



---

## Appeal Decision

Site visit made on 22 January 2026

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 March 2026

---

**Appeal Ref: APP/P0119/W/25/3375190**

**Boarding Kennels, Naite Farm, Oldbury Naite, Oldbury-On-Severn, Bristol BS35 1RU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by W J Gazard and Son against the decision of South Gloucestershire Council.
  - The application Ref is P23/03183/RVC.
  - The application sought planning permission for the erection of building for dog boarding and kennels, with associated drop off area and exercise area, to include erection of 3m high fence without complying with a condition attached to planning permission Ref PT18/0114/F, dated 17th July 2019.
  - The condition in dispute is No 7 which states that: *Only 1 dog shall be allowed in any exercise yard at any one time.*
  - The reason given for the condition is: *To reduce the risk of dogs barking at one another whilst exercising, in the interests of limiting the environmental impact of the development and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.*
- 

### Decision

1. The appeal is dismissed.

### Background and Preliminary Matters

2. Planning permission was granted for a new dog kennels. In the interest of controlling noise and effect on the living conditions of nearby residents, a condition was imposed limiting the number of dogs in each of the three approved exercise yards at any one time to 1 – a total of 3.
3. The appellant has been exercising more than 1 dog in each of the exercise yards, and therefore I have considered the appeal on the basis that the breach of condition has already transpired. Permission is sought to vary this condition to, as clarified by the appellant, allow up to 5 dogs in total at any time in 1 yard, with another 1 in each of the other 2 yards (a total of 7).
4. Whilst the description of development is rather vague– ‘*variation of condition to allow up to 5 dogs (rather than 1) to be allowed in any exercise yard at any time...*’ and does not specifically state this, given that parties have had opportunity to consider this clarification during the appeal process, I find that there is no harm to natural justice in my considering the appeal on the basis of the clarified variation.
5. Other various numbers (of dogs in each exercise yard) and wording of condition have also been suggested during the appeal process. Given that other parties

could be prejudiced, I will not consider these other suggested numbers and conditions.

## Main Issue

6. The main issue in this case is whether the condition is reasonable and necessary having regard to the living conditions of nearby residents, in relation to noise.

## Reasons

7. The original planning permission included an acoustic/noise impact assessment, which was necessary due to the number of residential properties nearby the appeal site. This submitted assessment<sup>1</sup> concluded that the development would result in a low adverse impact with regards to noise outside the site, however this was based upon, in addition to boundary fencing etc, management strategies. This is made clear on page 6 of the report which states that *'The proposed site is understood to include 3 No enclosed outdoor exercise areas where dogs will be solitarily exercised throughout the day.'*
8. As such, the limiting of the number of dogs in each of the three approved exercise yards at any one time to 1 – a total of 3, was in line with the basis of the submitted noise calculations. A condition restricting the number of dogs within the yards to this effect was therefore necessary to ensure that the data submitted and conclusions reached were accurate.
9. The experience and knowledge of the appellants are of course recognised and the arguments put forward understood, including the requirements of the Statutory Guidance for Dog Kennel Boarding Licensing. Nevertheless, in addition to the number of objections received to the application, the current application and appeal was initially submitted following complaints of noise from dogs barking received by the dog wardens and Planning Enforcement team at South Gloucestershire Council. There is some doubt therefore of the effectiveness of the revised current noise management measures and the submitted noise management plan, even if fully implemented.
10. Therefore, even if, amongst other matters, dogs become distressed if other nearby dogs go out for exercise whilst they are left behind, particularly household groups, or supervised exercise in small groups is beneficial for the dogs' daily enrichment and socialisation etc, there is no substantive evidence provided to demonstrate that noise levels to nearby sensitive receptors are at an acceptable level, following an increase in the numbers of dogs in each exercise yard at any given time.
11. The letters of support relating to the high level of service and quality environment for dogs and customers do not address this issue.
12. In the absence of a conclusive and substantive assessment to update the originally submitted noise assessment, there is therefore no compelling evidence to illustrate that in this location the original condition is unnecessary and that an alternative arrangement in terms of numbers of dogs within the exercise yards would result in acceptable noise levels. In this regard the proposal would conflict with the protection of living conditions and health and wellbeing goals of Police PSP8, PSP9 and PSP21 of the South Gloucestershire Local Plan Policies Sites and Places Plan (2017).

---

<sup>1</sup> Reference L1015.1 V2 by Red Twin Limited

13. In conclusion, and having considered all other matters raised, the condition is therefore reasonable and necessary in order to protect the living conditions of nearby residents.

**Other Matters**

14. Previous correspondence from the Council regarding the exercise yards did not appear to constitute formal advice, and as such carries little weight, which does not outweigh the harm identified.

**Conclusion**

15. For the reasons above, the appeal is dismissed.

*B Phillips*

INSPECTOR