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# Appeal Decision

Site visit made on 25 April 2023

**by J Hills MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: June 1, 2023**

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**Appeal Ref: APP/J9497/W/22/3309400**

**Land North East of Cator Gate, near Widecombe-in-the-Moor,  
Newton Abbot TQ13 7TY**

- 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 Andrew Power against the decision of Dartmoor National Park Authority.
  - The application Ref 0130/22, dated 19 April 2022, was refused by notice dated 14 June 2022.
  - The development proposed is change of use to a secure dog walking field including provision of a parking area and shelter.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I note the application has been dealt with retrospectively and at my visit I saw that some works had commenced. For the avoidance of doubt, I have determined the appeal on the basis of the plans before me.
3. It is clear from the officer's report that there has been a typographical error within the Council's decision where Policy P4.2 should have been referred to as Policy SP4.2. I have therefore assessed the appeal on this basis.

## Main Issues

4. The main issues are (i) whether the site is a suitable location for the development having regard to the provisions of local and national policy and its accessibility from local settlements; and (ii) the effect of the development on the character and appearance of the area.

## Reasons

### *Location*

5. The site is within an exposed countryside location some considerable distance from settlements or neighbouring properties. It is surrounded by fields and open moorland and is accessed via narrow country lanes. Amongst other things, overarching policies SP1.1 and SP1.2 of the Dartmoor Local Plan 2018-2036 (DLP) seek to promote opportunities for the understanding and enjoyment of the Special Qualities of the National Park (NP) by the public whilst minimising the need to travel. In the open countryside Policy SP1.3 of the DLP is accepting of proposals for farming, forestry and other land-based businesses where there is a proven need.

6. As part of the economic strategy, Policy SP5.1 of the DLP is supportive of new small-scale, low impact businesses in the countryside that are focussed on improving opportunities for the quiet enjoyment of the NP. Policy SP4.2 aims to support new public open space facilities in locations well-related to classified settlements. In respect of the rural economy, paragraph 84 of the National Planning Policy Framework (the Framework) says that decisions should enable the sustainable growth of all types of businesses in rural areas and the development of accessible local services and open space.
7. The site allows visitors to experience a moorland location, providing their dogs with safely contained off-lead exercise or training. However, even if the appellant's suggested conditions were to be imposed, including restricting opening times and the number of dogs and daily visitors, the use nevertheless introduces an untypically busy and domestic formality to the field. Consequently, the development is not focussed on improving opportunities for the quiet enjoyment and understanding of the NP's Special Qualities.
8. The appellant's views on the tensions between livestock and nesting birds and increased dog ownership or dogs not kept under close control on the moor are acknowledged. However, even if there were tensions and future byelaws were to introduce stricter dog controls, I have not been provided with any substantive evidence to demonstrate that dogs kept under close control cannot currently be safely or appropriately exercised in any other part of Dartmoor's open countryside.
9. Although there would be minor economic benefits generated by this type of local business, and the site could be used by local visitors as part of a combined trip, it would however be likely to be heavily reliant on visitors travelling substantial distances using private vehicles to access the facility that is not well-related to a settlement. In this respect, despite the nature of the business differing from a swimming pool or tennis court in its appearance, it is an open space facility in a countryside location that could generate up to 7 visitors per day at weekends, which would conflict with the Council's sustainability strategy. Furthermore, no substantive evidence has been submitted to demonstrate that it is essential the business is operated from this remote location, away from Local Centres where the need to travel longer distances would be reduced.
10. Therefore, I conclude on this main issue that the site is not a suitable location for the proposed development having regard to the provisions of local and national policy and its accessibility. The development conflicts with policies SP1.1, SP1.2, SP1.3, SP4.2 and SP5.1 of the DLP which collectively in this respect aim to direct new development towards locations that minimise the need to travel. There is also conflict with chapter 6 of the Framework and the advice contained within the English National Parks and the Broads UK Government Vision and Circular 2010 (C2010) that are supportive of sustainable transport, travel and accessible local services.

#### *Character and appearance*

11. The appeal site forms a large and exposed agricultural field adjacent to open moorland that exudes an overwhelming sense of remoteness, where far-reaching views into and from it can be appreciated. At the time of my visit the grass was not mown though a garden bench and signs at the gate were noticeable.

12. I accept that there may be a temporary use of an adjacent field for summer camping which would be likely to increase seasonal activity within the broader area, and that there are Christmas tree plantations nearby.
13. The appellant has also suggested several possible conditions which he considers would mitigate any potential impact on local character. These include the monitoring of publicity materials and website and controls on the number of visitors or dogs. However, it is unlikely that the Council could realistically monitor or enforce such conditions and thus these would not meet the tests set out in paragraph 56 of the Framework. Other suggested conditions or measures, such as the removal of equipment, benches, the proposed shelter and control over lighting and the adapted field gate might provide a moderate degree of mitigation. Nevertheless, the comings and goings associated with a year-round open-space facility and a formalised parking area fundamentally alters and disrupts the character and visual appearance of an otherwise largely uncluttered landscape. Accordingly, there are no conditions which I consider would adequately address my concerns.
14. Therefore, I conclude on this main issue that the development causes significant harm to the character and appearance of the area. As such, it conflicts with policies SP1.1, SP1.2, SP2.1 and SP2.6 of the DLP and the advice contained within the Council's Dartmoor Design Guide which amongst other things seek to conserve and enhance the character of the Dartmoor landscape. There is conflict with the advice contained within the C2010 and chapter 15 of the Framework which together in this respect attach great weight to conserving and enhancing landscape and scenic beauty in National Parks.

### **Other Matters**

15. My attention has been drawn to permissions granted for dog walking areas near Ilsington and South Brent. With both examples, the Council asserts that they were granted on the basis of being well-located farm diversification schemes to support established farming enterprises, which I have no reason to dispute. Consequently, the site-specific characteristics of these examples are not directly comparable to the development before me, and in any event each case must be considered on its own merits.
16. There are economic benefits associated with a locally run growing business type that offers a location for dog walking and some opportunity for enjoyment in this part of the NP. There would also be biodiversity benefits from the site's fenced off habitats. However, any such benefits do not outweigh the harm I have identified above. I have also noted the representations in support of the development, though these matters raised do not sufficiently outweigh the harm I have identified.

### **Conclusion**

17. For the reasons above, and taking into account all other matters raised, I conclude that the development fails to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

*J Hills*

INSPECTOR