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Late submission on behalf of Mrs Susan Knight in respect of the application 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

Introduction

By and large I commend the content of the officer's report however, there are a couple of areas I would like to raise members awareness of the content

I cannot but help be drawn to the high significance of the following paragraph 9 on page 57 of the report

“ 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.”

I would urge the decision maker to ask themselves ‘why have they (the objectors) not taken up the opportunity to have a noise assessment carried out by the Council?’ If they are so sure it causes harm to residential amenity, surely having objective evidence could only strengthen their case.

Planning Considerations (page 60 of the report)

I would have expected to see reference to paragraph 141 of the NPPF here, because paragraph 141 states “that LPA’s should plan positively to enhance their beneficial use, such as looking for opportunities to provide access to provide opportunities for outdoor sport and recreation....’ This proposal meets that aim.

I am also slightly disappointed that the report focuses primarily upon the health and well being of local residents when a large number of supporters have expressed their honesty and courage in discussing such sensitive issues such as recovering from cancers, having a terminal diagnosis, mental health issues, physical disabilities and mobility issues, children with special needs and how having my safe and secure meadow with the beautiful views to spend time in with their dogs is helping them with both their physical and mental health as a means of recreation. The report only lists health and well being of the objectors.

Noise and loss of residential amenity

The sole reason for refusal appears to be “ 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

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in place to reduce any detrimental impact to the occupiers of such properties, contrary to policy BNE1 of the Chorley Local Plan 2012 - 2026.”

I see no evidence to support that contention one way or another. I will refer you back to paragraph 9 on page 57 of the report as discussed earlier. Objectors actually declined the offer of having an independent noise assessment done by the Council, they actually declined it!

My view is that at present there is no evidence either way to support or deny the reason for refusal as it is worded.

I have advised the applicant that they need that noise assessment, and if the council is still minded to refuse the application for the noise and amenity reason, then the applicant would need it for an appeal.

However, it seems rather a waste of public money to refuse an application without evidence and run the risk of an appeal determining such, when a deferral of the application at committee, would allow the applicant to commission an independent noise survey and assessment, which would allow officers and members to have more evidence on which to base their assessment and decision.

Use of conditions

The officers report makes the assertion that conditions cannot effectively control the use of the site if the Council were to approve the application.

“ 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.”

I respectfully disagree. Here are some conditions attached to planning permissions elsewhere in the country which have been used to limit the ‘dog walking/training development

Durham CC

Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), the land shall be used for dog agility training only and for no other purpose, including any other activity within the same class D2 of the schedule to that Order.

Reason: To define the consent and to ensure the residential amenity, highway and parking issues in the area can be properly assessed in accordance with Policies 1, 3, 35, 36 and 37 of the District of Easington Local Plan 2001.

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7. The hours of operation and the number of dogs present and / or participating in the dog agility shall not exceed those specified in the supporting statement submitted by the agent Gordon Thornton validated on the 9th February 2017. These details are:

September to March - Wednesday, Thursday and Saturday only - 10.00am to 3.00pm one dog only.

April to August - Wednesday, Thursday and Saturday only - 10.00am to 3.00pm one dog during this time period only. Tuesday, Wednesday and Thursday only - 6.00pm to 9.00pm 5 dogs during this time period only.

Reason: For the avoidance of doubt and in the interests of residential amenity in accordance with Policy 35 of the District of Easington Local Plan 2001.

Wigan MBC

2. The use hereby permitted shall only be carried out during the following hours:

8.00 to 19.00 Monday to Friday

9.00 to 19.00 Saturdays and Sundays 10.00 to 19.00 on Public Holidays

3. The use of the field hereby approved shall be limited to single bookings and a maximum of 6 dogs at any time, with the exception of group social sessions, which shall be limited to a maximum of one hourly session every 3 weeks and not commencing prior to 11.00am.

4. The use shall only operate in accordance with the arrangements for the collection, storage and disposal of waste as set out in the submitted details titled 'Waste Statement- Grandma's Farm Pet Field' dated 17.07.18, or alternative arrangements previously submitted to and approved in writing by the Local Planning Authority

2. The use hereby permitted shall only be carried out during the following hours:

8.00 to 20.00 Monday to Friday;

10.00 to 19.00 Saturdays and Sundays, including all Public Holidays.

3. The use of the dog exercise area hereby approved shall be limited to a single person booking at any one time and a maximum of eight dogs at any time, with the exception of group social sessions, which shall be limited to a maximum of one hourly session every 3 weeks to only take place during the hours of 11.00 - 18:00 Monday to Sunday, including Public Holidays.

4. The use shall only operate in accordance with the arrangements for the collection and disposal of waste as set out in the email dated 7 October 2019 which states that dog waste will be disposed of on the manure heap of Walkers Lower Farm.

The use hereby permitted shall only be carried out during the following hours:

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7.00 to 19.00 Monday to Friday

9.00 to 19.00 Saturdays

10.00 to 19.00 on Sunday and Public Holidays

3. The use shall only operate in accordance with the arrangements for the collection, storage and disposal of waste as set out in the submitted details titled 'Peel Hall Farm Waste Statement' dated 06.06.19, or alternative arrangements previously submitted to and approved in writing by the Local Planning Authority.

Northumberland CC

Prior to the development hereby permitted being brought into use, a detailed management plan in respect of the operation of the site, including the maximum number of dogs, hours of use and measures for waste handling and disposal, shall be submitted to the Local Planning Authority for approval. The approved plan shall thereafter be implemented in complete accordance with the approved details.

Reason: In order to achieve a satisfactory form of development, to ensure that the use is compatible with the surrounding area and in the interests of residential amenity.

Wakefield MBC

Exercising of dog shall not take place externally between the hours of 19:00 - 07:00 Monday to Friday, and 19:00 - 08:00 Saturdays and Sundays.

Only one dog shall be exercised at any one time, with the exception of dogs from the same household, where 2 may be exercised at the same time.

Reason: To protect the local amenity in accordance with Policy D20 of the Development Policies Document.

Dogs shall not be exercised on the site except within the external exercise area as indicated on the Location Plan (received 27.09.2017) and Fence Details Plans approved under application reference 17/02453/FUL.

Reason: In the interests of amenity in accordance with Policies D9 and D20 of the Local Development Framework.

With regards a 'buffer zone' that could be adequately fenced off, the last condition above shows that other LPAs are comfortable with areas of use and areas of non use (buffer zone) . Indeed a fence of up to 2m in height within the field itself separating the active part of the field from the rear of the houses could be erected without requiring the Council's permission under Part 2 Minor Operations Class A of the General Permitted Development Order. So effectively the applicant could do that now.

As such members I do ask that more time be afforded to allow the evidence to be gathered and presented and. as such the application be deferred to allow that to happen.



RTPI

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