



## Appeal Decision

Site visit made on 16 July 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 July 2024

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**Appeal Ref: APP/R3325/W/24/3343589**

**The Montague-Panton Farm, Old Main Road, Chard, Somerset TA20 3EE**

- 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 Jason Pott of Ferne Animal Sanctuary against the decision of South Somerset District Council.
  - The application Ref is 23/03080/FUL.  
The development proposed is described as change of use of agricultural field to enclosed dog walking field, with the erection of a 1.8-meter fence along with hardstanding with 2 parking spaces.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have used the description of the proposal as set out in the Council's Decision Notice, which is more concise than that used in the application form. The appellant has used this revised description in the appeal form and so I am satisfied that no party would be prejudiced as a result.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including the Blackdown Hills National Landscape<sup>1</sup> (the NL), within which the site sits.

### Reasons

4. The site consists of a gently undulating field within the countryside. It is used for walking dogs by the Ferne Animal Sanctuary and is partially mown within its perimeter. Nevertheless, the field has an attractive, rural appearance which contributes positively to the NL. The proposal seeks to change the use of part of the land to a dog walking field. It would utilise an existing low-key track and entrance. The proposal would provide an area for dog walking where a secure environment is required, for example for dogs with poor recall or disabilities, for puppy training, or by professional licenced dog-walkers.
5. Use of the field would be limited to one customer and vehicle at a time, with a maximum of six dogs for each pre-booked slot. Its level of use may fluctuate seasonally but it would be more concentrated and potentially more frequent than the normal walking of dogs along public footpaths. Consequently, the proposal would change the character of the site as a result of its more intensive

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<sup>1</sup> Also referred to as an Area of Outstanding Natural Beauty.

- use, and the degree of human and animal activity, noise and disturbance associated with it. This would undermine the rural and tranquil nature of the area, harming its character.
6. The proposal would include the erection of secure fencing around much of the field. This would be located largely behind the existing hedgerow, and new trees and hedges would be planted. Nevertheless, such vegetation cannot be relied upon for screening, particularly in winter months when foliage is reduced. The proposal includes the creation of a hardstanding area to provide parking for two vehicles, together with small signage. However, despite the modest scale of these features, the proposal as a whole would urbanise and encroach into the countryside, conflicting with the rural landscape hereabouts.
  7. For these reasons, the proposal would harm the character and appearance of the area, including the natural beauty of the Blackdown Hills National Landscape. It would therefore conflict with policies EQ2 and EP5 of the South Somerset Local Plan (SSLP), adopted March 2015. These require proposals, including for farm diversification, to preserve the character, appearance and landscape setting of the area. I give great weight to the conservation of the landscape and scenic beauty of the NL, as required by the National Planning Policy Framework, with which the proposal would also conflict.

### **Other Considerations**

8. The proposal would have economic benefits including to the Ferne Animal Sanctuary as a charity, although these have not been fully quantified. I do not doubt the social benefits of the proposal to dogs and their owners, with few if any similar facilities available nearby. It would also have some beneficial effects to ecology, such as enhanced hedgerows and improved habitats for amphibians, bats, dormice, birds and hedgehogs. However, as the proposal would be modest in size, I give these benefits only moderate positive weight.

### **Planning Balance and Conclusion**

9. For the reasons given above, the environmental matters, namely the effect on the character and appearance of the area, outweigh the social and economic benefits. Accordingly, the balance of considerations of SSLP Policy SD1 are against the proposal.
10. The site lies within the water catchment area of the River Axe which I understand is a Special Area of Conservation (SAC) and so is protected pursuant to the Conservation of Habitats Regulations 2017 as amended. Had I found the proposal acceptable in other respects, as competent authority I would have carried out an Appropriate Assessment of the potential effects on the SAC. However, in light of my findings, this matter need not be considered any further in this case.
11. For the reasons already given, I have found conflict with the Development Plan as a whole. The material considerations in this case 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