

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager
To: Planning Committee
Author: Mark Simmonds
Subject: Planning Appeals
Purpose: To provide an update on recent Appeal Decisions

Recommendation

a) That the contents of this report be noted

1.0 OVERVIEW

1.1 Since the last report 1 appeal decision(s) have been received, the results are as follows:

Appeals Dismissed:	1
Appeals Allowed:	0
Appeals Part Allowed:	0

1.2 Since the 1st April 2017 204 planning appeal decisions have been received of which 150 have been dismissed, which equates to a success rate of 73.53%

2.0 PLANNING APPEALS DISMISSED

Land at Gubboles Drove, Surfleet	H17-0478-23 - Mrs H Laches
	APP/A2525/W/23/3332150
Jacob Bryan	Decision Date: 05 Apr 24
<p>The Appeal related to a refused application for change of use of agricultural land to leisure use to include dog training/walking/exercise for private use.</p> <p>A previous appeal at the site was dismissed. The primary difference between the proposal and the previous scheme is that the appeal proposal is for private use rather than a dog training centre.</p> <p>The Inspector commented that whilst it is likely that the dog training activity would be limited to a small number of hours per week, the evidence indicates that this is likely to include evenings and weekends to fit around existing work commitments.</p> <p>The Inspector found that there is potential for additional noise and disturbance arising from the proposed use. I note that there have been noise complaints from local residents, however. Despite the appellant's assurances, regarding the dogs currently owned, different breeds of dogs have contrasting temperaments with some dogs being more susceptible to barking. The Inspector commented that these behavioural effects are not entirely within the control of the handler. Furthermore, where a number of dogs are gathered together it is very likely that there will be some barking and from the</p>	

nature of the proposed use there are also likely to be raised voices from the handler, which will carry over some distance.

The Inspector agreed that the Acoustic Report (AR) is limited and fails to establish the existing background noise levels or undertake an assessment in accordance with industry standard methodology to measure the impact of the general activity and associated noise from dogs and the handler.

The Inspector made the following analysis;

“I cannot be satisfied that the proposal would not cause harm to the living conditions of the occupiers of nearby residential properties, with particular regard to noise and disturbance. In this regard I find conflict with Policies 2, 3, and 30 of the South East Lincolnshire Local Plan 2019 and the Framework, which seek to prevent harm to the living conditions of nearby residential properties and to prevent noise pollution.”

The Appeal was DISMISSED.

3.0 **PLANNING APPEALS ALLOWED**

None

4.0 **ENFORCEMENT APPEALS DISMISSED**

None

5.0 **ENFORCEMENT APPEALS UPHELD**

None

Background Papers - Planning Application and Enforcement Working Files

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