



Appeal Decision

Site visit made on 27 June 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/Y9507/W/22/3311093

Land at Corhampton Lane, Corhampton SO32 3NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ms Claire White-French against the decision of South Downs National Park Authority.
 - The application Ref SDNP/21/02405/CND, dated 27 April 2021, was refused by notice dated 4 October 2022.
 - The application sought planning permission for a change of use to dog training centre without complying with a condition attached to planning permission Ref SDNP/20/03795, dated 31 March 2021.
 - The condition in dispute is No 2 which states that: *The hours of use of the field for any activity involving dogs shall be restricted to 8am to 6pm on weekdays, and 8am to 1pm on Saturdays, and is not to be used on Sundays or Bank Holidays.*
 - The reason given for the condition is: *To protect the amenity of the area and local residents.*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appellant seeks to amend condition 2 of the approved scheme to extend the hours of use for the field on Saturdays from 8am to 1pm to 8am to 5pm. This would allow them to provide additional dog trainings sessions at the weekends. The Council consider that the extended opening hours would result in additional unnecessary noise nuisance for nearby residents.
3. Therefore, the main issue is the effect varying condition 2 would have on the living conditions of occupants of neighbouring properties regarding noise.

Reasons

4. The appeal site is situated at the edge of Corhampton and Meonstoke at the junction between Corhampton Lane and Warnford Road. Adjacent to the site is the residence, Corhampton Court, with further dwellings beyond, and on the opposite side of the roads are several other dwellings. The site is a large field divided into a series of different training areas. There is also a large parking area adjacent to the boundary with Corhampton Court and a group of small buildings around the entrance.
5. On visiting the site no training was taking place, so I was able to appreciate the relative quiet of the general area, and that although reasonably well used,

noise from Corhampton Lane and Warnford Road was not excessively dominant or intrusive.

6. It is not in question that the appellant runs a professional and well-respected dog training business. Nor that its services are highly prized by its customers and more weekend hours would allow easier access to those services. However, it is inescapable that even for a short period of time, the very nature of dog barks and human shouts or whistles is to attract attention, so they are often louder and at higher frequency than the background noise levels, and unpredictable in their occurrence.
7. Due to the variable nature of humans and dogs as a source of noise, the only reliable form of control is by limiting the hours of operation, which as a default would also reduce the period of time vehicles could access the site. Condition 2 would therefore, provide occupants of nearby properties with limits as to when they could reasonably expect to hear such noise from the appeal site, and to provide respite from it during the weekend, when people are most likely to be at home.
8. The appellant's noise assessment (NA) shows measurements were taken on a singular Saturday between 8am - 5pm. The NA states that 'there is no reason to think that noise impact would be worse during the afternoon if the hours of operation were extended', relying on the median range of values across both time periods.
9. However, the NA fails to specify what training had taken place within the existing operational hours, whether the site was at full capacity, or where the measurements were taken from. It also has only taken measurements on a singular day, therefore does not necessarily represent the typical use of the site and thereby its effect on neighbouring residents.
10. Notwithstanding these issues, the NA also does not explain the several instances where there seems to be a variance of around 10 decibels (dBs) between the ambient and background noise levels. A 10dBs increase in sound can be perceived as doubling in loudness, and the measurements set out in Table 2 of the NA show that there are more occasions of these incidents within the period between 8am - 1pm than between 1pm - 5pm. As there are no other sources of noise identified in the NA, the louder incidents within the 8am - 1pm period are, in probability, linked to the use of the appeal site.
11. Therefore, I am not persuaded by the NA's conclusion, that the proposal would likely have the same effect between 1pm - 5pm as it does between 8am - 1pm, as the information before me is too limited and may not represent a typical Saturday.
12. Nevertheless, even if the noise impact would be similar across the day, the relatively quiet and tranquil nature of the surrounding area, and lack of any proposed mitigation would mean the proposal could still have a harmful effect on the living conditions of nearby residents by considerably reducing the period of time they could expect respite.
13. It is acknowledged that according to the NA, there is no legislation or guidance which differentiates between weekdays and weekends in terms of different levels of impact. However, this does not account for the effect of that impact over an extended period.

14. The appellant refers to the Council's environmental health officer's comments on the original application (SDNP/20/03795/FUL). These were in relation to that specific scheme, and it is not clear whether they were asked to consider hours of use beyond those currently set by condition 2. Their comments relating to road noise were also only in relation to the properties across the road from the appeal site and not those adjacent. Therefore, they do not overcome my findings.
15. Consequently, it has not been satisfactorily shown that an extension in hours of use, by varying condition 2, would not have a harmful effect on the living conditions of occupants of neighbouring properties regarding noise. The proposal would not therefore comply with Policies SD5(k) and SD7 of the South Downs Local Plan (2014-33) insofar as they seek to protect surrounding uses and amenities from harmful impacts, and to conserve and enhance the relative tranquillity of the National Park.

Other Matters

16. The appeal site falls within the Corhampton and Meonstoke Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. However, the Council have not objected to the variation of condition 2 based on harm to the CA. There would be no alteration to the physical aspects of the original approval and no objections on this matter have been received. Therefore, I have no reason to disagree with the Council's position, and so conclude the character and appearance of the CA would be preserved.
17. Whether the environmental health officer visited the appeal site prior to issuing their comments is a matter which should be taken up with the Council.

Conclusion

18. For the reasons given above, the variation of the condition proposed, would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations that would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR