



Appeal Decision

Site visit made on 3 February 2026

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2026

Appeal Ref: APP/U2750/W/25/3376576

Ibbotson Farm, Askwith, North Yorkshire LS21 2HX

- 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 Marston against the decision of North Yorkshire Council.
 - The application Ref is 25/01269/FUL.
 - The development proposed is described as: 'retrospective full planning application for the construction of kennels with formation of a fenced enclosure.'
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mrs Marston (the appellant), against North Yorkshire Council. This is the subject of a separate application.

Preliminary Matters

3. 'Retrospective full planning application' in the description of the application are not a form of development. However, the application form confirms that the development has been completed, and I was able to see this during my site visit. I have determined the appeal on that basis.
4. As part of the appeal process, the appellant has provided details in relation to the farming enterprise, and the manner in which they consider the development to constitute farm diversification. This information does not make a substantive or fundamental change to the appeal proposal. The Council has had the opportunity to comment, and other parties have also had that same opportunity. Therefore, there would be no procedural unfairness in accepting this submission, and I proceed on that basis.

Main Issues

5. The main issues are:
 - the effect of the development on the living conditions of neighbouring occupiers with particular regard to noise and odour; and
 - whether the development meets the requirements of farm diversification, having regard to local policy.

Reasons

Living conditions

6. The appeal building and enclosure are located within Ibbotson Farm on a field with large farm buildings to the north and western sides, open field to the east, and a stable to the south. Further to the south are the rear gardens and rear elevations of a row of bungalows known as The Meadows. I am told that the appeal building is 16.5 metres from these gardens, and 20 metres from the dwellings. These dwellings are noise sensitive receptors (NSRs).
7. The appellant commissioned a Noise Impact Assessment (NIA) to consider noise issues. A noise survey was carried out between 1st and 3rd August 2025. One noise monitoring location was adjacent to the kennel and enclosure to identify noise contributions from the kennels. The other was in the front garden of the farmhouse, adjacent to West Lane and fully screened from the kennels. The reason for this location was to establish a pre-operational baseline noise level experienced at the NSRs.
8. I understand that there is no specific methodology to assess the nature of the development, and in addressing this uncertainty more than one methodology was used. The primary assessment was based on the two noise monitoring locations and considered the change in noise levels between the 'without development' and 'with development' scenarios (IEMA Guidelines¹). This was supported by a methodology intended to guide the design of new or refurbished buildings undergoing a change of use, rather than to assess the effect of changes in the external noise climate (BS 8233:2014²). There is nothing before me to indicate that these methodologies are inappropriate for the context of the appeal development.
9. Using these methods, the NIA states that noise contributions from the development are predicted to give rise to a change in ambient noise level up to +0.4 dB at nearby NSRs. The NIA states that this change in sound level is considered to be 'None/Not Significant' within the IEMA Guidelines. Internal noise conditions, even with windows open, is also assessed as being acceptable. The NIA concludes that both assessments demonstrate that the noise impact from the development falls below the Lowest Observed Adverse Effect Level (LOAEL). This translates as there being no significant adverse effects at NSRs.
10. Whilst the NIA does refer to the kennels being already operational, there is no information presented about the number of dogs that were at the site during the noise survey period. Nor does it identify whether there were spikes in noise during the monitoring period from dogs barking, or the length of time this took place. Indeed, the NIA limitations section, points out that noise sources may be intermittent or fluctuate in intensity and consequently may not be present, or may not be present in full intensity for some or all of the survey duration.
11. In addition, the monitoring period was relatively short and provides less than certain reflection of the typical noise environment of the kennels in full operation; particularly given that barking from dogs is a noise source that can be sporadic and unpredictable. It is therefore not clearly shown that the noise survey is an accurate reflection of the usual operational scenario of the kennels, or the situations in which dogs may bark. It is possible that there was less noise generated during the survey period than at other times.

¹ IEMA Guidelines for Environmental Noise Impact Assessment

² BS 8233:2014 Sound insulation and noise reduction for buildings

12. The application form states that the kennels have been in place since September 2024. Long enough for harmful levels of noise to be noticed. Interested parties variously comment that the development has been a concern for a long period of time. They also comment that dogs bark when they enter their garden, open windows or go to the bin at the front of their property. This indicates that external noise or movement emanating from the relevant neighbouring properties triggers dogs to bark. There is no evidence that the reduction in the number of dogs to approximately four to five has alleviated those concerns.
13. Whilst only a snapshot in time, during my site visit I observed dogs barking whilst I was in the vicinity of the kennel, and that they ceased barking when I left. The nature of the sound was loud, regular, short and sharp reports, and I continued to hear it to a similar extent when stood near the rear boundary of No.7 The Meadows.
14. It has been explained that The Meadows are adapted retirement bungalows, and there is nothing before me to indicate otherwise. The occupants of such dwellings are more likely to be of an age whereby they spend much of their time at home, rather than commuting on a daily or regular basis for tasks such as work or shopping. On this basis the experience of noise from barking events would be more acute for these neighbouring occupiers, as they are likely to experience most events that take place, even when these are intermittent and for short periods.
15. For these reasons, even though concerns regarding noise including those of the consultee, are not supported by quantitative data, it is evident that the individual occupants of the NSRs experience disturbance caused by dogs barking. Whilst there are many neighbouring occupiers that have not complained, that does not equate to no harm arising from the development. Indeed the appellant's expert recognises that noise can be a subjective experience linked to isolated instances where dogs become briefly agitated in response to audible or visual triggers.
16. Dogs also bark within a domestic setting, which is often experienced within residential or semi-rural communities. However, the development comprises a group of dogs, concentrated within a single location, which is largely external. They are also by the nature of the enterprise, likely to be subject to behavioural changes due to various stages of pregnancy, and sensitive to visits by strangers to view litters. For these reasons, the domestic setting for dogs is not comparable to the appeal scheme.
17. The development is sited on a field within the context of a longstanding, working farm. It is reasonable therefore, to expect regular instances of sound generating activity from machinery and vehicles. It is also reasonable to expect, and there is nothing before me to indicate otherwise, that these activities would be primarily concentrated within the access points, the hard-surfaced farm yard, and the farm buildings.
18. Such noise generating activity is therefore at a remove from the NSRs and is also likely to be continuous and more predictable in the manner in which it is experienced. Moreover, some degree of tolerance of agricultural related noise is to be expected by those residing in the countryside, however this would not necessarily extend to the nature of the noise of dogs barking, which arises from the development.

19. Notwithstanding the Environmental Health consultee's stance that the development cannot be appropriately mitigated, I have considered whether soft landscaping or fencing would be appropriate methods of mitigation against the harm I have identified. Whilst I note that the intention would be to limit the dogs awareness of nearby activity, and that the appellant has previously offered to erect a fence, there is limited information before me as to how such mitigation would work in practice or where landscaping or fencing might be placed.
20. There is also nothing before me to indicate that such measures would effectively mask nearby activity to the extent that would prevent dogs from barking. Neither is it shown how changes to operational management could limit noise. For these reasons, I am not persuaded that the development could be appropriately mitigated through the use of planning conditions.
21. In reaching a view, I acknowledge that the appellant has stated that they are in the process of reducing the number of dogs to approximately two or three. However there is limited information before me, such as timescales or evidence that such a reduction would overcome the harm that I have identified. Therefore I attribute limited weight to this factor.
22. For these reasons, I find that the evidence does not demonstrate satisfactorily that the development does not cause harm to the living conditions of nearby occupants with regards to noise. I am also not satisfied that instances of harm could be overcome by the presented mitigation measures.
23. The Council and interested parties have cited odour as an issue, referring to faeces, urine and disinfectant. However there is no robust evidence to demonstrate that odours are not more widely associated with a combination of the working farm and stables, rather than direct harm arising from the appeal development.
24. The appellant has a current 5-star rated license for dog breeding. The terms of the license are that the appellant must clean the kennels daily, including remove faeces twice daily or more regularly if required, keep drains unblocked, and retain good standards of hygiene and maintenance, in order to adhere to the terms of the license. During my site visit, I also observed the kennels and enclosure to be clean and free from odour. Accordingly, in the absence of evidence to the contrary, I conclude that the development does not harm the living conditions of neighbouring occupiers with regards to odour.
25. Nevertheless, the development causes unacceptable harm to the living conditions of neighbours with particular regard to noise. As such, it conflicts with Policy HP4 of the Harrogate District Local Plan 2014 – 2035, (the Local Plan). This policy requires development proposals to be designed to ensure that they will not result in significant adverse impacts, including noise and other disturbances.

Farm diversification

26. There is no dispute that the site lies outside of the settlement limits of Askwith. Policy GS3 of the Local Plan only allows development outside those limits where expressly permitted by other policies of the Local Plan. Policy EC4 permits farm diversification and other rural land-based enterprises where all the specified criteria are met. These include B, there should be no unacceptable adverse impact upon amenity, amongst other things, and D. it should be part of a comprehensive

diversification scheme, operated as part of a sustainable farming business contributing to its viability.

27. The appellant has provided details of the existing farming enterprise, the dog breeding business, and the manner in which it supports the main farm income. This is in line with paragraph 4.62 of the justification statement accompanying Policy EC4. There is nothing before me that disputes these details, and I see no reason to disagree with the findings. Consequently, I consider that criterion D. is met.
28. However, given my findings, that the proposal has an unacceptable adverse impact on the living conditions of neighbouring occupiers with regard to noise, criterion B is not met.
29. Accordingly, I find that the development fails to meet the requirements for farm diversification, and as such, conflicts with Policies GS3 and EC4 of the Local Plan.

Other Matters

30. The proposal would support the income of a working farm, and visitors travelling long distances to view the puppies may use local hospitality businesses whilst in the vicinity. These are economic benefits of the appeal proposal, however as they are limited in their extent, they do not outweigh the harm that I have identified.
31. I acknowledge the appellant's concerns over the Council's handling of the application, having regard to paragraph 39 of the National Planning Policy Framework. This requires local planning authorities to approach decisions on proposed development in a positive and creative way. However, this is not a matter I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had sole regard to the planning merits of the proposal.

Planning Balance and Conclusion

32. I have not found harm in relation to odour emanating from the development, and I have identified modest economic benefits. However, I have found that this does not outweigh the harm in respect of the effect of the development on the living conditions of neighbouring occupiers, with particular regard to noise.
33. In this case, I consider there would be conflict with the development plan overall. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should be dismissed.

E Heron

INSPECTOR