
Appeals Decisions

Site visit made on 26 February 2026

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 30 March 2026

Appeals Refs: APP/D0515/C/23/3334234 & APP/D0515/C/23/3334235 Land at 10 Redmoor Lane, Wisbech, Cambridgeshire PE14 0RN

- The appeals are made by David Barclay and by DOD Investments Ltd under section 174 of the Town and Country Planning Act 1990 against an enforcement notice issued by Fenland District Council on 30 October 2023 (ref: ENF/011/23).
 - The breach of planning control alleged in the notice is as follows: -
 "Without planning permission, the Erection of one (1) x dog kennel block and associated hard standings".
 - The requirements of the notice are as follows: -
 - i) Cease the use of the kennel block for the keeping of dogs
 - ii) Demolish the kennel block and associated hard standings and remove resultant materials from the premises."
 - The period for compliance with these requirements is two months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a), (f) and (g).
 - An application for planning permission is deemed to have been made by section 177(5) in respect of the matters stated in the notice as constituting the breach of planning control.
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Applications for costs

1. The appellants' applications for costs against the Council are dealt with by a separate decision.

Appeals decisions

2. It is directed that the enforcement notice is varied by the deletion of subparagraph 5.ii) and the replacement in paragraph 6 of "two (2) months" by "four months".
3. Subject to this direction, the appeals are dismissed and the enforcement notice is upheld as varied.

Reasons for the appeals decisions

The appeals on ground (a)

The main issue

4. The reasons given by the Council for the issue of the notice raise no objections to the erection of the dog kennel block as a building, or to its associated hard standings as such. The reasons relate only to the effect of noise on the amenity
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of nearby residents from the use of the building and the hard standings for the keeping of dogs, which the Council do not consider to be outweighed by the benefits of the use. The assessment of these matters is the determining issue in the appeals on ground (a).

Background and introduction

5. The dwelling on the appeal site, 10 Redmoor Lane, is occupied by a licensed greyhound trainer and the premises are licensed. The dogs kept at the site are racing greyhounds, both active and retired. Racing dogs are transported by van two or three times a week to the racetrack at Harlow Greyhound Stadium.
6. At the time of my visit there were 92 active racing dogs in the new kennel block that is the subject of the notice, which is about its maximum capacity at two dogs to each stall. There were 24 retired racing dogs in the old kennel block on the site. The hard standings next to the new block provide an extensive range of outdoor exercise enclosures for the dogs.
7. The old kennel block is not affected by the notice; its erection was approved in 1991 and extensions to it were approved in 1992 (planning permissions F/91/0042/F & F/92/0467/F). No conditions were imposed on these permissions limiting the number of dogs that could be kept in the block, but its maximum capacity is about 26 at two dogs per stall. The appellants propose to use the old kennel block predominately for storage, which would reduce the number of dogs on the site to those that could be accommodated in the new kennel block.
8. Planning permission was refused for the erection of two dog kennel blocks on the site on 24 October 2023 (ref. F/YR22/0931/F). One of these was the new kennel block, which at the time of the application was unoccupied and still under construction. The other proposed block would have been alongside the new block; it has not been proceeded with.
9. Two reasons were given for the refusal; they are identical to the first and second reasons given for the issue of the notice and are as follows: -

"1 The submitted noise assessment does not identify the number of dogs on site at the time of the noise readings being taken and so there is no confidence that the stated existing noise levels are truly representative. Because of this, there is also a lack of confidence that the predicted noise levels (extrapolated from the existing noise levels) will be representative of future noise levels. The proposal will therefore be contrary to Policy LP2 and LP16 of the Fenland Local Plan 2014 which seek to ensure that new developments do not impact on and provide for high levels of amenity.

2 It is considered unlikely that an increase in the capacity of the operation to 120 dogs, notwithstanding the design of the new buildings and management, would not result in detriment to residential amenity (for example through the number / frequency and duration of noise events) given the proximity to residential properties. The proposal will therefore be contrary to Policy LP2 and LP16 of the Fenland Local Plan 2014 which seek to ensure that new developments do not impact on and provide for high levels of amenity."

An informative was added to the refusal, as follows, and this is repeated in the third reason given for the issue of the notice: -

"1 The committee in their consideration of the scheme considered that the harm of the scheme outweighed the benefits in relation to the adverse impacts the development would have on the amenity of neighbouring dwellings."

10. The nearest other dwelling is 12 Redmoor Lane, which shares a side boundary with the dwelling No 10 and has its rear boundary near to the old kennel block. There are other dwellings on the opposite side of Redmoor Lane and further north on both sides of Redmoor Lane.
11. The site extends south-westwards into the countryside and is otherwise surrounded by open land. The new kennel block and the exercise enclosures reach out south-westwards into the site beyond the rear of the old kennel block. They are bordered on three sides by open land and by the old kennels on the fourth side. The appellants have erected acoustic fencing between the old kennels and the new kennels and exercise enclosures.

Relevant planning policies

12. The notice refers to Policies LP2 & LP16 of the Fenland Local Plan 2014. Policy LP2 states that development proposals should positively contribute to the living environment by promoting high levels of residential amenity. Policy LP16 states that development proposals will only be permitted if it can be demonstrated that they meet a list of relevant criteria. The list includes (e) not having an adverse impact on the amenity of neighbouring users because of noise and (l) identifying, managing and mitigating against any risks from sources of noise.
13. The appellants have pointed out that there are national and local planning policies which encourage the development that has been carried out, since it supports the rural economy, enables business expansion and provides employment opportunities.

Assessment and conclusions on ground (a)

14. Notwithstanding the differences in scale and capacity between the development proposed in the planning application and the development now enforced against, as well as the fact that the new kennel block is now in use and noise impacts can therefore be assessed as a reality rather than a prediction, neither the Council nor the appellants have produced any technical evidence of substance during the appeal process beyond that submitted at the time of the planning application. On the other hand, representations submitted by interested persons during the appeal process, which reflect the state of affairs that prevails today, indicate that the use of the new kennel block is having an adverse effect on neighbours' residential amenity.
15. The main elements of the technical evidence previously presented are the appellants' Noise Impact Assessment prepared by Cass Allen Associates Ltd dated 26 February 2023, the reports from the Council's Environmental Health officers presented to the Planning Committee and the advice given to the Planning Committee by their consultants Caen Environmental Consulting.

16. The Cass Allen assessment states that existing dog barking noise from the old kennel block is high at 12 Redmoor Lane and that any new development would need to reduce noise levels at this dwelling in order to comply with noise-related planning policy. Cass Allen's initial modelling results (which included no mitigation measures) showed that the two new kennel blocks would significantly increase noise levels at nearby sensitive receptors during the daytime and night-time, including No 12. The model was then used to investigate noise mitigation options, with the resultant noise levels being predicted still to be slightly higher than the existing noise levels during the daytime but significantly lower during the evening and night-time when the dogs were kept in the kennels. Cass Allen's view was that the overall noise impact of the site would be reduced given the significant improvement in noise levels during the later evening and night-time.
17. Caen Environmental Consulting's recommendation was for a carefully-worded planning condition that secured implementation of all the proposed mitigation measures and provided officers with the opportunity to review details as the project progressed before the kennels were permitted to operate, as well as specifying day-to-day operational measures that would be implemented. The Council's Environmental Health officers put forward a set of planning conditions that they considered would ensure that the amenity of nearby residents was not adversely affected by noise nuisance from barking dogs. The appellants have also put forward a list of suggested planning conditions. The parties have not reached an agreement about conditions.
18. I take the view that the large increase in the number of dogs now being kept on the site will result in more noise, but that there will be measures that can be taken to reduce the impact on residential amenity. However, in the absence of up-to-date technical evidence based on the actual use of the new kennel block, it is not possible to assess the magnitude of this impact, or the range of potential measures that might be introduced, or whether those measures would in reality be sufficient to reduce the impact to an acceptable level and be reasonable and enforceable. These concerns lead me to the conclusion that the appeals on ground (a) should be dismissed, since it has not been demonstrated that criteria (e) and (l) of Policy LP16 can be complied with. This consideration in my opinion outweighs the other policy considerations referred to in paragraph 13 above.

The appeals on ground (f)

19. The reasons for the issue of the notice relate solely to the effect of noise on residential amenity. The Council have not raised any objections to the erection of the new kennel block as a building or to its associated hard standings as such. The requirement in the notice to demolish the block and its associated hard standings and to remove resultant materials from the premises exceeds what is necessary to remedy the injury to residential amenity and I have deleted it.
20. The appeals have therefore succeeded on ground (f) to this extent. Attention is drawn to the provisions of section 173(11) concerning the grant of planning permission for the construction of buildings and works when all the requirements of a notice have been complied with.

The appeals on ground (g)

21. The compliance period of two months in the notice falls short of what should reasonably be allowed for the appellants to try to make acceptable arrangements for the use of the new kennel block. The appellants have requested six months, but I consider that four months is a reasonable period to allow, having regard to the impact of its use on residential amenity, and I have varied the notice accordingly. The appeals have succeeded on ground (g) to this extent.

D.A.Hainsworth

INSPECTOR