



Appeal Decision

Site visit made on 24 April 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2023

Appeal Ref: APP/A2525/W/22/3309635

Land at Gubboles Drove, Surfleet PE11 4AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Hayley Laches against the decision of South Holland District Council.
 - The application Ref H17-0190-21, dated 23 February 2021, was refused by notice dated 28 July 2022.
 - The development proposed is change of use into a Dog Training Centre.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect upon the living conditions of residential occupiers in the locality, having particular regard to the potential for noise and disturbance to occur.

Reasons

3. The site occupies an inherently rural location and is comprised of an approximately square-shaped grassed field. Gubboles Drove (the Drove) runs alongside the northern edge of the site and connects to Little Lane adjacent to the position of the site's gated access. Beach Bank, which also connects to the Drove, runs alongside the western edge of the site. Upon inspection, I experienced these different rural routes to be very lightly trafficked and the area to benefit from a distinct sense of tranquillity. Even so, there is a residential presence in the area, with properties sparsely distributed in differing directions from the site. These include Drove Farm to the north, which is situated off Little Lane a relatively short distance from its junction with the Drove, Gatehouse to the west off the Drove, and The New Gatehouse and The Cottage to the south off Beach Bank.
4. The proposed dog training facility would be multi-faceted. Regular group classes, catering for a maximum of 8 clients and centring on day-to-day training and behaviour, would be complemented by agility classes (including low-impact Hoopers classes) and private sessions specially focussed upon the training requirements of individual clients. In addition, it is proposed that training camps running for several consecutive days be held during summer months. Such camps, alternatively referred to as training weeks, would allow people located at distance to attend the training facility, would cater for a maximum of 16 clients, and would, it is envisaged, be held two or three times per year. The operating hours sought are 0900 to 2000 hours Monday to Friday, and 0900 to 1900 hours on Saturdays, Sundays and Bank Holidays.

5. I accept that sessions, even if agility-based, held by the appellant and aimed at individuals or small groups would be unlikely to cause any undue noise or disturbance at this site. This is especially if such sessions were to be held on an appointment-only basis as proposed, to guard against potential appointment crossovers. Moreover, the levels of dog noise and vehicular comings and goings typically associated with sessions catering for a small number of clients would realistically be low.
6. However, the facility is intended to cater for a breadth of different session types and group sizes across a wide spectrum of opening hours, seven days per week. Whilst the intended opening hours have been formulated in the interests of promoting flexibility and the appellant's own wellbeing, there remains the potential for several training sessions to be held and a not insignificant number of clients to attend the site over the course of any given day, including during evening hours. This is especially as I am led to understand the centre would be available for other trainers/clubs to hire.
7. Of particular concern, to my mind, is the intention to run occasional training weeks for a maximum of 16 clients. As set out in supporting documentation, these events would represent the centre's busiest times with most students anticipated to bring multiple dogs. When compared to the site's present use as an agricultural field, a dog training event of this intensity would be fairly anticipated to lead to a noticeable increase in general activity and associated noise from dogs, their handlers, and vehicular comings and goings.
8. Whilst I accept the appellant's suggestion that dogs need to be calm and focussed in order to learn and note reference to her having worked hard to prevent her own dogs from barking, it cannot be assumed that all dogs to arrive at the facility shall have been trained or appropriately disciplined in this regard. To my mind, given the high number of dogs likely to participate in some events to be held (most particularly the intended training weeks), the potential for unacceptable noise and disturbance to occur is high. It has not been clearly demonstrated otherwise.
9. It is my understanding that dog training activities have, in recent times, been undertaken at the site on a temporary basis and that such activities did not, at least initially, result in any formal noise complaint being made. However, interested party representations at both planning application and appeal stage have highlighted experiences of increased noise in conjunction with past training events. It is also relevant that the Council's Environmental Protection Officer, in their role as a specialist technical consultee, has highlighted remaining concerns over the potential impact of noise from dog barking on properties in the surrounding area.
10. The appellant has referred to the noise of moving trains and I acknowledge the existence of a railway line to the west. Nevertheless, during the course of my inspection I did not witness a single train movement which leads me to perceive services to be somewhat infrequent. When also factoring in the physical separation from the site that applies, I am satisfied that the noise generated by passing trains has a negligible effect upon the host noise environment and is of limited relevance to my considerations.
11. I have no reason to doubt that the appellant has successfully operated dog training facilities elsewhere without necessitating an adverse effect upon neighbouring living conditions. However, I must consider the proposal that is

before me upon its own merits in accordance with the individual case and site circumstances that prevail.

12. For the above reasons, having particular regard to the potential for noise and disturbance to occur, the proposal would cause harm to the living conditions of residential occupiers in the locality. The scheme conflicts with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2011-2036 (adopted March 2019) and the National Planning Policy Framework (July 2021) in so far as these policies require sustainable development considerations to be met specifically in relation to, amongst other provisions, the impact upon neighbouring land uses by reason of noise and disturbance.

Other Matters

13. I have noted objections/concerns raised by interested parties with respect to matters including highway safety, parking, land ownership, loss of agricultural land, potential overnight camping, floodlighting, and the effect of the proposal upon the character and appearance of the area. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore such matters further here.
14. In terms of the scheme's benefits, the proposal would support a prosperous rural economy through the provision of a specialist facility accessible to both the local community and wider population including disabled handlers, and via associated consumer spending in the area especially if staying overnight locally. However, whilst having due regard to the Public Sector Equality Duty set out under s149 of the Equality Act 2010, any associated economic or social benefits to be realised would attract somewhat limited weight due to the relatively modest scale of the facility. I also note that the training of dogs would be fairly anticipated to help guard against potential dog behavioural issues, a benefit that attracts minor weight. In my judgement, the scheme's benefits, being fairly modest in extent, would not outweigh the harm to living conditions I have identified.
15. Thus, whilst some form of dog training facility in this Countryside location would potentially be capable, in principle, of meeting the sustainable development needs of the area in broad conformity with the Council's overarching spatial strategy, the specific proposal that is before me conflicts with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conclusion

16. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR