
Appeal Decision

Site visit made on 19 December 2016

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd December 2016

Appeal Ref: APP/K2610/W/16/3158087

8A Addison Close, Coltishall, Norfolk NR12 7JA

- 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 S Murdo against the decision of Broadland District Council.
 - The application Ref 20160973, dated 13 May 2016, was refused by notice dated 4 August 2016.
 - The development proposed is the construction of boarding kennels.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupants of nearby residential properties with particular reference to any noise and disturbance.

Reasons

3. The appeal site encompasses a parcel of land in a semi-rural and apparently tranquil location to the south of Addison Close. To the north of the appeal site is a residential estate centred on Ling Way. The appeal site currently comprises a mixture of grassland and extensive tree planting and is set at a notably lower level than the housing to the immediate north. The southern boundary of the appeal site is delineated by a rail line flanked by a public footpath. There are dwellings located on the southern side of the rail line.
 4. Vehicular and pedestrian access to the appeal site is from an access track that spurs off Addison Close and enters the property at its north western corner towards the appellant's home. The appellant currently runs a home boarding kennel business from her home and can keep up to ten dogs over night with five additional places for day care. During my site visit I was able to observe the existing outside exercise paddock and the layout of the kennels within the appellant's home. The appeal scheme would be of a different scale and nature to the current business so the impacts of the existing business and not a sound basis on which to assess the appeal scheme.
 5. The appeal scheme is for the erection of two blocks of boarding kennels located in a north to south axis directly to the south of Addison Close. The blocks would include food preparation areas and 20 kennels each. Block B would also incorporate a grooming parlour whilst Block A includes a food store and
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- isolation room. The kennels would be sound insulated. Externally there would be a central courtyard and six exercise paddocks located around the two blocks. The exercise paddocks would be enclosed by fencing. Hedging would be planted along the northern and southern edges of the exercise paddocks.
6. The proposal would result in a significant increase in the scale of the existing business and the associated activity and impacts. It would also change the character of the business from one where all of the dogs are boarded within the appellant's home to one where the dogs would be boarded in separate blocks away from the house and closer to neighbouring residential properties.
 7. As the appeal scheme would result in a high number of dogs being boarded at the appeal site, the Council's assumption that, on occasions, dogs are likely to bark is very plausible. This is reinforced by the comments of interested parties, including the Council's Environmental Health Officer. Barking could occur when new dogs arrive, during their stay and when unexpected noises happen, including trains or walkers passing the southern boundary of the site. Barking could be loud, sporadic and unpredictable. The number of dogs that are likely to be boarded as part of the enlarged enterprise would increase the likelihood and frequency of such occurrences.
 8. Noise arising from dogs barking in the exercise paddocks would be audible in neighbouring properties due to the close proximity of dwellings in Addison Close and south of the rail line. This would present an unacceptable risk that the appeal scheme would generate a significant and harmful level of noise and disturbance to the occupants of these properties, to the detriment of their living conditions. This harmful impact would be compounded by the comings and goings of patrons and staff.
 9. The planned insertion of sound insulation within the walls and roof of the two blocks proposed could have the potential to mitigate any noise impacts that may arise from the kennels. Nevertheless, I have not been presented with any technical evidence to suggest the sound of dogs barking within the kennels would not be audible from the nearby residential properties. It is also unclear whether windows in the kennels would need to be opened for ventilation, which could result in noise escaping. Consequently, I am not satisfied the two blocks would incorporate sufficient sound attenuation and this is not a matter that can be left to a planning condition as it is fundamental to the acceptability of what is proposed.
 10. In any event, the dogs would be outside for much of the day¹ where it would be more difficult to attenuate any noise impacts. The laurel hedges proposed by the appellant to mitigate for any outside noise would take time to mature. Moreover, substantive evidence has not been provided to demonstrate the hedges would attenuate noise levels to an acceptable extent, especially so as the properties to the north are on higher ground. As such, the proposed hedges cannot be relied upon as a means of mitigating the harmful noise impacts that are likely to occur from the exercise paddocks.
 11. The appellant has also suggested that a rigorous management routine would significantly reduce the likelihood that dogs would bark. The management routine would include set procedures for 'meet and greets' and for pick-ups. The dogs would also follow a daily routine and they would be screened before

¹ The daily routine for dogs boarded at the appeal site would include them being outside from 8am until 3pm

commencing their stay to ensure the dogs boarded at the appeal site do not suffer from separation anxiety or other obvious behavioural problems.

12. From what I have read and observed I have no doubt the appellant is an experienced dog handler. The letter of support from a local dog trainer supports this conclusion. Nevertheless, dogs can be unpredictable animals which in this case would be boarded and exercised in very close proximity to residential properties. The appellant has a procedure for dealing with dogs that prove to be nuisance barkers, which is an indication that the initial screening/vetting process cannot entirely be relied upon as a measure to prevent future barking.
13. Moreover, the planning permission would run with the land and the diligence and experience of future proprietors may not be equal to that of the appellant. These factors would present difficulties in enforcing the management plan through a planning condition. As such, the management plan would not entirely remove the significant risk posed by the appeal scheme to the living conditions of neighbouring residents from a harmful level of noise and disturbance.
14. I therefore conclude that I cannot be assured the appeal scheme would not present a significant conflict with Policy GC4² of the Council's Development Management Development Plan Document 2015, which seeks to ensure that adequate regard is given to the impact upon the amenity of existing properties.

Other Matters

15. The appeal scheme would result in an increase in the number of trips to and from the site from patrons and staff and perhaps from deliveries. If the business was running at its full capacity then this could result in a high number of vehicular movements. Nevertheless, the Local Highway Authority has not objected to the proposal and I have no substantive evidence before me that would lead me to question this expert opinion. This is especially so as Addison Close appeared reasonably wide and capable of taking additional traffic.
16. The appeal scheme would facilitate the growth of a local business with the benefits this would accrue to employment and the rural economy. In this respect, the Council's Economic Development Officer has written in support of the proposal. It is an objective of both local and national planning policy to support the local economy³. Nevertheless, both local and national policy should be read as a whole. The appeal scheme would significantly harm the living conditions of nearby residents, which would be contrary to both local and national policy and this harmful impact is not outweighed by the scheme's economic benefits.

Conclusion

17. For the reasons given above I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR

² The Council have listed a number of policies in its reason for refusal, having considered these only Policy GC4 appears relevant to the Council's concerns in respect of the appeal scheme

³ See Paragraph 28 of the national Planning Policy Framework and Policy 5 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 amended 2014

