



Appeal Decision

Site visit made on 8 April 2025

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2025

Appeal Ref: APP/M1710/W/24/3349657

Land at Hawthorn Farm, Willis Lane, Four Marks, Alton GU34 5AP

- 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 Tracey Allen against the decision of East Hampshire District Council.
 - The application Ref is 60612/002.
 - The development proposed is change of use of agricultural field to dog exercise field with associated boundary treatment, shelter and parking.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The application form indicates that the change of use has already commenced. I was able to see the enclosed part of the field subject of this appeal during my site visit. It contained two horses and not the shelter building indicated in the submitted plans. I have therefore determined the appeal as being part-retrospective in nature.
3. The Council's officer report and Statement of Case indicates conflict with Core Policy 20 of the East Hampshire District Local Plan Joint Core Strategy (2014) (JCS), despite not being cited in the reasons for refusal on the decision notice. This policy therefore forms part of my consideration of this appeal.
4. Subsequent to the Council's determination of the application, the revised National Planning Policy Framework (the Framework) was published in December 2024. In the specific circumstances of this appeal, there is no need to invite further comments on the Framework revisions from the main parties.
5. Considering the above and the submitted evidence, the main issues are:
 - the effect of the proposal on the living conditions of the neighbouring dwelling of The Laces, with particular regard to noise and disturbance;
 - whether or not there is a genuine and proven need for the proposal in the countryside; and,
 - the effect on the character and appearance of the site and the surrounding landscape.

Reasons

Living conditions

6. The appeal site comprises a fenced part of a field, alongside and in close proximity to the detached dwelling of The Laces and its long rear garden. The proposed dog exercise facility would use the existing vehicular access and parking area off Willis Lane, at some distance away from The Laces. This access and parking area also serves the dwelling of Hawthorn Farm and several nearby outbuildings.
7. Policy CP27 of the JCS seeks to resist development that would result in pollution which prejudices the health and safety of communities and their environments. To my mind, pollution can potentially include noise and disturbance.
8. Saved Policy R1 of the East Hampshire District Local Plan: Second Review (LPSR) (2006) states that planning permission will be granted for the provision for outdoor sport and recreation in the countryside, subject to six listed criteria. Its criterion c. requires the avoidance of harm to the nearby use of land, including living conditions. The main parties do not dispute that use of the site for dog exercise constitutes the provision for outdoor recreation. Following my site visit, I have no reason to disagree. Neither the development plan nor the Framework provide numerical guidance for quantifying and assessing noise impact.
9. I accept that if the proposal were located within the settlement boundary as opposed to the countryside, it may have a greater impact on residential living conditions. I am also advised that a previous landowner housed horses and pigs, and that the appeal site was once used as a puppy farm for dachshunds. I must however assess the proposal based on its existing site-specific circumstances.
10. The appellant commissioned a Noise Impact Assessment (NIA), which undertook sound level measurements to determine the existing noise climate adjacent The Laces. The chosen measurement location is adjacent the appeal site boundary, towards its southeast corner, in close proximity to The Laces' rear elevation and adjacent rear garden area. Following my site visit, I have found that this measurement location is reasonable and appropriate for the assessment of potential noise and disturbance impacts upon this neighbouring dwelling.
11. The NIA measurements were taken from approximately midday on Friday 05 January 2024 to midday on Wednesday 10 January 2024. Measured average sound levels are presented on time graphs for 15-minute interval periods, which also annotate the periods of time when the field had customers and the quantity of dogs in the field. This data indicates that dBA $L_{eq,15min}$ noise levels when customers and their dogs were on site ranged from 42dBA to 48dBA. The NIA also purports that noise levels during these periods did not exceed 50dBA. However, the maximum noise levels are not provided to substantiate that more impulsive and unpredictable noises, such as barking, did not exceed 50dBA.
12. During my site visit, I heard dogs barking at a distance, possibly from the grounds of the Hawthorn Farm dwelling, along with some noise from poultry animals. Whilst my visit was a snapshot in time, ambient noise levels were low and typical of a countryside location.

13. I therefore anticipate that impulsive and potentially loud noises arising from the appeal proposal close to the Laces, such as dogs barking, would be less easy to ignore or tolerate by its current and future residential occupiers, even when accounting for distance attenuation. This is due to the countryside location, the proposed hours of operation including significant periods over weekends, when countryside residents would reasonably expect quieter living conditions, and the low traffic noise that I also observed.
14. Noise characteristics of an active agricultural area often include occasional dogs barking. I also accept that the landowners of the appeal site could introduce a range of agricultural animals or operate agricultural machinery on a regular basis. To my mind, the enclosed location of the proposed dog exercise area near to The Laces, and the intensity and characteristics of its noise generation that could be experienced by residential occupiers, would likely be of a different character and of greater intensity than the abovementioned agricultural activities. Even if dogs were to be kept within The Laces, they could disturb or be disturbed by adjacent dogs using the appeal site, which would create further unwanted noise.
15. Little information is before me regarding the precise circumstances in which customers and their dogs used the site during the assessment periods, as activities undertaken during these periods are not described by the NIA. It is unclear as to whether such activities were observed by the NIA author or another noise expert. Moreover, although the measured ambient noise climate is presented on time graphs, with some periods of higher ambient noise than periods of dog exercise use, the NIA provides no details regarding specific sources of this ambient noise.
16. The appellant's Statement of Case (SoC) refers to other tenants in the adjacent buildings and activities that can emit noise at the wider Hawthorn Farm site, but the specific details of these matters are not before me. The existing baseline conditions of the site and surrounding area have therefore not been adequately described and reported, as recommended by one of the relevant industry standard guidance documents¹ cited by the NIA. It has also not been demonstrated that typically there would be No Observed Effect or No Observed Adverse Effect Level² "when a dog barks within the normal range", as put by the SoC.
17. It is also contended that dogs using the field at any one time will be familiar with one another, avoiding instances of dogs being introduced which would typically result in some barking. However, although the online booking system would apply a limit of one booking per hour, up to four dogs could still use the facility at the same time by more than one owner, given that two parking spaces would be available. Back-to-back hourly booking slots could also lead to different owned dogs unexpectedly encountering each other during changeover periods.
18. The appellant advises that between July 2023 until their website closed, the business received 531 bookings, averaging 3.5 people per day. However, I see no reason why the business could not become more intensively used as it becomes more established and well-known in the area. Even accounting for the fact that the proposal does not include any lighting, which would naturally restrict operating hours as daylight fades, the level of use throughout the year could still increase beyond the initial operation period as set out above.

¹ British Standard BS 8233:2014 - Guidance on sound insulation and noise reduction for buildings

² As defined by the Noise Policy Statement for England (DEFRA, 2010)

19. It is also argued that dogs typically bark in circumstances when they are bored, kennelled, stressed or frightened and that conversely, negative conditions within the site could be suitably managed to avoid material harm in terms of noise and disturbance. However, there would no on-site management beyond a responsibility placed on customers to supervise their dogs and keep noise levels to a minimum. If any legitimate noise complaints are received, the appellant states that this may result in termination of use of the field. In the absence of a third-party on-site management presence, I am not confident that such a procedure would be successfully implemented in a fair or transparent manner for all involved.
20. Noise from industrial or commercial sources is often assessed in reference to British Standard BS4142. However, when considering noise from dogs, BS4142 Section 1.3 states that this standard is not intended to be applied to the rating and assessment of sound from domestic animals. The NIA also refers to the proposal complying with various other industry standard guidance documents but as set out above, existing baseline conditions of the site and surrounding area have not been adequately described and reported. Compliance with the relevant parts of the abovementioned industry guidance has therefore not been demonstrated.
21. For the above reasons, I conclude that the noise and disturbance arising from the appeal proposal would likely have a significant negative effect on the living conditions of current and future residential occupiers of The Laces. The extent of this harm would result in conflict with Policy CP27 of the JCS and Saved Policy R1 of the LPSR, the relevant requirements of which are already set out above.
22. The proposal includes mature planting to be provided along and adjacent to most of the long rear garden side boundary of The Laces. No specific landscaping specification is before me, and the potential noise attenuation value of such landscaping has not been demonstrated to justify allowing the appeal. The NIA also refers to Planning Policy Guidance 24 (PPG24) - Planning and Noise. As this was cancelled by the Government in 2012 and superseded by the Framework, I afford it very limited weight and it therefore also does not justify allowing the appeal.
23. My attention has also been drawn to several planning permissions granted in recent years by the Council elsewhere in the District, including a location within Four Marks³. This permission however relates to a dog day care facility with shorter operating hours and is therefore a materially different use to that currently proposed. Another permission relates to a dog walking paddock⁴, but this also has shorter operating hours than the current proposal. The appellant also refers to one other approved dog exercise field⁵. Its location plan however indicates that there is significant distance to the nearest residential dwellings. None of these examples therefore justify allowing the appeal.
24. JCS Policy CP29 reads to me as a design policy and although its supporting text at paragraph 7.74 advises that future developments must be fit for purpose for many years and meet the changing circumstances and needs of everyone, this does not form a criterion of the policy itself. I therefore do not consider this policy to be relevant to this main issue.

³ Council Ref: 30005/026 - High Acres, Willis Lane

⁴ Council Ref: 58132/002 - Church Road, Bramshott

⁵ Council Ref: 55311/003 - Cakers Lane, East Worldham

25. LPSR Saved Policy IB3 states that planning permission for industrial or business development in the countryside will not be permitted unless it is for the reasonable expansion or intensification of an established industrial or business use within an existing site. Enclosure and use of the appeal site as a dog exercise field has already begun, but without planning permission. Therefore, to my mind this business is not “established” for the purposes of Saved Policy IB3, and thus does not benefit from its support. It is therefore not relevant for me to consider whether or not the proposal complies with the listed criteria of Saved Policy IB3.

Need for the development in the countryside

26. I consider it reasonable to assume that existing residents in the District, including those in the countryside, would often already travel by private car to more remote and quieter countryside locations, in order to seek exercise in a more spacious and safe environment for their dogs that are uncomfortable around other dogs, or require close attention and/or training. Customer car movements to the appeal site could therefore form existing trips to an alternate location.
27. Given this, along with the scale of the proposed use, trips to or within the countryside by means of private vehicle would unlikely increase to a significant level above the existing situation. I therefore find no conflict with criterion f. of LPSR Saved Policy R1, which requires proposals for the provision for outdoor recreation in the countryside to not result in unsustainable travel patterns.
28. The more recently adopted Policy CP19 of the JCS states that the only development allowed in the countryside will be that with a genuine and proven need for a countryside location, such as that necessary for farming, forestry, or other rural enterprises, with cross reference to JCS Policy CP6. Neither policy provides a further definition of what would constitute a genuine or proven need.
29. A use of a field for dog exercise, and associated development, does not relate to uses listed under Policy CP19. However, this is not a closed list, and the CP19 supporting text advises at paragraph 7.6 that some development can take place which is beneficial to the countryside and the people that live and work there. Whilst supporting text does not have the force of policy and cannot trump it, it is nonetheless relevant to its interpretation.
30. Four Marks and its surrounds benefit from an extensive public rights of way (PRoW) network, much of which I accept is suitable for many dogs to exercise. The Council also refers to a number of existing parks and recreation grounds, although their precise locations are not before me. In terms of safety, the above options are likely to be less suitable for dogs that are not well-disciplined, as they allow public access. By comparison, the proposed dog exercise field would lead to a lesser risk of conflict between dogs and unsuspecting members of the public.
31. It is put to me that there is no requirement for a dog exercise field to be in a rural area. Whilst it would be possible to provide the same facility in a built-up area, there would be a greater likelihood of harm to residential living conditions. In this respect, it would often be preferable to locate such a facility in a rural area.
32. The Council has provided a map indicating locations of other fields available for dog exercise within the District and wider area. Limited details of these facilities are however before me, and I am not certain that they are directly comparable to the appeal scheme. I can however give some weight to the third-party representations

of support that indicate that the appeal site is most convenient for the Alton area. Compliance with JCS Policy CP19 is also not contingent on demonstrating a need emanating from within Four Marks only.

33. The dog day care facility recently granted planning permission in Willis Lane is a materially different type of facility to the current proposal for a dog exercise field. The presence of this facility therefore does not nullify the need for the appeal scheme. The Council's refusal of permission in 2019⁶ for a facility to provide dog kennels with dog runs for the day care of ten dogs also relates to a different type of development to the current proposal. I therefore do not find that refused example to be of direct relevance to the current appeal.
34. I therefore conclude that in the particular circumstances of this case, there is a genuine and proven need for the proposed development in the countryside. It therefore complies with Policy CP19 of the JCS.
35. The appellant contends that support for the proposal is also provided within JCS Policy CP6, which supports farm diversification schemes, amongst other things, subject to criteria. Although the enclosed field contained two horses at the time of my visit, based on the evidence before me and what I saw on site, the site and adjacent land does not appear to form part of an existing active agricultural farm. The proposal therefore cannot be said to amount to a diversification of an existing farm, and thus does not benefit from Policy CP6 support in this respect. It is also not a form of development that is elsewhere explicitly supported by Policy CP6.
36. Policy 1 of the Medstead and Four Marks Neighbourhood Plan 2015-2028 (MFMNP) (adopted 2016) designates a Four Marks Settlement Policy Boundary, amongst others, as shown on its Policies Maps. Policy 1 states that development proposals on land within the Settlement Policy Boundaries (SPBs) will be supported, subject to accordance with relevant policies. Policy 1 however does not explicitly restrict development in the countryside, and its supporting text advises at paragraph 3.3 that land outside SPBs will be regarded as countryside and JCS Policy CP19 will apply. I have therefore found no conflict with MFMNP Policy 1.

Character and appearance

37. Criteria a. and b. of LPSR Saved Policy R1 require proposals for the provision for outdoor sport and recreation in the countryside to not harm its character or appearance, or result in activity damaging to it owing to the scale, design and nature of the proposal. JCS Policy CP29 requires development to, amongst other things, respect the character, identity and context of the district's countryside, and be of a layout and design that is appropriate and sympathetic to its setting in terms of scale, height and massing. It also requires development to take particular account of the setting and context of the South Downs National Park (SDNP).
38. JCS Policy CP20 seeks to conserve and enhance the special characteristics of the District's natural environment, including the natural beauty, tranquillity and cultural heritage of the SDNP and its setting. This policy also requires new development to protect and enhance local distinctiveness, sense of place and tranquillity by applying the principles set out in the district's Landscape Character Assessments.

⁶ Council Ref: 58261 – The Owls, Homestead Road, Medstead

39. The proposed dog exercise site is set back at some distance away from Willis Lane. A long line of mature shrubbery encloses the site further away from the highway. It is within the Four Marks Clay Plateau Landscape Character Area (LCA) 2b, as set out in the East Hampshire District Landscape Character Assessment 2006. This assessment describes the central part of this LCA, where the site lies, as a landscape of enclosure and seclusion corresponding to the woodland and tree cover. It also provides a list of development considerations, including conservation of quiet roads and the consequent peaceful character of the landscape.
40. I found the natural features of the appeal site and its surrounds to be representative of this LCA. The enclosed area for dog exercise subdivides an existing long-established field in a manner that would not align with the existing tree lines and hedgerows. I however found the post and wire fencing to have a degree of visual permeability, and to be of appropriate scale and appearance for its setting.
41. The proposed shelter building would be of wooden construction and modest in scale. It would appear similar to many other field shelter buildings found in the countryside. No specific proposal for dog waste bins is before me, but suitable design and layout avoiding harm to the landscape could have been secured by means of planning condition, had I been minded to allow the appeal. Whilst the grass within the enclosure may be cut shorter than its surrounds, no formal training equipment such as jumps is proposed, which could also have been restricted by means of condition. The facility would therefore not appear as an urban park or recreation ground, or domestic garden.
42. I accept that the site is within a more tranquil setting than many other areas of Four Marks. Its setting is however not devoid of established development and non-natural noise sources. I also found views of the proposal from the nearby PRowt to be entirely restricted by the line of dense shrubbery running along it. No external lighting is proposed, which would naturally reduce the intensity of use as daylight fades. The impact of vehicle lights entering and leaving the car park shared by the proposal would therefore not be significant. The overall anticipated noise generation and vehicular trips would thus not harm the relative tranquillity of the landscape, nor would it harm the usability and attractiveness of the PRow.
43. Further enclosures around the existing parking area and along the proposed walkway to the dog exercise facility do not form part of the appeal proposal, and I have no reason to assume that such enclosures are necessary to facilitate it. Future use of the remaining parts of the field is also not subject of this proposal and given the lack of active agricultural use in recent years, there would be no loss of existing agricultural production.
44. Hampshire County Council's Landscape Officer also raises objection in respect of the site being within the setting of the SDNP. Statute⁷ requires me to seek to further the statutory purposes of Protected Landscapes (PLs), including National Parks. The Government's supporting guidance⁸ advises that relevant authorities will need to apply this duty when, amongst other things, undertaking functions outside of a PL which may have an effect on land in a PL. The SDNP boundary is at significant distance from the site, with intervening tree lines and linear and sporadic development along Willis Lane. There would therefore be no harm to the natural beauty, tranquillity and cultural heritage of the SDNP and its setting.

⁷ Section 245 of the Levelling-up and Regeneration Act 2023

⁸ Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes - Published 16 December 2024

45. I therefore conclude that the overall proposal, including its noise and trip generation, would not result in countryside encroachment or an urbanising impact on the character and appearance of the site and surrounding landscape. Whilst the scheme cannot be said to enhance the natural environment and landscape of the site and its surrounds, or the SDNP and its setting, it would respect the character and appearance of the surrounding area and would conserve the SDNP and its setting. The scheme thus complies with JCS Policies CP20 and CP29 and LPSR Saved Policy R1, the relevant requirements of which are already outlined above.

Other matters

46. The appellant is aggrieved by the conflicting consultation responses in respect of noise and landscape matters which the Council relied upon in its decision to refuse planning permission. The appellant also received pre-application advice from the Council, which purportedly referred to a recent permission granted in the District, and gave encouragement to the current proposal if the principles used in that other scheme were adopted. I have however assessed the proposal on its own merits based on all submitted evidence and following my site visit. Any inconsistency of approach on the Council's part is a matter between it and the appellant, and has had no bearing on my determination of this appeal.

Planning Balance

47. I have found that there is a genuine and proven need for the proposal in the countryside, and that no harm to the character and appearance of the area would arise, in compliance with JCS Policies CP19, CP20 and CP29, and criteria a., b. and f. of LPSR Saved Policy R1. I have however found that the proposal would lead to a significant negative effect on the living conditions of current and future residential occupiers of The Laces in terms of noise and disturbance, in conflict with JCS Policy CP27 and criterion c. of LPSR Saved Policy R1. I therefore conclude that the scheme is contrary to the development plan as a whole.
48. There would be mental and physical wellbeing benefits from providing a secure area where people feel comfortable taking their dogs. This aligns with many parts of Framework paragraph 135 in terms of creating places that are safe, inclusive and accessible and which promote health and well-being. Framework paragraph 85 also sets out that decisions should help create conditions in which businesses can invest, expand and adapt, and that significant weight should be placed on the need to support economic growth and productivity. Limited employment would be generated by the appeal proposal through the services of a gardener to ensure the land is regularly maintained.
49. The above matters weigh in favour of the proposal. Set against this, Framework Paragraph 135 f) states that planning decisions should ensure that developments create places that, amongst other things, provide a high standard of amenity for existing and future users. Whilst Framework Paragraph 124 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, it also requires such decisions to ensure healthy living conditions.
50. Planning decisions indeed often involve competing interests that must be weighed in the balance by the decision maker. In the specific circumstances of this appeal, the harm I have identified to the living conditions of The Laces outweighs the above benefits of the proposal.

Conclusion

51. For the reasons given above, the proposal conflicts with the development plan as a whole and the material considerations before me, including the Framework, do not indicate that a decision should be made otherwise than in accordance with the development plan. The appeal is therefore dismissed.

R Cahalane

INSPECTOR