

21st March 2021

Planning Department
Ribble Valley Borough Council
Church Walk
Clitheroe
BB7 2RA

Your Ref: NC2/3/2020/0840

Dear Sirs,

Planning Application No. 3/2020/0840
1 Ridding Lane Whalley BB7 9HW

We write in relation to the above-mentioned planning application. As we were not recipients of your consultation letter dated 20th November 2020 we were unaware of the existence of this application for retrospective planning permission until enquiries made in relation to a noise nuisance associated with the development indirectly revealed that the application had been made. We understand that a decision has not as yet been taken on the application and therefore trust that our following comments will be considered prior to you so doing.

We object to the granting of retrospective consent for the development described in the application as it is contrary to the following policies of the Council's Core Strategy:

1. **DMB1**

The development, being outside the main settlement boundary of Whalley, is governed by the fourth paragraph of policy DMB1 which states: "The expansion of established firms on land outside settlements will be allowed provided it is essential to maintain the existing source of employment and can be assimilated within the local landscape...".

The two elements of this policy provision are not satisfied by the proposal as made. First, no evidence has been produced of the need for either the relocation of the previously existing wooden rest/shelter area nor for the addition of the new "small shed" or 58ft x 30 ft "wooden structure". The Council

cannot therefore properly be satisfied that the development is essential to the maintenance of this business.

Secondly, the dimensions and topographical location of the new larger structure is such that it is not assimilated within the local landscape. In this respect, it is noteworthy that, in assessing visual amenity/external appearance for the purpose of the 2018 application, the officer's delegated report first noted that the land was at that time devoid of structures (other than for some boundary fencing) and that new fencing and "a modest size wooden structure" were the only building works arising out of the application made at that time. The officer considered the new structures to be "minimal in scale". On that basis their recommendation to approve the application was not affected.

In contrast, the new 58ft x 30ft structure is by no means either modest in size or minimal in scale. Furthermore, it stands on an area of the site that is notably higher than the area that lies immediately adjacent to the public footpath to the north and this has the effect of making it unduly prominent within the landscape, particularly when viewed from the footpath at the Water Treatment Plant side of the development to the west.

Finally, with regard to policy DMB1, if, notwithstanding our observations in relation to the applicability of the fourth paragraph of DMB1, it is considered that the development is an expansion of an existing firm within a settlement (i.e. the settlement of Whalley) rather than of an established firm on land outside a settlement, then the development that has already taken place remains in conflict with the third paragraph of policy DMB1 in that the permission of expansion of existing firms within a settlement are subject to the proviso that "no significant environmental problems are caused". The fact is that the development is causing significant environmental problems and we will set out further details of the same in our comments on policy DMB3 below.

2. **DMB3**

In the delegated report relating to the permission granted in 2018, the planning officer proceeds on the basis that the development proposed could be classified as recreational. As there is no change of use involved in the present proposal it therefore necessarily follows that the development now under consideration is subject to the same constraints set out in policy DMB3 as was the original development.

In particular, policy DMB3 requires that "the development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design".

Whilst the issues already raised in relation to the necessity for and size of the development are undoubtedly important ones, the real crux of the matter so far as we are concerned is the impact of the development on our residential amenity as a result of the noise nuisance caused by the operation of this specific type of business in the current location and as the layout of the land is now being utilised following the changes made since the grant of the original permission in 2018.

In the officer's delegated report on the 2018 permission, having referred to the nearest residential building being 360 metres away, the judgment was made that "At such a distance it is not considered that the proposed use would have any undue impact on residential amenity". The officer seems to have drawn that conclusion following his or her site visit and the impression gained therefrom that "There is clearly audible background noise from the A59, the adjacent river and the Water Treatment Plant, and the proposed use would have no significantly greater impact than these existing uses/features."

It is a pity that the officer appears to have drawn their conclusions at that time from observations made at the site itself rather than from the location of the nearest noise-sensitive building as, even ignoring the fact that the sound of dog barking is far more intrusive than any of the types of background noise mentioned, it is farcical to believe that the noise generated by a river or a water treatment plant adjacent to it would have any impact whatsoever on residential properties standing at or further away than the distance mentioned, and even more that those "noise" generators would result in the same impact on amenity as up to 20 barking dogs.

The background noise caused by the A59 is of more significance but even that is different in nature to the noise generated by the constant staccato barking of multiple dogs which is inherently far more intrusive (and therefore annoying) than the generally low hum/bass sound of traffic.

Fortunately, although, contrary to the judgment call made by the planning officer back in 2018, the operation of the aptly-named "Bark Park" has caused interference with our everyday enjoyment of our home, until recent times that has been an intrusion that we have been prepared to accept as a necessary

incident of the closeness of human interaction in modern society. However, following the carrying out of the building works and consequential change of layout for which retrospective consent is now sought, the nuisance now caused by the Bark Park represents an unacceptable intrusion in the enjoyment of our home.

It appears that the principal reason for the exacerbation of the problems caused (i.e the increased audibility of dogs barking from within the development site) is two-fold but with a common denominator. The two-fold factors to which we refer are, first, the usage made of the new large wooden structure and, secondly, the usage made of the land immediately adjoined to and surrounding the new large wooden structure (and which lies outside the land designated as the "secure dog exercise area" on the location plan). The common denominator is, as indicated earlier, that the new large wooden structure has been constructed within that part of the site that stands at a higher level and the usage made by the dogs around that structure is also taking place at the same higher level. We believe that this is allowing the transmission of the noise generated by the dogs much more readily than was previously the case and this results in the noise level at our home being much louder (and therefore more intrusive) than was once the case. It is also of concern that this is happening at a time when the restrictions arising out of the covid pandemic are at their harshest and therefore one would suspect that there would be less need, and therefore less dogs, within the site than would normally be the case (because a greater proportion of owners would not be having to travel to work and would be in a better position to care for their dogs themselves rather than finding it necessary to leave their dogs at a facility such as this during their own working hours).

Therefore, whilst the issue of noise nuisance caused by the dogs may be a matter of environmental health, it becomes relevant in planning terms because of the topography of the location and the consequent unsuitability for the development of the site in the precise manner that has been undertaken.

In conclusion, therefore, we would ask you not only to refuse the application that has been made [REDACTED]

[REDACTED]
[REDACTED]
Yours faithfully, [REDACTED]
[REDACTED]