



Appeal Decision

Site visit made on 18 February 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

Appeal Ref: APP/M1710/W/24/3355035

West End House, Farnham Road, Froyle, Alton, Hampshire GU34 4JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Arabella Butler on behalf of West End Flower Farm Ltd against the decision of East Hampshire District Council.
 - The application Ref 49319/007 was approved on 18 July 2024 and planning permission was granted subject to conditions.
 - The development permitted is change of use from agricultural field to a secure dog walking paddock with perimeter fencing and pedestrian gate.
 - The conditions in dispute are Nos 2 and 3 which state that:
2: No more than 2 dogs shall be exercised at any one time.
3: The business use hereby permitted shall only operate between the hours of 08.00 to 16:00 hours Monday to Sunday with the exception of British Summer Time when it can operate 08:00 to 19:00 hours on Monday to Sunday.
 - The reasons given for the conditions are: To safeguard the residential amenities of neighbouring properties.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the conditions are reasonable and necessary in the interests of safeguarding the residential amenities of neighbouring properties.

Reasons

Condition 2

3. The appeal site is a large, open field which is mostly grassed and marked by a tall fence. The site is accessed by a long road which passes some residential properties and eventually leads to the dog walking paddock and then West End House.
4. The appellant considers that the restriction of two dogs at a time is not serving the local community and states that requests are frequently made to bring more than two dogs. The appellant wishes to alter the condition to allow up to five dogs.
5. The southern boundary of the appeal site is closest to dwellings, particularly Woodmans Bungalow and West End Lodge. While the southern part of the site is furthest away from the entrance to the north, there is nothing stopping dog walkers using this area or using the fence line as a walk to follow around the field.

6. The provision of up to five dogs would inevitably increase noise from dogs through barking as well as the potential to increase noise from the owners when shouting their dogs whilst training them. I acknowledge that some dog owners are unable to walk their dogs in public places, however, the proximity to neighbouring properties and the potential for several different dogs to exercise together would unacceptably increase noise. As a result, condition 2 is reasonable and necessary in order to safeguard the residential amenities of neighbouring properties.

Condition 3

7. The appellant is requesting an extension to operating hours as they are receiving requests for customers to walk their dogs earlier in the morning and later in the evening. The appellant requests that the operating hours are changed to allow the site to be used during daylight hours.
8. I acknowledge the requests for earlier and later use of the site that the appellant is receiving, and that some workers, such as shift workers may only be able to use the site during these times. However, reference to daylight hours would not be specific enough or enforceable and would therefore fail the tests outlined in Planning Practice Guidance.
9. I am also mindful that the daylight hours can be very early and late in the evening, particularly in the summer months and as a result could result in the occupiers of neighbouring dwellings being woken up by noise such as dogs barking early in the morning or being disturbed late at night. As a result, I consider that condition 3 is reasonable and necessary in order to safeguard the residential amenities of neighbouring properties.

Other Matters

10. The appellant considers that the view from the neighbouring properties would not be altered as a result of the proposed changes to the conditions. I have no reason to disagree, however, the reasons the conditions were imposed were not due to the effect on views from neighbouring properties.
11. The appellant suggests that the Council may have not considered the correct dog paddock during the applications consideration. However, based on the evidence before me there is nothing to suggest the Council have considered another site.

Conclusion

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

D Wilson

INSPECTOR