



Appeal Decision

Site visit made on 24 February 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th March 2025

Appeal Ref: APP/D1265/W/24/3348473

3 Templemans Ash, Pilsdon, Dorset DT6 5NX

- 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 Mrs Keys against the decision of Dorset Council.
 - The application Ref is P/FUL/2024/00831.
 - The development proposed is extension of existing animal rescue centre together with erection of buildings and track ancillary to that use.
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Decision

1. The appeal is dismissed insofar as it relates to extension of existing animal rescue centre together with erection of buildings.
2. The appeal is allowed insofar as it relates to a track and planning permission is granted for the track at 3 Templemans Ash, Pilsdon, Dorset DT6 5NX in accordance with the terms of the application, Ref P/FUL/2024/00831 so far as relevant to that part of the development hereby permitted, subject to the following condition:

The development hereby permitted shall be carried out in accordance with the following approved plans: 24/05/1RevA; 24/05/2

Preliminary Matters

3. This appeal relates to development that has already been carried out. The application is therefore retrospective, and I have considered the submission accordingly.
4. A signed Unilateral Undertaking (UU) pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) dated 14 December 2023 has been submitted with the appeal. I have taken this into account in making my decision.
5. During the course of the appeal, a revised National Planning Policy Framework was published. However, any policies that are material to this decision have not fundamentally changed. I am satisfied that this has not prejudiced any party, and I have had regard to the latest version in reaching my decision.

Main Issues

6. The main issues are the effects of the development on:
 - the character and appearance of the area; and

- the living conditions of the occupiers of 1 & 2 Templeman's Ash, with particular regard to noise and disturbance.

Reasons

Character and appearance

7. The site lies within the Dorset National Landscape (DNL) an area designated for its landscape and scenic beauty. The area is generally characterised by linear hills forming rolling pastoral countryside and whilst punctuated by scattered buildings, the wider landscape has a tranquil quality. It therefore exhibits a number of the features of the Axe Valley Hills landscape character area¹ it falls within and is seen from nearby elevated viewpoints to be an expansive landscape which demonstrates the scenic beauty of the DNL.
8. The existing pocket of development adjacent the appeal site largely runs alongside the adjacent highway, creating mostly linear built form. From public viewpoints along this highway, the appeal site and associated structures are largely screened by existing rescue centre buildings and mature roadside boundary hedging.
9. However, from more distant elevated viewpoints, such as those on public footpaths at Pilsdon Pen Hillfort, the appeal site is discernible with the naked eye, with the buildings and structures further away from the highway being most noticeable.
10. The permitted area of the animal rescue centre already has a visual presence in the landscape. Nevertheless, while the structures within the appeal site are relatively small scale and feature materials not uncharacteristic of utilitarian rural buildings, the combination of numerous differing structures and associated use of the site is seen as a rambling and eye-catching intrusion away from the linear built form into the expansive landscape. As such there is a discernible harmful erosion to the landscape and natural scenic beauty of the NL and the development does not further the statutory purposes² of NLs of conserving and enhancing the natural beauty of the area.
11. Whilst planning conditions could be imposed to achieve dark sky compliant lighting and require a landscaping scheme, I am not convinced that landscaping would sufficiently minimise the intrusive form of the development or otherwise successfully assimilate the development into the surrounding landscape, particularly when viewed down on the site from elevated viewpoints.
12. Although the DNL Team did not provide detailed comments on the development due to its scale, and the appellant's have sought to remove clutter and reduce 'heras' fencing at the site, this does not overcome the harmful impact identified above.
13. I therefore conclude that the extension of existing animal rescue centre together with erection of buildings harms the character and appearance of the area. The development in this regard conflicts with policies ENV1, ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015) (LP) and Policy UMV4 of the Upper Marshwood Vale Neighbourhood Plan 2018-2033 (NP). These policies seek, amongst other things to protect the area's exceptional landscapes, ensure

¹ As set out within the West Dorset Landscape Character Assessment February 2009

² Section 245 of the Levelling-up and Regeneration Act 2023

new development is located and designed so it does not detract from the local landscape character and contribute positively to maintaining and enhancing local identity. Moreover, there would be conflict with Objectives C1, C2 & C4 of the Dorset AONB Management Plan 2019-2024 (MP) which seek to, amongst other things, conserve and enhance the DNL by good planning and development and avoid features which are detrimental to landscape character, tranquillity, and the DNL's special qualities.

14. Notwithstanding, the access track is similar to that seen elsewhere, characteristic of a working rural landscape and does not appear as a visually prominent form of development that is harmful to the natural beauty of the area.
15. Consequently, the access track does not harm the character and appearance of the area. This element of the development accords with LP policies ENV1, ENV10 and ENV12 and NP Policy UMV4. Furthermore, in regard of the track, there would also be no conflict with MP Objectives C1, C2 & C4.

Noise

16. The sound of dogs barking is intermittent, impulsive, variable in tone and often loud. As such, it can have a significantly harmful effect on nearby occupiers of residential dwellings. Whilst disturbance from visitors can cause barking, such as when I visited the site, I also heard barking on numerous occasions when I was viewing the site from surrounding areas, some of which were quite distant.
17. I have no doubt that dogs associated with the animal rescue centre can cause noise disturbance given the significant numbers of dogs currently housed and proximity of nearby dwellings. The existing animal rescue centre benefits from a planning permission which did not limit the number of animals that could be kept at the site. Nevertheless, the development before me could, if unrestricted, allow additional animals to be housed over and above that which could be housed within the currently permitted area of the animal rescue centre.
18. Notwithstanding, the UU provides an appropriate and enforceable mechanism that would have the effect of limiting the amount of dogs currently housed and decrease these numbers within 5 years. Given that the appeal site does not bring animals any closer to 1 & 2 Templeman's Ash, or indeed Highlands Farm than the existing authorised area of the sanctuary, the UU preventing any increase in dogs, and a potential modest benefit from better sound insulation within the kennels, the development would not increase noise levels.
19. Consequently, given the provisions of the UU, I find that the development would not harmfully effect the living conditions of the occupiers of 1 & 2 Templeman's Ash, with particular regard to noise and disturbance. The development in this regard would accord with LP Policy ENV16. This policy seeks, amongst other things, to ensure developments minimise their impact on existing residents living conditions.

Other Matters

20. Letters of support from interested parties highlight the positive work that the animal rescue centre undertakes, which is not in dispute. The expansion of the facilities would result in some benefits in respect of training and employment opportunities,

associated benefits to the rural economy, and some benefit to animal welfare due to additional space and upgraded kennels.

21. Notwithstanding, there is no substantive evidence before me that the animal rescue centre could not continue to operate within the site which benefits from planning permission. I therefore afford the benefits moderate weight. However, given that NLs have the highest status of protection, great weight should be given to conserving or enhancing landscape and scenic beauty. As such, the weight afforded to the collective benefits of the scheme would not be sufficient to outweigh the harm that would occur to the DNL.
22. A planning condition has been suggested which would result in temporary planning permission of 36 months, at which point the buildings would be demolished and land restored to its former condition. However, the Planning Practice Guidance³ provides advice on where it may be appropriate to impose a temporary condition. This includes where a trial run is needed to assess the effect of the development on an area; It is expected that the planning circumstances will have changed in a particular way by the end of the temporary period; or to enable the temporary use of vacant land or buildings prior to longer-term proposals coming forward. The development does not involve any of these circumstances, and I see no reason why such a planning condition would be necessary or reasonable. Any required rectification of any breaches of planning control are matters for the Council to address.

Conditions

23. I have had regard to the list of conditions suggested by the appellant and Council however these largely relate to the development as a whole. In respect of the track, a commencement condition is not necessary given that works have commenced. However, a plans condition is required in the interest of certainty and precision.

Conclusion

24. The part of the development with which I take issue with is physically and functionally severable from the remainder of the development. The development insofar as it relates to the extension of existing animal rescue centre together with erection of buildings conflicts with the development plan when read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Consequently, the appeal is dismissed in relation to the extension of existing animal rescue centre together with erection of buildings.
25. However, insofar as it relates to the track, I conclude that the appeal should be allowed.

S Harrington

INSPECTOR

³ Paragraph: 014 Reference ID: 21a-014-20140306