

## **APPLICATION REPORT – 20/00848/FUL**

**Validation Date: 10 August 2020**

**Ward: Heath Charnock And Rivington**

**Type of Application: Full Planning**

**Proposal: Change of use from residential dwelling (Use Class C3) and agricultural land to mixed use of residential (Use Class C3) and home dog boarding, sitting and exercise/training area (sui-generis) (retrospective)**

**Location: Hallsworth Manor Long Lane Heath Charnock Chorley PR6 9EG**

**Case Officer: Mike Halsall**

**Applicant: Mrs Susan Knight**

**Consultation expiry: 11 September 2020**

**Decision due by: 9 October 2020 (Extension of time agreed)**

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### **RECOMMENDATION**

1. It is recommended that planning permission is refused for the following reasons:

The proposed change of use would have an unacceptable adverse impact on the amenity of the neighbouring occupiers and satisfactory mitigation measures could not be put in place to reduce any detrimental impact to the occupiers of such properties, contrary to policy BNE1 of the Chorley Local Plan 2012 - 2026.

### **SITE DESCRIPTION**

2. The application site relates to the grade 2 listed building of Hallsworth Manor and an adjoining agricultural field to the east. The site is located on Long Lane in Heath Charnock which is a narrow track leading from Hut Lane to the south. There are residential dwellings neighbouring the site on Olde Stoneheath Court to the south east, Red Row to the south and Hallsworth Fold Cottage and Hallsworth Fold Farm to the north west which shares a courtyard with Hallsworth Manor. The land to the north east is open agricultural land.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The application seeks planning permission, retrospectively, for the change of use of the dwelling and agricultural land to a mixed use of residential and home dog boarding, sitting and exercise/training area. The business has been running since December 2019.
4. A previous planning application on this site was recently withdrawn by the applicant upon being informed that it would likely be recommended for refusal (ref. 20/00393/FUL). That application also sought planning permission to retain a wooden building on the agricultural land for uses associated with the dog training activities. The building was considered to be inappropriate development in the Green Belt by the case officer and hence the application was to be recommended for refusal. It was considered that very special circumstances did not exist to outweigh the harm to the Green Belt. The building has since been removed from the land by the applicant.
5. Activity at the site is somewhat suppressed at the moment due to the Covid-19 pandemic with group sizes limited to avoid conflict with Government legislation/guidance. A summary

of the typical activities that would normally take place at the site are provided below, as provided by the applicant. Other supporting evidence is available online amongst the planning submission documents:

- There is no building work proposed for the purpose of dog boarding as that runs strictly within the dwelling house by the owners themselves. There are no employees. It is purely a 'home-from-home' home boarding service that is offered.
- There are NO outside kennels, nor is there any intention /proposals to have kennels.
- Chorley Council granted a licence for home boarding for a maximum of 5 dogs and that number includes the boarding of any resident dogs, which is 1. Muckypups Manor would only be able to take on a maximum of 4 extra dogs, or less if the owners ever increase the number of resident dogs they have. It is purely a home sitting business from the residential dwelling.
- The Courtyard used for parking has space for 5 vehicles just on the area owned directly by Hallsworth Manor. There is a courtyard agreement in place allowing the use of the rest of the courtyard and outlines Hallsworth Manor pays towards the maintenance of that courtyard.
- Parking for up to 5 cars is strictly kept to the area within the sole ownership of Hallsworth Manor. There is ample room on the shared courtyard for turning vehicles. All visits are supervised and movement of vehicles controlled for safety in terms of making sure only one car is turning around at any one time.
- On scheduled group bookings, for example puppy classes and breed meets, where there may be more than 5 vehicles the owners have accommodated all other vehicles on their private drive at the side of the Manor (15 cars).
- Bookings are restricted to numbers that can be accommodated for within Hallsworth Manor.
- It has to be noted that Muckypups Manor only ever had one issue with visitors parking on Hut lane, which was the very first breed specific meet for Beagles in December 2019. Unfortunately, there was a larger number arrived than anticipated (18) and this was a quick learning curve for the owner. From that day forth breed specific meets have been restricted in numbers and visitors need to book their place on the visit beforehand. This ensures parking can be controlled and maintained within the grounds of the Manor so as to not cause any highways issues on nearby roads.
- Hours /days of operation:
  - Mondays closed
  - Tuesday – Friday 9.30am – 7.30pm
  - Weekends and Bank Holidays 9am – 6pm
  - Late night openings Tuesday and Thursday 7.30pm by special appointment only e.g. puppy training classes
- The 0.5 hectare dog exercise field can comfortably accommodate a maximum of 20 dogs at any one time, however the majority of bookings since opening in December 2019 have been for individual hire with between 1 and 4 dogs at a time transported in 1 – 2 cars.
- Average dogs and cars attending the site per booking slot for June 2020 are provided at Appendix A to this report.

## REPRESENTATIONS

6. There have been objections received to the planning application from 30 individuals (multiple representations have been received from some individuals), a summary of the topics covered is provided below:
  - Green Belt harm
  - Traffic congestion
  - Parking issues
  - Highway safety
  - Houses are elevated higher than field so have views of the dog sessions
  - Noise and general disturbance
  - Privacy / overlooking / security
  - Amenity
  - Health and wellbeing of residents
  - Harm to the Listed Building
  - Landscape and visual impacts
  - Legal covenants on the land preventing business use
  
7. There have been representations received in support of the planning application from 106 individuals (multiple representations have been received from some individuals), a summary of the topics covered is provided below:
  - Well ran business
  - No alternatives locally
  - Safe and secure facility
  - Good parking
  - Covid safe (ran by a former award-winning nurse)
  - No views into neighbouring properties
  - Trees and walls provide screening
  - Indoor venues not running due to Covid
  - Cater for dogs with special needs
  - Ideal for rescue dogs and those recovering from injury that cannot travel far
  - Not many local alternatives for off-lead walks – banned in parks
  
8. The above issues are discussed within the Planning Considerations section of this report, where these are considered to be material planning considerations. For example, legal covenants are not a material planning consideration, but a civil matter.

## CONSULTATIONS

9. Regulatory Services - Environmental Health: Have responded to state that whilst they have received a few complaints about the site, none of the complainants have chosen to pursue the nuisance procedure, so they have not investigated and have no evidence of noise nuisance. Therefore, they have no objections in principle to the proposal.
  
10. Council's Heritage Advisor: Initially responded as follows (summarised):

Hallsworth Manor itself is a historic late C17/early C18 farmhouse, constructed of local sandstone with vernacular detailing, including mullion windows and a double height porch to the principal (west facing) elevation. Hallsworth Manor is a Grade 2 Listed Building. Formally Listed as Hallsworth Fold Farmhouse on 17 April 1967.

By reason of its statutory designation the LPA must have regard to the potential impact of the development on the Listed Building which includes its setting.

In this regard I consider there are two heritage aspects to consider;

1. The impacts of the COU on the special interest of the listed building, and
2. The impact of the COU on the contribution made to its historic setting

On the first issue I remain satisfied that the new proposal does not impact upon the special interest of the actual listed building as no works or alterations are proposed to the building. In this respect the proposal meets the statutory test to preserve the heritage asset.

In relation to the second point, as indicated previously I am mindful that the setting to a heritage asset is defined (in the National Planning Policy Framework) as being the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change over time. Elements of a setting may make positive, neutral or negative contributions to the significance of a heritage asset.

Historic mapping from 1845 and 1890 shows that Hallsworth Manor had an historic association with the farm yard, which lies to the north. This is still evidenced by the way the house relates to the yard, with its north elevation fronting onto the former enclosure. These buildings form an important part of the setting and make a positive contribution to it.

The land/fields to the east provide a much wider diffused agricultural setting which is essentially characterised by its openness. The land allows the listed building to be more extensively viewed and adds some significance to its setting.

The use of the site clearly generates the need for parking. The applicant has produced a statement which indicates that up to 5 spaces are currently available within the courtyard to the north of the house and that a further 15 cars can park in a linear fashion along the existing private drive on the south side. From my visit this area is enclosed by a tall timber fence which limits views into this area from Hut Lane.

Whilst this illustrates that the COU brings new activity onto the site I would not expect the activity or the parking arrangements to necessarily harm the setting to the listed building subject to it being confined to those existing areas indicated. Any slight visual intrusion from the vehicles themselves is temporary and not fixed.

On this basis I feel the development will have a neutral effect on the significance of the historic setting and therefore preserves the special interest of the listed building.

Notwithstanding the above comments it is worth noting that the erection of any fences, walls, or other means of enclosure etc. within the curtilage of a listed building need planning permission. If any fence/enclosures have been erected, which are within its curtilage, they should be included in a planning application.

#### *Conclusion/ Recommendation*

As I am required to do so, I have given the duties imposed by s.66 of the P (LBCA) Act 1990 considerable weight in my comments.

I do not consider the COU proposal to have a detrimental impact upon the setting to Hallsworth Fold Farmhouse and the contribution it makes to the buildings significance. The proposal therefore meets the statutory obligation 'to preserve' and accords with the guidance contained in Chapter 16 of the National Planning Policy Framework. The development also conforms to Policy BNE8 b (iii) of the Chorley Local Plan which seeks to conserve the settings to heritage assets.

#### *Further comment*

The Council's Heritage Advisor provided a further response at the request of the case officer, following receipt of comments made by a planning consultant acting on behalf of local residents. The comments, amongst other things, identify that the lack of a heritage assessment in support of the application is a sufficient basis on which to refuse the application. The comments also criticise the Council's Heritage Advisor's response as not having identified or properly considered the matter of access and parking arising from the proposed change of use within and adjoining the curtilage.

The Council's Heritage Advisor has responded to the planning agent's comments, to state:

Paragraph 189 of the Framework identifies that LPA's should require the applicant to describe the significance of heritage assets affected by proposals including any contribution made by their setting. The level of detail should be proportionate and be no more than is sufficient to understand the potential impact on their significance. From my view point this is for the LPA to decide whether the application is valid taking into account its own validation procedures. He is however correct in expressing some concern that no heritage assessment has been produced to support the application.

In relation to the parking provision and the likely impacts on the setting to the Listed Building I feel I have adequately provided a view in my response.

Paul, acting on behalf of local residents is providing his own subjective view on the matter. He has referred, as I did, to the Historic England guidance on setting, however what he fails to do is offer any view on how the setting contributes to the significance of the Listed Building.

In my comments I set out that the historic association to the farm yard to the north is important to the setting and that land/fields to the east form part of a wider open setting. This allows wider views (visual experience) of the Listed Building. The presence of cars, closer to the house, are already seen in that domestic environment and the modern drive across the southern part of the garden would not in my view harm the contribution made by the setting to the significance of the building. I made reference to the timber fence, enclosing the garden/drive, as this clearly limits extensive views into the site from off Hut Lane. Paul disagrees with my assessment but fails to provide any reasoned justification to the contribution made to the setting and why the COU and/or parking cause harm.

Clearly so long as the LPA considers the impacts in a responsible way following the provisions laid down in law and the guidance contained in the Framework and policies of the Local Plan, this I see as being one of planning balance and judgement.

11. Lancashire County Council Highway Services (LCC Highways): Have responded to state that a previous planning permission at this site, ref. 10/00362/FUL requires the boundary fence to be set 4.0m back from the edge of highway with any trees or planting within the setback perpetually maintained at a height not exceeding 1.0m as highway requirement to ensure visibility to the right hand side when leaving the site. However, this does not appear to be the case as a result of which visibility to the north of the access is currently obscured. As this is of highway safety concern, unless remedial measures can be taken to ensure visibility at the site access, LCC Highway would find the proposal unacceptable.

Due to its narrow width, the internal access road is not suitable for parking vehicles due to the space then left for cars and pedestrians to pass. Whilst the southernmost site access point is identified on the site plan as 'Exit' as the site plan does not include the northern access point, it must be assumed that the southern access is used for 2 way traffic. The minimum width required would therefore be 4.1 to allow two cars to pass, at its narrowest the access is 3.5m. Revised plans would, therefore, be required to show adequate parking for 20 vehicles. A passing place would also be required to be 36m long and 5.5m wide on Long lane.

12. Heath Charnock Parish Council: Have responded to state that it is concerned that the proposal represents an over-intensive use of this site given the seven day per week timetable with potentially both daytime and early evening usage, often involving more than one dog, and with organised activities for groups of dogs including dog parties.

Residents of surrounding properties will be impacted the most by this proposal in several ways.

1. The amount of traffic generated by people bringing and taking their dogs to/from the property/site and by business suppliers.

2. Provision has been made for the parking of vehicles on the land owned by the applicant and on land subject to shared use with the adjacent property. Inevitably the in-curtilage parking provision will be inadequate at times, so vehicles will park also on the public highway. This will restrict safe access to and from the site and will hinder traffic movement generally in this location.

3. Noise due to dog barking, trainers shouting instructions and arising from group activities and events.

4. Visual intrusion and loss of privacy for the adjacent property owners due to the difference in land levels between the land within the application site and the adjacent gardens outside of the application site. This will have the effect of 'dwarfing' the height of the existing stone wall to the application site. No additional screening with trees or shrubs is proposed.

5. The proposal has generated a substantial and a mixed response but with extensive opposition as shown by the comments placed on the Planning website and on social media. The views of neighbouring properties should be taken into consideration.

## **PLANNING CONSIDERATIONS**

### Principle of development

13. The application site is located within the Green Belt and National policy on Green Belt is contained in Chapter 13 of the Framework, which states:

*133. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

*134. Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

*143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

*146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

- a. mineral extraction;*
- b. engineering operations;*
- c. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d. the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f. development brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

14. The proposal is solely a change of use application with no built development proposed. The proposal, therefore, falls within exception 'e' of paragraph 146 as not being inappropriate development, providing it preserves the openness of the Green Belt and does not conflict with the five purposes of including land within it (listed above).
15. In relation to impact on the openness of the Green Belt, it is important to note that the Framework contains no specific definition of openness and so this is a subjective judgement. The change of use would result in dogs and their owners using the field and there would be occasional use of small pieces equipment for dog training purposes within the field. There would also be an increase in vehicles parking at the site, but this could be restricted to the curtilage of the dwelling by planning condition and no change of use is required for this. Visual impacts from the proposal would be transient and minimal. The proposed change of use would have little, if any impact upon the openness of the Green Belt and, therefore, its openness would be preserved.
16. In relation to the five purposes of including land within the Green Belt, as no built development is proposed and the nature of the proposed use being akin to a recreational use of land, it is considered that there would be no conflict with these purposes. The proposal is, therefore, not considered to be inappropriate development in the Green Belt.

#### Impact on the listed building

17. Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCA) are relevant to the '*Special considerations affecting planning functions*'.

Section 66 states:

*'(2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.'*

18. Section 16 of the Framework refers to conserving and enhancing the historic environment. The following paragraphs contained therein are considered to be pertinent in this case:

*189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*

*190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.*

*192. In determining applications, local planning authorities should take account of:*

*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*c) the desirability of new development making a positive contribution to local character and distinctiveness.*

*193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

*a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*

*b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

*a) the nature of the heritage asset prevents all reasonable uses of the site; and*

*b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*

*c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*

*d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

*196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

*200. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*

19. The Central Lancashire Core Strategy (2012) (the Core Strategy), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to:

*Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:*

- a. Safeguarding heritage assets from inappropriate development that would cause harm to their significances.*

20. The Chorley Local Plan 2012 – 2026, policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, 'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate, the enhancement of the setting of heritage assets.'



21. The proposal would involve no physical changes to the listed building itself but would introduce dogs, their owners and small pieces of equipment for dog training purposes into the adjacent field. There would also be an increase in vehicles parking at the site, within the curtilage of the listed building; on the driveway and within the courtyard. These features would all be introduced within the setting of the listed building, however, any visual intrusion from these aspects are slight, temporary, and not fixed.
22. In light of the above, it is considered that the change of use proposal would not have a detrimental impact upon the setting to Hallsworth Manor and the contribution it makes to the significance of the building. The proposal, therefore, meets the statutory obligation 'to preserve' and accords with the guidance contained in Chapter 16 of the National Planning Policy Framework. The development also conforms to policy BNE8 b (iii) of the Chorley Local Plan which seeks to conserve the settings to heritage assets.
23. As noted earlier within this report, there has been some criticism made by the planning agent, acting on behalf of neighbours, relating to the lack of a heritage assessment having been submitted in support of the planning application. The Council's validation checklist for planning applications mirrors the wording of paragraph 189 of the Framework which states that:
 

*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.'* [emphasis added]
24. The proposal is retrospective in nature as the business has been operating since December 2019. The planning application (and the previous application which was withdrawn by the applicant prior to a decision having been made) were invited by the Council's planning enforcement team following receipt of a complaint about the unauthorised use. The enforcement team had discussed the unauthorised use with the case officer and so the nature of the use was already known to him prior to the submission of the planning application. The case officer was, therefore, able to form a judgement that the listed building would not be affected by the proposed change of use and so no heritage assessment was deemed necessary at validation stage. If it became apparent during the determination process that an assessment was deemed necessary, e.g. if the Council's heritage advisor had concerns about the impact of the proposal on the listed building or if the case officer had concerns following a site visit, then a heritage assessment would have been requested from the applicant prior to the determination of the planning application.

#### Design, amenity and access

25. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that (amongst other things):
  - a) *The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.*
  - c) *The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;*
  - d) *The residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction;*
  - g) *The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses;*

26. Many of the objections received identify that the use of the field results in overlooking into the rear gardens and windows of the adjoining properties. However, the level of the field is at a lower land level than the adjoining dwellings that back-on to the application site and so the opposite is the case, i.e. the gardens/dwellings overlook the field.
27. The proposal does result in privacy issues however as the field adjoins the rear gardens on Red Row and Olde Stoneheath Court and users of the field could walk up to the boundary and look directly into the gardens and rear windows of those dwellings. The boundary wall is not high enough along its entire length to screen views and there are gaps in the vegetation along the boundary. This issue could however potentially be overcome through the imposition of a planning condition to include a buffer between the boundary wall and the active part of the field within which no dog exercise/training would be allowed. Although there is potential that such a condition would be unenforceable (see below).
28. LCC Highways have identified concerns relating to lack of sufficient parking being identified on the submitted plans and the safe egress of vehicles from the site due to poor visibility caused by vegetation and fencing on Long Lane. A passing place would also be required on Long Lane to make the proposal acceptable. These issues could however potentially be dealt with by planning condition and / or by the submission of revised plans and so are not a reason to refuse the planning application.
29. The proposal involves, at the most active sessions, up to 20 dogs and their owners using the field at any one time resulting in dog barking and owners shouting commands. Although it is noted that this level of activity is not a common occurrence, particularly during the current pandemic, the following has been provided by the applicant in terms of the higher number of dogs being present:

#### January

Saturday 11th Greyhounds Makhants Rescue Breed Meet - 9 dogs  
Sunday 12th Mini Dachshund meet - 14 dogs  
Sunday 19th Springer Spaniel Breed Meet - 8 dogs  
Saturday 25th Bury Bolton Beagle club - 14 dogs

#### February

Wednesday 12th Irish setters – dog birthday party - 7 dogs  
Saturday 22nd Makhants Greyhound Rescue - 13 dogs

#### March

Sunday 8th dog birthday party - 7 dogs  
Sunday 8th dog birthday party - 5 dogs  
Saturday 14th dog birthday party - 7 dogs,  
Sunday 15th Beagle litter meet - 6 dogs,

#### May

Sunday 24th dog birthday party 3 dogs

#### June

Saturday 13th dog birthday party - 8 dogs  
Wednesday 17th dog birthday party - 11 dogs  
Saturday 20th Puppy Training Class - 7 pups  
Friday 26th dog birthday party - 5 dogs  
Saturday 27th Puppy Training Class - 6 dogs  
Monday 29th Dog Training Class –7 dogs

#### July

Wednesday 1st Dog birthday party 2 dogs  
Thursday 2nd Dog Training Class - 6 dogs  
Saturday 4th Puppy Training Class - 3 dogs

30. The above sessions would undoubtedly generate noise and disturbance to the occupiers of those dwellings that adjoin the application site. Such occupants have a right to the quiet enjoyment of the countryside that would be (and is being) substantially disrupted by the proposal. The proposal, therefore, gives rise to unacceptable noise and disturbance to the occupiers of adjoining properties. Such activities have taken place on every day of the week, including Sundays and as late as 7:30pm.
31. The question then arises as to whether this issue could be adequately controlled by the imposition of planning conditions, e.g. limiting the number of dogs that can use the field at any one time and restricting the hours of operation to perhaps exclude Sundays and no later than 6pm on any day, rather than 7:30pm. Paragraph 55 of the Framework states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
32. Restricting the days and hours of operation would meet the tests of planning conditions as identified in the Framework and is a common condition attached to planning permissions relating to the operation of a business. Restricting the number of dogs however is not considered to be an enforceable condition and is similar to that of providing a buffer between the shared boundary and the active area of the field as discussed above. It would be extremely difficult, if not impossible, to enforce such conditions as some dog owners could claim to be walking their dogs on the field / visiting the landowner and not using the field in connection with the proposed new use of the field, should it be approved. It is not considered that there are any other mitigation measures that could overcome this issue.

#### Community Infrastructure Levy

33. This is not a chargeable development for the purposes of the Community Infrastructure Levy.

#### **CONCLUSION**

34. In light of the above, it is considered that the proposal would give rise to unacceptable noise and disturbance to the occupiers of adjoining properties which could not be adequately mitigated. The proposal, therefore, conflicts with policy BNE1 of the Chorley Local Plan 2012 – 2026 and it is recommended that the application is refused.

#### **RELEVANT HISTORY OF THE SITE**

- Ref:** 02/00392/LBC      **Decision:** WDN      **Decision Date:** 30 April 2002  
**Description:** Application for Listed Building Consent to create a new entrance and driveway
- Ref:** 10/00215/FUL      **Decision:** WDN      **Decision Date:** 7 May 2010  
**Description:** To extend existing fencing around the perimeter of the property and the addition of two stone pillars with an oak timber gate
- Ref:** 10/00216/LBC      **Decision:** WDN      **Decision Date:** 7 May 2010  
**Description:** To extend existing fencing around the perimeter of the property and the addition of two stone pillars with an oak timber gate
- Ref:** 10/00362/FUL      **Decision:** PERFPF      **Decision Date:** 15 July 2011  
**Description:** Part retrospective planning application to retain existing gates at driveway entrance and gates adjoining north-west corner of application dwelling; retain existing stone pillars; reduce the existing 1.8m high fence adjacent to the north boarder of the application site to 1.2m; install a small pedestrian access gate adjoining dwelling; and partially reposition the existing 2m high fence adjacent to long lane behind existing tree line
- Ref:** 13/00107/FUL      **Decision:** WDN      **Decision Date:** 2 February 2015  
**Description:** Partial removal of internal wall, formation of new opening in external wall & installation of bi-fold doors, new staircase & replacement of existing softwood window to half landing, repositioning of garage opening & erection of garden wall to replace existing gates

**Ref:** 13/00108/LBC      **Decision:** WDN      **Decision Date:** 30 April 2015  
**Description:** Partial removal of internal wall, formation of new opening in external wall & installation of bi-fold doors, new staircase & replacement of existing softwood window to half landing, repositioning of garage opening & erection of garden wall to replace existing gates

**Ref:** 20/00393/FUL      **Decision:** WDN      **Decision Date:** 31 July 2020  
**Description:** Erection of an outbuilding and change of use of residential dwelling (Use Class C3) and attached field to mixed use as residential (Use Class C3) and dog boarding, sitting, walking and exercise area (Sui Generis) (all retrospective)

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

#### Appendix A – Application ref. 20/00848/FUL

##### Average number of dogs and cars visiting the application site per booking slot in June 2020

| Week 1<br>Day             | Total No.<br>of dogs | Total No.<br>of cars | Total No.<br>of slots<br>booked | Average no.<br>of dogs per<br>slot | Average<br>no. of cars<br>per slot | Notes |
|---------------------------|----------------------|----------------------|---------------------------------|------------------------------------|------------------------------------|-------|
| Monday 1 <sup>st</sup>    | 8                    | 8                    | 7                               | 1.1                                | 1.1                                |       |
| Tuesday 2 <sup>nd</sup>   | 15                   | 9                    | 7                               | 2.1                                | 1.2                                |       |
| Wednesday 3 <sup>rd</sup> | 15                   | 8                    | 7                               | 2.1                                | 1.1                                |       |
| Thursday 4 <sup>th</sup>  | 24                   | 12                   | 11                              | 2.1                                | 1.1                                |       |
| Friday 5 <sup>th</sup>    | 25                   | 12                   | 11                              | 2.2                                | 1.1                                |       |
| Saturday 6 <sup>th</sup>  | 17                   | 9                    | 9                               | 1.8                                | 1                                  |       |
| Sunday 7 <sup>th</sup>    | 18                   | 11                   | 9                               | 2                                  | 1.2                                |       |

| Week 2<br>Day              | Total No.<br>of dogs | Total No.<br>of cars | Total No.<br>of slots<br>booked | Average no.<br>of dogs per<br>slot | Average<br>no. of cars<br>per slot | Notes        |
|----------------------------|----------------------|----------------------|---------------------------------|------------------------------------|------------------------------------|--------------|
| Monday 8 <sup>th</sup>     | 18                   | 11                   | 9                               | 2                                  | 1.2                                |              |
| Tuesday 9 <sup>th</sup>    | 22                   | 11                   | 9                               | 2.4                                | 1.2                                |              |
| Wednesday 10 <sup>th</sup> | 24                   | 10                   | 9                               | 2.6                                | 1.1                                |              |
| Thursday 11 <sup>th</sup>  | 27                   | 11                   | 10                              | 2.7                                | 1.1                                |              |
| Friday 12 <sup>th</sup>    | 31                   | 13                   | 11                              | 2.8                                | 1.18                               |              |
| Saturday 13 <sup>th</sup>  | 34                   | 13                   | 9                               | 3.7                                | 1.4                                | Includes dog |

|                         |    |    |   |     |     |  |
|-------------------------|----|----|---|-----|-----|--|
|                         |    |    |   |     |     | birthday party, 8 dogs, 3 cars, 1 hour |
| Sunday 14 <sup>th</sup> | 14 | 10 | 9 | 1.5 | 1.1 |  |

| Week 3 Day                 | Total No. of dogs | Total No. of cars | Total No. of slots booked | Average no. of dogs per slot | Average no. of cars per slot | Notes  |
|----------------------------|-------------------|-------------------|---------------------------|------------------------------|------------------------------|--|
| Monday 15 <sup>th</sup>    | 11                | 6                 | 6                         | 1.8                          | 1                            |  |
| Tuesday 16 <sup>th</sup>   | 11                | 7                 | 5                         | 2.2                          | 1.4                          |  |
| Wednesday 17 <sup>th</sup> | 30                | 13                | 8                         | 3.75                         | 1.6                          | Includes dog birthday party, 11 dogs, 4 cars, 1 hour   |
| Thursday 18 <sup>th</sup>  | 24                | 8                 | 8                         | 3                            | 1                            |  |
| Friday 19 <sup>th</sup>    | 26                | 15                | 10                        | 2.6                          | 1.5                          |  |
| Saturday 20 <sup>th</sup>  | 21                | 15                | 8                         | 2.6                          | 1.875                        | Includes puppy class 7 pups, 6 cars, 1 hour duration although field booked for 2 hours to allow time either side for set up of hay bales/smooth entry/exit |
| Sunday 21 <sup>st</sup>    | 14                | 9                 | 9                         | 1.5                          | 1                            |  |

| Week 4 Day                 | Total No. of dogs | Total No. of cars | Total No. of slots booked | Average no. of dogs per slot | Average no. of cars per slot | Notes   |
|----------------------------|-------------------|-------------------|---------------------------|------------------------------|------------------------------|---|
| Monday 22 <sup>nd</sup>    | 11                | 9                 | 9                         | 1.2                          | 1                            |   |
| Tuesday 23 <sup>rd</sup>   | 23                | 13                | 12                        | 1.9                          | 1.1                          |   |
| Wednesday 24 <sup>th</sup> | 7                 | 5                 | 5                         | 1.4                          | 1                            |   |
| Thursday 25 <sup>th</sup>  | 2                 | 2                 | 1                         | 2                            | 2                            | Heat wave bookings rescheduled as heat too dangerous for dogs   |
| Friday 26 <sup>th</sup>    | 27                | 16                | 10                        | 2.7                          | 1.6                          | Includes a dog birthday party 5 dogs, 2 cars, 1 hour  |
| Saturday 27 <sup>th</sup>  | 25                | 16                | 9                         | 2.7                          | 1.7                          | Includes puppy class, 6 dogs, 6 cars, 1 hour duration although field booked for 2 hours to allow time either side for set up of hay bales/smooth entry/exit |
| Sunday 28 <sup>th</sup>    | 13                | 9                 | 8                         | 1.6                          | 1.1                          |   |
| Week 5 Day                 | Total No. of dogs | Total No. of cars | Total No. of slots booked | Average no. of dogs per slot | Average no. of cars per slot | Notes   |
| Monday 29 <sup>th</sup>    | 11                | 11                | 4                         | 2.75                         | 2.75                         | Includes Evening dog training class 6.30 – 7.30pm rescheduled from Thursday 25 <sup>th</sup> due to heatwave.   |

|                          |   |   |   |          |          |  |
|--------------------------|---|---|---|----------|----------|--|
| Tuesday 30 <sup>th</sup> | 9 | 6 | 3 | <b>3</b> | <b>2</b> |  |
|--------------------------|---|---|---|----------|----------|--|