



Appeal Decision

Site visit made on 13 September 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/N2739/W/22/3299655

33 Hill Field, Selby YO8 3ND

- 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 Jeanette Dyer against the decision of Selby District Council.
 - The application Ref 2021/1083/COU, dated 27 August 2021 was refused by notice dated 28 February 2022.
 - The development proposed is change of use of part of garage for dog training business.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in this appeal are:-
 - The effect of the development of the living conditions of adjoining occupiers, with specific regard to noise.
 - The effect of the development on the character and appearance of the area, with specific reference to trip generation.

Reasons

Living conditions of adjoining occupiers

3. The proposal would see the change of use of part of the existing detached garage to be used for a dog training business. I have been made aware that the appellant has experience in the training of dogs.
4. The host property is located in a predominately residential area and the detached garage is located adjacent to boundary with the neighbouring dwelling. It is proposed to limit the use to one customer at a time, to a maximum of three customers per day, with working hours to be 9am to 6pm Monday to Saturday.
5. I observed low ambient noise levels at the time of my site visit. The host property contributes to the pleasant nature of the area and whilst I accept that my site visit provides only a snapshot of the conditions within the area, I have seen nothing, nor is there any evidence before me to suggest that what I saw and heard was untypical.
6. The proposed use has the potential to create noise through barking dogs. I also anticipate there would be noise of repetitious commands and whistles during training classes.

7. Although it is the appellant's intention that a qualified dog handler/trainer would provide supervision and restrict the use of the facility to well behaved dogs only, this is not something that could be controlled by way of a planning condition. There would be no way of ensuring that only good animal behaviour would be allowed on the site.
8. Given the prospective size of the site and taking account of not being able to control a dog barking in the same manner that you could control, for instance, a machine, I am not persuaded that this provides a satisfactory safeguard. Whilst persistent noisy behaviour of any animal would undoubtedly result in termination of the session, by that point, a neighbouring occupier would be likely to have already been subjected to an unacceptable level of noise and disturbance.
9. Whilst the proposed use of the site by the appellant and restrictions of attendance are noted, the scale of the operation would result in dogs being present within a relatively confined space. There is potential for a significantly greater level of noise and disturbance particularly given the proposed hours of operation would be for a significant part of each day and for weekend use on a Saturday.
10. By reason of the nature of the site of the appeal proposal, I also have concerns that training and exercise would also be carried on outdoors, and its siting in close proximity of noise sensitive receptors of neighbouring dwellings, the unpredictability of animals and the inability to control noise levels satisfactorily by condition, I find that the noise and disturbance as a consequence of the proposed use of the appeal site would be harmful to the living conditions of neighbouring occupiers, and materially compromise their living conditions, especially from dogs barking that are unfamiliar with their surroundings.
11. In the absence of any technical evidence, I consider that it has not been demonstrated that the levels of noise that would be generated by the appeal scheme, when set against existing background noise levels, would not have a materially harmful effect on the quality of life of neighbouring occupants.
12. Despite other background noises, there is no doubt that the presence of dogs throughout the day using the appeal site would make a noticeable contribution to noise and disturbance in the area, particularly due to the proximity of the site to the adjacent residential gardens. Furthermore, the noise and disturbance is likely to be exacerbated by a trainer recalling, shouting commands and other vocal activities which would typically be associated with dog training.
13. I find there to be conflict with saved policy ENV1(1) of the Selby District Local Plan Part 1 (2005) which expects development to take account of the effect upon the amenity of adjoining occupiers.

Character and appearance

14. The appeal proposal would not see any external alterations required to the garage but would introduce a business into a predominately residential area.
15. The change of use would utilise part of an existing detached garage into a dog training area. As stated previously, the business is proposed to allow one customer at a time, to a maximum of three customers a day.

16. The Council have raised concerns with the business operating within a residential area, and the trip generation that comes with it, in terms of the effect on the character and appearance of the area.
17. I find that with the limits on the potential users of the business, and the trips that would generate, that extra disturbance caused would not be greater than that experienced by a large family utilising the dwelling, by reason of attending work, taking children to school, shopping etc.
18. As such I do not find conflict with Policy SP19 of the Selby District Core Strategy (2013) which expects development not to compromise the character of the area.
19. A lack of harm associated with this issue does not outweigh the harm that I have identified with regard to the issue of the effect of the development on living conditions. The site is located in an accessible location, but that is not sufficient to outweigh the harm identified above.

Conclusion

20. The proposal conflicts with the development plan when taken as a whole and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

Paul Cooper

INSPECTOR