

## APPLICATION REPORT – 24/01059/FUL

**Validation Date: 11 December 2024**

**Ward: Croston, Mawdesley And Euxton South**

**Type of Application: Full Planning**

**Proposal: Change of use from residential to mixed use of residential and dog minding business (retrospective) and extensions to existing buildings**

**Location: Holker Cottage Holker Lane Ulnes Walton Leyland PR26 8LL**

**Case Officer: Mike Halsall**

**Applicant: Sarah Clarke**

**Agent: Mr Chris Weetman**

**Consultation expiry: 7 January 2025**

**Decision due by: 14 February 2025 (extension of time agreed)**

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### RECOMMENDATION

1. It is recommended that planning permission is granted, subject to conditions.

### SITE DESCRIPTION

2. The application site is located in the Green Belt on the northern side of Holker Lane in a rural part of the Parish of Ulnes Walton. The application site relates to two parcels of land with a path connecting the two. The eastern parcel relates to land to the east of the applicant's dwelling of Holker Cottage, which includes outbuildings (one of which is unauthorised, as explained below) and a grassed field. The western parcel relates to a car parking area to the west of the dwelling, which is set to hardstanding and includes the site access point from Holker Lane.
3. The land surrounding the application site is agricultural, other than the neighbouring dwellings of Nook Farm immediately to the west, beyond which is a substantially sized horticultural glasshouse development, and 'The Bungalow' on the opposite side of Holker Lane to the western parcel of the site.
4. Two planning applications, submitted retrospectively, relating to this site were refused by the Council in March 2023, and were for a change in use of land to a dog day care facility and the erection of a building to be used in connection with the dog day care facility. The Council also issued enforcement notices in relation to the two unauthorised developments for which planning permission was sought. The applicant lodged appeals against both refusals and the enforcement notices and the Planning Inspectorate subsequently dismissed the appeals and upheld the enforcement notices, albeit giving the applicant 12 months to continue operating whilst they sought new premises. The descriptions of development of each application and the reasons for refusal are as follows:

**App ref. 22/01217/FUL** - Change of use of land to the east of Holker Cottage from agriculture to a dog day care facility and change of use of car park to the west of Holker

Cottage from domestic (Use Class C3) to a mixed use of domestic car parking (Use Class C3) and car parking associated with the dog day care facility (retrospective)

Reasons for refusal:

1. The proposal is inappropriate development in the Green Belt, which is harmful by definition. There would also be other harm through impacts on openness and residential amenity. The applicant has not demonstrated that there are very special circumstances that would outweigh the definitional harm to the Green Belt and other harm and, therefore, the development is contrary to the provisions of Chapter 13 of the National Planning Policy Framework.
2. It is considered that the development by reason of its proximity to noise sensitive residential properties would have an unacceptable adverse impact on the amenity of neighbouring occupiers as a result of noise disturbance caused by excessive amounts of dog barking. 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.

In dismissing the appeal against this refusal, the Inspector concluded (appeal ref. APP/D2320/W/23/3321577) that the change in use of the land was inappropriate development in the Green Belt and that very special circumstances required to clearly outweigh the harm to the Green Belt have not been demonstrated. Consequently, the proposal conflicts with the objectives of the Framework to protect the Green Belt. However, the Inspector also concluded that the development does not cause unacceptable harm to the living conditions of the occupants of neighbouring residential properties, with regard to noise, thereby disposing of the Council's second reason for refusal above. Further detail is provided later in this report.

**App ref. 22/01296/FUL** - Erection of building for use in connection with dog day care business (retrospective)

Reason for refusal:

1. The proposal is inappropriate development in the Green Belt, which is harmful by definition. There would also be other harm through impacts on openness and encroachment of the countryside. There are no very special circumstances that would outweigh the identified harm and, therefore, the development is contrary to the provisions of Chapter 13 of the National Planning Policy Framework.

In dismissing the appeal against this refusal, the Inspector concluded (appeal ref. APP/D2320/W/23/3321575) that the building was inappropriate development in the Green Belt and very special circumstances required to clearly outweigh the harm to the Green Belt have not been demonstrated. Consequently, the proposal conflicts with the objectives of the Framework to protect the Green Belt.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

5. The applicant now seeks planning permission for the change of use from residential to a mixed use of residential and dog minding business (retrospective) and for the extension of existing buildings. The buildings in question are four outbuildings labelled Outbuildings A to D on the submitted plan entitled 'Proposed Site Plan' ref. DPB/SC/24/04 PA.
6. The planning application does not seek planning permission to retain the building that was the subject of refused planning application ref. 22/01296/FUL and subsequent dismissed appeal ref. APP/D2320/W/23/3321575.

The business operates as follows:

- The business has operated from the site since mid-2018 and has seen a significant increase in demand for the service since the pandemic.
- It is operated by the applicant and two local volunteers. The day care activity takes place only on weekdays between the hours of 7:30am and 6:00pm.
- The facility offers a niche doggy day care facility in that the dogs are cared for in a sensory outdoor natural environment rather than being kept indoors for the duration of the day.
- The site was first licensed by the Council's Environmental Health team for the hosting of up to 8 dogs and then subsequently for 20 dogs.
- Dog agility/exercise equipment such as tunnels and slides are used occasionally on the land but are not kept upon it on a permanent basis.
- Located to the north-east of the dwelling are four small buildings which are used in connection with the doggy day care business.

## RELEVANT HISTORY OF THE SITE

**Ref:** 98/00435/FUL **Decision:** PERFPP **Decision Date:** 15 September 1998  
**Description:** Two storey side extension and alterations,

**Ref:** 22/01217/FUL **Decision:** REFFPP **Decision Date:** 24 March 2023  
**Description:** Change of use of land to the east of Holker Cottage from agriculture to a dog day care facility and change of use of car park to the west of Holker Cottage from domestic (Use Class C3) to a mixed use of domestic car parking (Use Class C3) and car parking associated with the dog day care facility (retrospective)

**Ref:** 22/01296/FUL **Decision:** REFFPP **Decision Date:** 24 March 2023  
**Description:** Erection of building for use in connection with dog day care business (retrospective)

## REPRESENTATIONS

7. One neighbour objection has been received, which raises issues of noise and disturbance, traffic and parking, character, Green Belt harm and lack of adequate consultation. They also state that they have not lodged complaints relating to noise from the facility as they were under the impression the operations would be ceasing due to the appeal decision. Videos and photographs have also been provided which show some vehicles queueing to enter the site.
8. The statutory consultation and publicity requirements have been undertaken in relation to this planning application. Other issues raised within the neighbour objection are addressed later in this report.

## CONSULTATIONS

9. Ulnes Walton Parish Council: have not responded.
10. Lancashire Highway Services (LCC Highway Services): have responded with no objection, although have suggested conditions relating to providing adequate vehicle turning and parking areas and improvements to the site access arrangements.
11. Regulatory Services - Environmental Health Officer: has responded as follows:

*"Thank you for your consultation regarding this proposal. I have been made aware of the planning inspectors comments with respect to noise and note that the acoustic report submitted in support of this application is the same one submitted with the previous applications. I have no further comments/ concerns regarding the quality and content of the report, other than those submitted previously, even withstanding the comments from the planning inspector. I can confirm that we have not received any further noise complaints regarding dog barking from this premises since March 2023."*

The Environmental Health Officer's comments, along with a response from the applicant's noise consultant, in relation to the previous application are as follows:

*"Thank you for your consultation regarding this further supporting information. I have read the acoustic report prepared by Martec Environmental Consultants Ltd (ref: 20230201 9341 Leyland Dogs.docx) and dated 1st February 2023.*

*Prior to the commissioning of the report, I spoke to the applicant Sarah Clarke at length regarding the existing noise nuisance investigation and the concerns that have been raised by local residents, in particularly the noise of dog barking during drop off and collection times. Sarah admitted that she was conscious that these parts of the day were sometimes quite loud and I expressed that hopefully the acoustic report would provide practical and effective noise mitigation measures to reduce the levels of noise affecting the local residents. Unfortunately, the report did not highlight any such measures and the findings concluded that the dog barking associated with the proposed activities were found to be acceptable and the levels of dog barking noise did not exceed the measured existing background noise levels.*

*I have concerns regarding the statistical significance of the measured noise levels within the report and therefore the same concerns with the conclusions which have been drawn. The report lacks key information in order for me to confirm whether the likely proposed activities would cause an excessive disturbance on nearby local residents.*

*The report fails to highlight how many dogs were present on the days that the monitoring was carried out. I am aware that the maximum permitted is currently 20, but if there were only limited numbers of dogs on the days when monitoring was carried out, then the results would not be representative of the worst case scenario or even normal operating activities.*

*The report highlights (page 12) that recordings had been listened to and that the loudest noise source, which was also noted on collection of the equipment appears to have been some mobile plant in use at a neighbours' property. There is no further clarification about what the noise source was, how long it had been going on for, where it was in relation to the measurement point, how loud it was or even how this would have affected the significance of the noise levels which has been used to determine that this proposed activity would be acceptable. If this noise source had been operating during the background noise monitoring, then this would have significantly increased this level.*

*I have visited the nearby noise sensitive properties since the production of the acoustic report and have spoken to the residents on numerous times regarding their concerns during the ongoing noise nuisance investigation. Anecdotal evidence suggests that the noise levels were significantly reduced around the period of monitoring and that in general the level of noise can vary drastically due to the amount and type of dogs that they have on any day.*

*In summary, I have concerns regarding the significance of the findings of the report and the potential for excessive noise disturbance from dog barking at the site due to the close proximity of the local residents, especially in the summer months when they have their windows open."*

The applicant provided a rebuttal to the above as follows:

*"I attach our rebuttal provided by Martec Environmental Consultants.*

*Key points are:*

- The EHO's conclusions appear to be based solely on observations of the residents and this 'anecdotal' evidence is not a firm basis to conclude that the applications should be refused on noise grounds.*

• *The noise assessment failed to find significant or unreasonable disturbance and thereby noise mitigation measures are not required– if mitigation was found to be necessary within the noise survey results, then of course mitigation measures would have been presented within the report.*

• *The neighbour's mobile plant was the loudest noise source encountered during the monitoring, but it had no significant effect on the measurements either of the dogs or of the background levels.*

• *The noise monitoring period was representative of the site and the doggy day care business. Three of the days during the noise recording period, the site was at capacity.*

*I trust that the Council's EHO will review their initial comments in light of the attached document and if still minded to recommend the applications for refusal, then this is on the basis of factual evidence rather than anecdotal comments from the opposing neighbours.*

*My client will appeal the decision if the application for the land is refused".*

The Council's Environmental Health Officer provided a further response, as follows:

*"Thanks for forwarding the supplementary statement from the acoustic consultant and from the applicant. The additional information was certainly helpful and it was clearly never my intention to solely base my conclusions on anecdotal evidence, hence the reason why the specific information was requested which was missing from the report. It is not reasonable for me to assume or speculate regarding the effect of the additional loud noise source on either the background or source measurements just because the initial report failed to clarify this matter. I also note that on half of the days when the noise measurements of the dogs barking, that the premises was less than half of capacity and therefore it wouldn't represent a worst case scenario. I do have some concerns that the dogs used for the purpose of carrying out the noise assessment may not be representative (in terms of barking) of dogs using the field, as it is simply one relatively short sample period and that more barking may occur on occasions, especially when the premises is at full capacity throughout the week.*

*It is clear that dog barking from this activity will be able to be heard at the two closest nearby noise sensitive dwellings as I have witnessed this myself. The extent of the dog barking and whether this constitutes a significant or unreasonable disturbance or a statutory nuisance will only be able to be determined in the summer months."*

12. Greater Manchester Ecology Unit: no objection subject to informative notes and conditions being attached to any grant of planning permission in relation to safeguarding protected species and securing biodiversity enhancements.

## **PLANNING CONSIDERATIONS**

13. The Inspector's appeal decision is a key material consideration in the determination of this application.

### **Principle of the development in the Green Belt**

14. National guidance on Green Belt is contained in Chapter 13 of the Framework which states:

*"142. 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.*

*143. 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.

153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness 55 . Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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.

154. Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
  - i. mineral extraction;
  - ii. engineering operations;
  - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
  - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
  - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
  - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order."

15. The proposal falls to be considered against two of the above exceptions, the change in use of land, which relates to exception 154(h)(v) and the extension of four buildings, which relates to exception 154(c) of the Framework above. As such, these are addressed separately below.

#### Change in use of land

16. Exception 154(h)(v) relates to material changes in use of land where they preserve its openness and do not conflict with the purposes of including land within it, identified at paragraph 143 of the Framework.

#### Openness

17. In relation to impacts 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. Openness is generally considered to be the absence of development and it has

spatial and visual dimensions, relating not only to physical size and scale but also visual appearance and use. For openness to be preserved, there must be no greater impact on openness than the existing development.

18. At the time of the appeal the Inspector assessed the appeal scheme against the same exception of the Framework and concluded the following with regards to openness at paragraphs 9 to 19:

*“9. The development includes the use of an existing parking area to the west of the dwelling, Holker Cottage, for staff/customers and land to the east of the dwelling. The land to the east comprises a fenced off area containing a small stable block and a larger building, which is the subject of appeal A and C.*

*10. With regard to Appeals B and D, these relate to the material change of use of the land only, not the erection of the large building. Therefore, in accordance with paragraph 155(e) of the Framework, whether the material change of use amounts to inappropriate development depends on whether the proposal preserves the openness of the Green Belt or conflicts with the purposes of including land within it.*

*11. The Framework indicates that openness is an essential characteristic of the Green Belt with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.*

*12. The appellant confirms the land was previously used for agriculture. The site is well screened from views off Holker Lane by way of high hedging and close boarded timber fencing. The existing stable block is used for storage/comfort room/indoor area as part of the business and, notwithstanding the use of the unauthorised larger building, the rest of the business area is open land. Therefore, the general operation of the business has no effect on the openness of the Green Belt.*

*13. However, it is not simply the characteristics of the business itself that need to be considered but also the activities associated with it. The appellant confirms they have a license for up to 20 dogs. This would equate to approximately 40 additional traffic movements in and out of the appeal site and along Holker Lane each day. These are likely to be at peak morning and evening hours as people are dropping their dogs off/collecting them on their way to/on their way home from work. Such an increase in traffic movements to/from the site would result in a large number of cars parked on the site and along the lane during these peak hours, far in excess of what one would expect from the residential/agricultural use of the land. As such, it would diminish the openness of the Green Belt. Therefore, the development does not preserve the openness of the Green Belt and as such does not comply with paragraph 155(e) of the Framework.*

*14. The appellant has referred me to an appeal decision relating to land for a dog exercise area. However, the development appears to have been on a significantly smaller commercial scale to the development that is the subject of the appeals before me, with the Inspector specifically referring to minimal vehicle movement. Consequently, they found it preserved the openness of the Green Belt. Moreover, the development was subject to a number of conditions, including limiting the hours of operation, the number of canines, the number of people accompanying them and the number of private vehicles. The imposition of such conditions in the appeals before me would likely result in unacceptable harm to the viability of the business and therefore would not be appropriate.*

*15. With regard to Appeals A and C, these relate to the erection of the building used in association with the dog day care business. The appellant contends the building is in connection with an existing use of land or a change of use. However, the exception in paragraph 154(b) of the Framework only relates to specific uses of land, which are listed as outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments. It is a closed list. Whilst there is a dog exercise area, this is used by staff as part of the dog day care business. It is not for private or public hire. Consequently, the development is not for outdoor recreation. As the development is also not for outdoor sport, a cemetery, burial ground or an allotment it therefore does not meet the requirements of paragraph 154(b).*

*16. With regard to the effect of the building on the openness of the Green Belt, the building is well screened by the high hedging, with only glimpsed views of it through gaps in the hedge and from within the site itself. Overall, I find that the building does not represent an unacceptable visual intrusion.*

17. Nevertheless, in terms of the spatial dimension of openness, the erosion of three-dimensional space arising from the erection of the building would itself result in an erosion of openness. Consequently, whilst the building would not represent a visual intrusion, it would diminish the openness of the Green Belt.

18. The appellant argues the land could be intensively farmed, which could have a greater effect on the openness of the Green Belt than the appeal development. That may be, however, the Framework specifically states that buildings for agriculture are not inappropriate development in the Green Belt.

19. I find therefore, the material change of use of the land and the erection of the building do not meet the requirements of any of the exceptions listed in paragraph 154 or 155 of the Framework. Therefore, they are inappropriate development in the Green Belt, which, by its very definition, is harmful to the Green Belt and should not be approved except in very special circumstances.”

19. The Inspector drew their conclusion on the impact on openness from the change of use aspect of the proposal based upon 40 vehicle movements during peak hours, i.e. people dropping and collecting their dogs before and after work, respectively. The Inspector concluded that the resultant increase in traffic movements would result in a large number of cars parked on the site and along the lane during these peak hours, far in excess of what one would expect from the residential/agricultural use of the land. As such, they concluded that this activity would diminish the openness of the Green Belt.
20. The applicant has submitted additional evidence in support of the current planning application in the form of a drop-off and pick-up log for three days of operations. This shows that drop-offs and pick-ups are staggered and the most that take place within a ten-minute window are four customers. Although this only relates to one week's worth of bookings, it casts significant doubt on the Inspector's method for assessing the scheme. That said, the Inspector did not have the benefit of the additional pickup and drop-off log evidence during the appeal and so had to assess the scheme under a worst-case scenario.
21. It is noted that video and photographic evidence has been provided by a neighbour that shows three cars arriving / leaving at the same time, causing a car having to reverse onto Holker Lane from the site and one queuing on Holker Lane. However, this is considered to be more of a highway safety issue, rather than demonstrating Green Belt harm, and is addressed later in this report. It is considered that the logs submitted by the applicant, and to some extent the video / photographic evidence of the neighbour, show there is not a large amount of cars parked along the lane and the cars should be capable of being accommodated within the site car park, if it were better managed. Again, this is addressed later in the report.
22. Whilst this aspect of the proposal is finely balanced, it is considered that the applicant has submitted sufficient evidence to overcome the Inspector's reason for dismissing the appeal in relation to the harm to openness from the change of use aspect of the appeal scheme. It is, therefore, considered that the proposal would preserve the openness of the Green Belt, subject to conditions limiting the number of dogs at the site at any one time and securing a more efficient parking arrangement.

#### Purposes of including land within the Green Belt

23. Paragraph 143 of the Framework sets out the five Green Belt purposes, which the scheme is assessed against as below:

##### *Purpose 1 (to check the unrestricted sprawl of large built-up areas)*

The proposal does not relate to a large built up area. The immediate locality is rural in character.

##### *Purpose 2 (to prevent neighbouring towns merging into one another)*

The application site is equidistant between the rural settlement areas of Croston to the west and Euxton to the east and is of sufficient distance from these settlements to ensure that



the development of the site would not result in the neighbouring towns merging into one another.

*Purpose 3 (to assist in safeguarding the countryside from encroachment)*

The existing site is a car park (western parcel) and an open area of agricultural land (eastern parcel). The proposal relates to a change in use of land and extensions to buildings within a previously developed part of the application site. The proposal would therefore not in itself result in encroachment of the countryside.

*Purpose 4 (to preserve the setting and special character of historic towns)*

This does not apply as the site is not located near a historical town.

*Purpose 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land)*

It is not considered that the proposed development would conflict with this purpose.

24. It is not considered that the proposal would conflict with any of the five purposes of including land in the Green Belt.

Conclusion

25. The change of use aspect of the proposal is finely balanced, but would not be inappropriate development in the Green Belt as it would meet the exception at paragraph 154(h)(v) relating to material changes in use of land where they preserve its openness and do not conflict with the purposes of including land within it.

Extensions to buildings

26. The application proposes extensions to four existing buildings. Paragraph 154(c) of the Framework provides that the extension or alteration of a building is not inappropriate development in the Green Belt, provided it does not result in disproportionate additions over and above the size of the original building. The guidance contained within the Council's Rural Development SPD provides that increases of up to 50% are not considered disproportionate. The proposed extensions to the existing buildings fall below 50% and so are not considered to represent disproportionate additions and are not inappropriate development in the Green Belt.

Impact on neighbour amenity

27. 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):

b) The development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or overbearing;

g) The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses;"

28. The application is supported by the same noise assessments as the previous planning application. Whilst it is noted that objections have been received from a neighbour on noise grounds, the Inspector's conclusion on the appeal scheme at paragraphs 20 to 25 of the decision are as follows:

*"20. A Noise Assessment, dated 1 February 2023, prepared by Martec Environmental Consultants Ltd. measured the sound generated by the dog day care facility over the period of a week in January 2023. The results of the assessment are that at the times dogs were recorded barking, this did not exceed the background noise levels. As such, it would not be unacceptably harmful to the living conditions of neighbouring residents.*

*21. The noise was measured from a location in the northwest corner of the car park, which is significantly closer to the source of noise than neighbouring residential properties.*

*Consequently, the noise measured in the assessment would likely be greater than if the measurements were taken directly from the neighbouring properties. I have not been presented with any substantive evidence that would contradict these findings.*

*22. The Council state the assessment was based on a relatively short sample period and that for over half of the days it was surveyed the facility was at less than half of its full capacity. Nevertheless, it was at full capacity on three of the days and the capacity throughout the period of the survey appears to be representative of the business. There is nothing to suggest that had it been at full capacity on all of the days then the results would be materially different.*

*23. I also note the Council's comment that the extent of the dog barking and whether this constitutes a significant or unreasonable disturbance or a statutory nuisance will only be able to be determined in the summer months. However, there is no explanation why it would be any different in the summer months compared to the winter months.*

*24. I note the anecdotal evidence received from neighbouring residents that the noise is causing them harm and that Council officers have witnessed dogs barking during visits to the appeal site, on one occasion for a 15-20 minute period. However, it is not disputed that the dogs bark, or even that their barking can be heard from neighbouring residential properties. The question is whether the barking would be unacceptably harmful to the occupants of these properties. It is notable to add that during my site visit, which was when there were approximately 20 dogs on the site, on my arrival into the fenced off area where the majority of the dogs were free to roam, a couple of the dogs barked for a few seconds but the staff promptly controlled them and then they were silent for the remainder of my visit.*

*25. I find therefore, based on the evidence before me, the development does not cause unacceptable harm to the living conditions of the occupants of neighbouring residential properties, with regard to noise. As such, it complies with Policy BNE1 of the Chorley Local Plan (LP) 2015, which seeks to ensure development does not cause an unacceptable degree of noise disturbance to surrounding land uses."*

29. The Council's Environmental Health Officer is still concerned that the development may constitute a significant or unreasonable disturbance to neighbouring residents from dog barking, although they also note that no complaints have been received since March 2023. This, however, could be due to the fact that the Inspector's decisions meant the neighbours were anticipating the use to cease within 12 months in any case.
30. Regardless of the above, the Inspector was clear that the development does not cause unacceptable harm to the living conditions of the occupants of neighbouring residential properties, with regard to noise. The current proposal does not materially differ to the appeal proposal in terms of noise related aspects, e.g. number of dogs, the running of the site, or the hours of operation. As such, it is considered to comply with Policy BNE1 of the Chorley Local Plan 2015-2026, which seeks to ensure development does not cause an unacceptable degree of noise disturbance to surrounding land uses.

### **Design and impact on the character and appearance of the immediate locality**

31. 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.
32. The change in use of land aspect of the proposal would involve some paraphernalia that would be brought onto the site when in use. The existing rural character of the field would largely therefore be retained, and the car park would still be a car park. The building extensions are relatively modest and would be seen in the context of the dwelling and existing buildings. It is recommended that a condition be attached to any grant of planning permission to ensure that materials match those of the existing buildings. It is, therefore, an

acceptable form of development with regards to policy BNE1(a) of the Chorley Local Plan 2012-2026.

### **Highway safety**

33. Policy BNE1 of the Chorley Local Plan 2012-2026 states that developments must not cause severe residual cumulative highways impact or prejudice highway safety, pedestrian safety, the free flow of traffic, or reduce the number of on-site parking spaces.
34. It is noted that video and photographic evidence has been provided by a neighbour, which shows three cars arriving / leaving at the same time, causing a car having to reverse onto Holker Lane from the site and one queuing on Holker Lane.
35. LCC Highways have stated that they do not have any objections to the proposed development and are of the opinion that it would not have a significant impact on highway safety, capacity, or amenity in the immediate vicinity of the site. They also stated that improvement to the site access and turning arrangements would be required and conditions are recommended in this respect.
36. Given the evidence submitted by a neighbour, a further condition is recommended to ensure the car parking area is for customers use only, to ensure the occupants of Holker Cottage do not use the car park, thereby reducing the availability of spaces for customers. Concern has been raised by a neighbour in relation to highway safety and it is considered that the proposed highways and parking related conditions would mitigate this to an acceptable level. The proposal is considered to be acceptable in this regard and complies with this aspect of policy BNE1 of the Local Plan.

### **Flood risk and drainage**

37. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained with foul and surface water drained on separate systems and in the most sustainable way possible. It is noted that neighbour objections refer to unsuitable methods of managing foul water.
38. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
  1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.
39. It is considered that the above can be adequately controlled by planning condition/s.

### **CONCLUSION**

40. It is considered that the decision is finely balanced but that it meets with the exceptions of paragraphs 154(c) and 154(h)(v) of the Framework and therefore does not represent inappropriate development in the Green Belt. The proposal would not cause unacceptable harm to neighbour amenity, the character of the area, drainage or highway safety. The proposal therefore complies with the Development Plan and is recommended for approval.

**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.

#### Suggested Conditions

1. The proposed development must be begun not later than three months from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004 and shortened from the standard three years as a result of enforcement action in relation to a separate building at the site.*

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

*Reason: For the avoidance of doubt and in the interests of proper planning*

Title	Plan Ref	Received On
Site Location Plan	SAA.3803.2	11 December 2024
Proposed Site Plan	DPB/SC/24/04 PA	11 December 2024
Existing and Proposed Elevations	DPB/SC/24/05 PA	11 December 2024

3. Prior to the first use of the approved extended buildings, two bird boxes and two bat boxes shall be installed in the existing buildings or in adjacent trees and retained as such thereafter.

*Reason: To create biodiversity enhancements, in accordance with the National Planning Policy Framework.*

4. The 5-bay car park to the west of the Holker Cottage shall be used solely for customers of the approved dog daycare facility. The layout of the car park shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out with parking spaces marked out and the vehicular turning space shall be laid out and be available for use before any development commences and a suitable turning area is to be maintained thereafter.

*Reason: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.*

5. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

*Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.*

6. All external facing materials of the development hereby permitted shall match in colour, form and texture to those on the existing buildings and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

*Reason: In the interests of the visual amenity of the area in general and the existing buildings in particular.*

7. The use of land relating to dog day care hereby permitted shall only be in use between the hours of 07:30 and 18:00 hours Monday to Friday. The business will not be open on weekends and Bank Holidays.

*Reason: in accordance with Policy BNE1 of the Chorley Local Plan to safeguard the amenities of neighbouring residents.*

8. The number of dogs at the site shall be restricted to no more than 20 at any one time.

*Reason: in accordance with Policy BNE1 of the Chorley Local Plan to safeguard the amenities of neighbouring residents.*

9. A written log shall be kept of all dogs kept at the site each day and that log shall be available for inspection by Council officers at all times.

*Reason: in accordance with Policy BNE1 of the Chorley Local Plan to safeguard the amenities of neighbouring residents.*