



## Appeal Decision

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by N Jones BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 06/10/2023

Appeal reference: CAS-02511-Z8R7M3

Site address: Little Langdon, Begelly, Kilgetty, SA68 0XN

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Michelle Bramwell against the decision of Pembrokeshire County Council.
  - The application Ref 22/0479/PA, dated 29 August 2022, was refused by notice dated 27 October 2022.
  - The development proposed is a commercial dog boarding and day care kennels.
  - A site visit was made on 5 September 2023.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are (i) whether the development is justified in its countryside location, and (ii) the effects of the proposal on the character and appearance of the area.

### Reasons

#### *The countryside*

3. The appeal site is described as part of a garden area and is located between the appellant's single storey dwelling and the curtilage of the neighbouring residential property. The site fronts a rural lane which hosts a small cluster of other dwellings nearby. The proposal is to erect a building to accommodate a total of 10 commercial kennels, two additional kennels for isolation and emergency use, as well as associated facilities including proposed parking and turning areas which would be located to the front of the building.
4. In order to achieve the overarching aim of sustainable development, Pembrokeshire Local Development Plan (LDP) Policy SP 1 requires all development proposals to demonstrate, amongst other things, how positive economic and social impacts will be achieved. The explanatory text to Policy SP 1 states that it seeks to ensure that the types of development that take place are appropriate for their location. LDP Policy SP 16 aims to meet the essential requirements of people who live and work in the countryside. Its explanatory text recognises that all locations outside the settlement boundaries, such as

the appeal site, are considered to be countryside. Accordingly, amongst other things, Policy SP 16 promotes enterprises for which a countryside location is demonstrably essential. Technical Advice Note 6 'Planning for Sustainable Rural Communities' (TAN 6) advises that qualifying rural enterprises comprise land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site.

5. As the proposal would not derive its inputs from the land, it would not be an enterprise for which a countryside location is essential and so would not be justified under LDP Policies SP 1 and SP 16. Nevertheless, and notwithstanding the Council's position in relation to the likely noise effects of the proposal, I consider the potential for noise and disturbance that is likely to be created by barking dogs in kennels of the scale proposed, and the associated use of an outside exercise area, would justify its separation from noise-sensitive uses which may be typically found at greater density in a more urban environment. Moreover, the noises and activities in an industrial setting would be unlikely to be conducive to the welfare of dogs, particularly those which are anxious at being in an unfamiliar environment and separated from their owners.
6. The Council acknowledges that the proposed development would have positive economic benefits in regard to the construction industry and building material suppliers, with social benefits to the users of the facility. I noted the proximity of the appeal site to some local tourist attractions and acknowledge the service which could be provided to their customers, amongst other clients. Whilst construction benefits would be short-lived, the proposal would provide rural employment. It would therefore align with the thrust of TAN 6 advice.
7. Taking these matters into account, the conflict I have identified with the LDP's restrictive approach to development in the countryside would not, in isolation, have been a determinative consideration.

#### *Character and appearance*

8. However, LDP Policy SP 1 also requires development proposals to demonstrate how adverse impacts will be minimised. Similarly, LDP Policy SP 16 also requires that the type of development it promotes minimises visual impact on the landscape. The appeal site road frontage is well enclosed by existing vegetation, largely screening in-combination views of existing development. Nevertheless, owing to its intended scale and height, and its proposed position further east than the appellant's dwelling on a site with an open eastern boundary, the building would be a prominent feature when seen in isolation directly via the access point, and noticeable when glimpsed through hedges and an agricultural gate from the road to the south and south-east. Its domestic appearance would add to its incongruity in its rural setting. I do not consider that a planning condition requiring amended external finishing materials would address the locally prominent nature of the proposal owing to its intended scale, height and position.
9. I have taken into account the appellant's submissions in relation to the proposed screening of the site and the ability to require additional screening through a planning condition. However, the proposed site plan refers to a stock proof fence being erected on the currently open eastern boundary whilst the appellant's supporting evidence refers to a variety of different fencing types and screening features. Nevertheless, little details of these fences and features are provided or of their intended positions on the site. Notwithstanding the uncertainty about what is intended, a stock proof fence on the eastern boundary of the site would not screen the proposal in views from the south and south-east. At the height intended by the appellant, the proposed gate screen would be prominent and would be likely to draw further attention to the appeal scheme rather than reducing its effects. Given the intended height and unspecific location of other proposed

fencing, there is no certainty that their visual effects could be suitably mitigated through a landscaping condition.

10. I conclude that the proposal would harm the character and appearance of the area and so would be contrary to LDP Policies SP1 and SP 16. It would also fail to demonstrate compliance with LDP Policy GN.1 which permits development where, amongst other matters, the nature, location, siting and scale of the proposed development is compatible with the character of the site and the area and would not result in a significant detrimental visual impact; and LDP Policy GN.2 which permits, amongst other things, development which contributes positively to the local context.

### **Other Matters**

11. I have had regard to the appellant's submission that proposals for a double storey stable block and ancillary accommodation proposing similar materials to the appeal scheme have previously been approved by the Council. However, as I have not been provided with the details of those schemes, I am unable to draw any comparisons and have therefore considered the appeal on its own merits.
12. I note that the Community Council did not object to the proposal, but I have taken into account the concerns of local residents in relation to highway safety and drainage. I note that the Highway Authority did not object to the proposal and there is no substantive evidence of any drainage issues in relation to the site. From the evidence before me and my own observations, I have no reason to reach a different conclusion on these matters.
13. However, local residents also raise concerns regarding the effect of the proposal on their living conditions through noise. Whilst no substantive details of noise mitigation measures, or their efficacy, are provided, I acknowledge that the Council did not object to the proposal on this issue and that measures as suggested by the appellant could in principle be provided to mitigate noise from the proposal. Even so, I note the appellant's proposed operating hours indicate a tension between her business requirements and controls on outdoor activity suggested by the Pollution Control Officer to protect the amenity of nearby residents. Moreover, it is unclear how any controls placed on outdoor activity on the appeal site would affect the use of the appellant's adjoining land or local roads for the exercising of dogs outside those limitations. Nevertheless, given my decision to dismiss the appeal on other grounds, I have not sought the views of the parties on these matters and give them no further consideration.

### **Conclusion**

14. For the above reasons, and taking all other matters raised into account, the appeal is dismissed.
15. In reaching my decision I have taken into account the requirements of sections 3 and 5 of the Well-being of Future Generations (Wales) Act 2015. I consider this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's wellbeing objectives as required by section 8 of the Act.

*N Jones*

Inspector