities, free from disturbance from man-made ones. In the context of the Cotswolds, I would generally agree with this definition.
8. Given the nature of the site and its surroundings I would describe it as being particularly tranquil, with very little background noise other than from birds for example. In my opinion, it is an area relatively undisturbed by noise from human sources. There is a low level of traffic along Scrubbets Lane. From the evidence submitted I do not conclude that the farms in the area would be particularly noisy, even if the buildings proposed for the kennels were returned to active farming use. From my time on site and from the evidence submitted I consider it unlikely that the agricultural activity in the area would significantly lessen the tranquillity of the site that I experienced. There would be other events and hunt activities, though from the evidence these seem to be infrequent. Furthermore, there may well be pet dogs in the area, which may bark, but their cumulative impact to local tranquillity is limited as there are few dwellings in this hamlet and so unlikely to be many pet dogs. Generally, I would regard this as an area where currently the tranquillity is not significantly disturbed by man-made noise.
9. However, the noise from the proposed kennel dogs at the site would produce a considerable noise, which would not sound natural to this area. This would be particularly when the dogs are in outdoor areas, with the internal areas proposed to include sound proofing and other forms of mitigation. It is likely that there would be dogs in external areas quite frequently, where any barking would not be mitigated as effectively.
10. An acoustic report has been submitted with this appeal, which indicates that noise from the dogs would unlikely result in excessive noise and disturbance to occupiers of the nearest neighbouring dwellings, due to the separation distances. However, Scrubbets Lane passes close to the site which the public use, including for recreational purposes such as walking, cycling or horse riding, with there being a network of 'right of way' routes in the area. Indeed, I observed walkers in the area on my site visit. Their appreciation of what is currently a very tranquil part of the Cotswolds AONB would be significantly and adversely impinged by the noise and disturbance of dogs at the site. Indeed, the acoustic report demonstrates the anticipated increased level of noise above existing background levels near the site (including along the closest area of Scrubbets Lane) if the buildings were used as kennels, particularly when any dogs were outside.
11. Furthermore, as described above, Scrubbets Lane has a low level of traffic, based on my observations and the evidence before me. However, it is very

- likely that the traffic levels on this minor rural road would discernibly increase if there were kennels in this location. This would also contribute towards the erosion of the tranquillity of this area, through increased activity and engine noise, for example.
12. The appellant has highlighted the potential of a conversion of the buildings to a flexible commercial use under Class R of the General Permitted Development Order. Depending on the floor area, this may require prior approval from the Council. However, I understand that this is not required if the building is under 150sqm in floorspace. The appellant states that this is a fallback position, but there are no substantive details as to what type of commercial use the appellant would seek at this site or how likely such a conversion would be if this appeal is dismissed. I am not convinced this is a genuine fallback position that the appellant would likely pursue. In any case, due to the lack of detail I can make no satisfactory comparison in terms of the impact of the proposed development and the fallback alternative to the area's tranquillity. As such, I give this potential fallback position limited weight.
 13. The appellant has drawn my attention to the approved planning application 20/02374/ FUL on Land at Calmsden Estate, Calmsden, North Cerney. This approval, from the evidence provided, would result in increased vehicle trips on minor roads. However, this site is not in the same area as the appeal site, which I would consider as particularly tranquil. There are clear differences between the two schemes and so I give the comparison limited weight, with this case also being considered primarily on its own merits.
 14. The barking from the dogs may not be noisy when heard a distance away from the appeal site, but as this is a particularly tranquil area of the Cotswolds AONB the barking would likely result in an erosion of this tranquillity to a significant degree, which would undermine the positive character and special qualities of this part of the Cotswolds.
 15. The proposal is therefore contrary to Cotswold District Local Plan Policy EN5, as the special qualities/tranquil character of this part of the AONB would be neither conserved nor enhanced by the proposed development.
 16. The proposal would allow for farm diversification with potential economic benefits for other businesses in the area. There could also be some additional employment. The development would make efficient use of the agricultural buildings which appear currently redundant, with some visual improvements. However, these benefits do not outweigh the identified harm to the AONB, to which I must attribute great weight. The harm significantly and demonstrably outweighs the benefits.

Conclusion

17. For the reasons set out above, the appeal should be dismissed.

Mr S Rennie

INSPECTOR