



Appeal Decision

Site visit made on 29 July 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 August 2025

Appeal Ref: APP/D1265/W/25/3363415

Unit 5, Little Lions Farm, Lions Hill Way, Ashley Heath, Ringwood BH24 2EU

- 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 Shelagh Meredith of Waggy Tails Rescue against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/05479.
 - The development proposed is change of use of land and buildings to an animal rescue centre with ancillary offices and storage; the demolition of a hay store and silage clamp; the provision of 2 no. single storey extensions to existing buildings; retention of a mobile home for animal welfare; parking; and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address of the site from the appeal form, which better reflects the location than that used in the application form. I am satisfied that no party would be prejudiced as a result.

Main Issues

3. The main issues are:
 - the effect of the proposal on the Lions Hill Site of Special Scientific Interest (SSSI), the Dorset Heathlands Special Protection Area (SPA) and Ramsar site, part of the Dorset Heaths Special Area of Conservation (SAC), and
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including the effect on the openness of the Green Belt.

Reasons

SPA, SAC and SSSI

4. The site consists of former agricultural barns, some of which have planning permission through a prior approval application for office/storage uses¹. There is no dispute that this permission has been implemented. They are accessed from a track that also serves other properties, and provides private access to the Castleman Trailway (the Trailway), a public right of way and cycling route.

¹ LPA reference 3/17/2885/PNAGF

5. The proposal seeks to change the use of the buildings and adjacent fields to an animal rescue centre. This would include the demolition of an existing hay barn, the erection of single storey additions, and retention of an existing mobile home for animal welfare use only. On its eastern side, a field to be used as part of the proposal lies adjacent to heathland forming part of the Lions Hill SSSI. In addition, fields within the appeal site adjoin the Trailway, with access via a private track. Public footways provide access from the Trailway onto further areas of SSSI heathland, a short walk away.
6. The SSSI is a constituent part of the Dorset Heathlands SPA and Ramsar site, part of the Dorset Heaths SAC. Qualifying features include Dartford warblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes. The conservation objectives for these areas include maintaining or restoring the extent, distribution, structure and function of qualifying natural habitats and species. These areas are under significant pressure from amongst other things an increase in the level of human recreation and disturbances of bird species resulting from new development. The proposal would result in an increase in activity within the areas of influence.
7. The SAC, SPA and Ramsar site are protected pursuant to the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations). For the reasons given above, alone and in combination with other development, a likely significant effect on the SAC, SPA and Ramsar site cannot be ruled out. Consequently, in accordance with the Habitats Regulations and as competent authority for this appeal, I must undertake an Appropriate Assessment.
8. Accessing of the SSSI areas by dogs would risk increased nitrates and eutrophication from faeces and urine, as well as the disturbance and potential predation of ground nesting birds, and the displacement of other species. The submitted Management Plan states that dogs would not normally be walked off the premises, instead using the appeal site. When being exercised, dogs would be kept on leads, on a one-to-one basis. They would not be allowed to roam, and dog mess would be collected. The heathland is said to be unsuitable for dog walking because of its marshy terrain, summer hot sandy ground conditions, and the presence of snakes.
9. Even so, I would need to be sure that there would be few if any adverse effects resulting from the proposal, including over the long term. The Management Plan acknowledges that the Trailway may be used on occasions to walk some dogs, for example to access West Moors Plantation or Moors Valley Country Park. Use of the surfaced Trailway also seems to me more likely in wet weather when the site's fields may be unsuitable.
10. There is direct access from the Trailway to heathland via footpaths. In addition, although divided by thick vegetation, parts of the site directly adjoin the heathland. Therefore, it is entirely possible that parts of the SSSI could at times be accessed by dogs from the proposal. Occasional incidents cannot be ruled out, for example where dogs are not properly controlled and enter the SSSI areas, and/or where dogs urinate in these areas, or when volunteer dog walkers do not remove mess. There would be increased footfall and erosion of the footpaths resulting from the proposal.

11. It would be very difficult, if not impossible, for the Council to enforce aspects of the Management Plan, for example the use of leads or the frequency of dog walking on the Trailway, even if identifiable clothing were worn. Furthermore, even if enforcement were possible, by the time of any Council action, damage to the species and sites would already have occurred.
12. Despite comparisons with Suitable Alternative Natural Greenspace, it seems to me to be inherently unsuitable for a use that could harm the protected sites and species to be located in such close proximity to them, especially over the whole lifetime of the development. For these reasons, as a matter of planning judgement, the proposal would result in significant risks to the protected sites and their species.
13. If the appeal is unsuccessful, I am told that the site would revert to livestock grazing, to get the best value of the land for the charity. This would result in the risk of livestock escaping onto the heathland, causing disturbance and eutrophication. However, I am mindful that the buildings already have a business use and, for an agricultural unit, the site would be relatively small. Nor would livestock need to be walked on a regular basis unlike dogs. Consequently, I am not convinced that the fallback represents a likely alternative use of the site that would necessarily be worse than the proposal.
14. Reference has been made to a planning application² for a care home where the effect on heathland was found to be acceptable, subject to measures including a 'no pets' policy. Even so, I understand that the nearest heathland in that case is managed by the Ministry of Defence and has very secure fencing that is monitored and maintained. The appellant's current site at Canford Magna is further from heathland than the appeal site. As a result, neither of these sites are as accessible as the heathland close to the proposal, and so little useful comparison can be made.
15. In undertaking the Appropriate Assessment, the information before me indicates that the use of planning conditions, including in respect of a Management Plan, would not be sufficient to reduce the impact of the proposal on the integrity of the SPA, SAC and Ramsar site to a de minimis level. It would therefore fail to accord with the Habitats Regulations in this respect. I note that Natural England reached a similar view.
16. For the reasons given above, the proposal would conflict with Policy ME1 of the Christchurch and East Dorset Local Plan Core Strategy, adopted April 2014, which seeks to protect, maintain and enhance the condition of all types of nature conservation sites, habitats and their species, including SSSIs and SPAs. As such, it would also conflict with Framework paragraph 187, which seeks to protect and enhance sites of biodiversity value. I give this harm and conflict substantial negative weight.

Green Belt

17. The site lies within the South East Dorset Green Belt. Paragraph 153 of the Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

² LPA reference P/OUT/2022/04113

In respect of this issue, no conflict is identified with Development Plan policy, and so I have assessed the proposal against the Framework.

18. Framework paragraph 154 makes clear that new development in the Green Belt is inappropriate unless an exception applies. One such exception is at Framework paragraph 154(c), in respect of the extension or alteration of a building, where it would not result in disproportionate additions over and above the size of the original building.
19. The office building extension would be small, with an increase in volume of around 11%. In volumetric terms, the extension to the main barn would be much larger, at around 61%. However, it would be single storey with a very low-pitched roof, and would be seen in the context of the existing larger barn.
20. The hay barn and silage pit structures remain lawfully as agricultural buildings. Even so, they are attached or very close to the main barn and their presence affects the Green Belt. There is no dispute that with their removal, the overall increase in volume would only amount to around 36%. The proposal includes outdoor runs consisting of walls with railings on the outer edges of the barn extension. That said, the runs would be largely open and would have little volume. I therefore consider that they do not 'tip the balance' into inappropriateness.
21. Taking all these factors into account, I conclude that the proposed extensions would not result in disproportionate additions over and above the size of the original building. Accordingly, these elements would comply with Framework paragraph 154(c). The impact on Green Belt openness is implicitly taken into account in this exception, and so no separate assessment in respect of openness is required.
22. Framework paragraph 154(h)(iv) permits the re-use of permanent and substantial buildings, where they preserve the openness of the Green Belt and do not conflict with its purposes. Paragraph 154(h)(v) permits changes of use of land in similar circumstances. The erection of a dog exercise area on the land is proposed. However, it is common ground between the Council and the appellant that the changes of use of the land and buildings would be acceptable, including in respect of openness and Green Belt purposes. I see little reason to disagree.
23. For the reasons given above, the proposal would benefit from Framework paragraphs 154(c), 154(h)(iv) and 154(h)(v). As a result, it would not constitute inappropriate development. As such, this matter is neutral in the planning balance. Nevertheless, this does not change my conclusions regarding the first main issue.

Other Considerations

24. The evidence before me is of an increasing number of dogs needing animal homes. Locally there is a shortage of dog rehoming facilities and an urgent need for emergency animal housing. Although the proposal is for a replacement facility, I do not doubt that the appellant's current premises are too small, with few if any suitable alternative sites given house-building pressures. As well as dogs, the charity provides sanctuary for horses, goats and donkeys, and has a no destruction policy. The proposal would retain existing jobs and provide a valuable public service.

25. I give these factors significant positive weight. However, they do not overcome my concerns with regard to the first main issue or amount to imperative reasons of overriding public interest sufficient to justify the adverse effects identified. The development and diversification of rural based buildings are generally supported by local planning policies, but only where the benefits outweigh the potential impact for example on wildlife, and so do not change my overall conclusions. As such, the proposal would also conflict with Framework paragraph 193.
26. Framework paragraph 11 sets out the presumption in favour of sustainable development. It makes clear that where the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of Framework policies that protect areas or assets of particular importance provide a strong reason for refusing the development. Even if Framework paragraph 11 is engaged, in light of my findings above, the potential adverse effects on the habitat sites and SSSI provide a strong reason for refusal.

Conclusion

27. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case, and the weight I give to them, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR