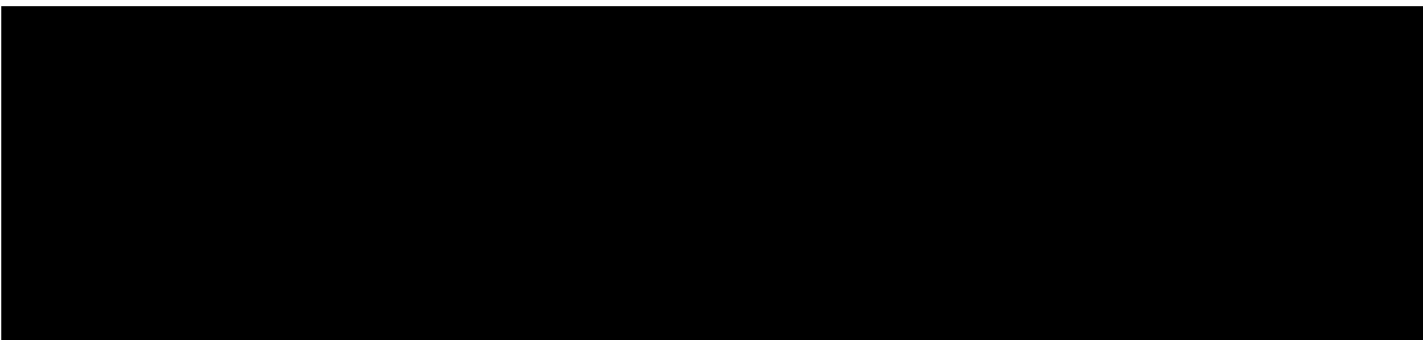




From: [REDACTED]
Sent: 31 August 2018 14:38
To: Planning.Responses; Simon Davis; Environmental Health
Subject: Dog Training & Exercising on land east of Parsonage Farm Yapton Road - LA Ref BN/25/18/PL

Dear sirs,

We act on behalf of Mr & Mrs Caldecott of Mill House Yapton Road and submitted a letter of objection to the above application on 26 June 2018. Since then you have notified us about amendments made to the application comprising a change to the red line application boundary excluding the field to the rear of Field House and the inclusion of an additional field to the rear of Parsonage Farm. We understand the changes have been re-advertised and Environmental Health re-consulted.

We have also seen the agents letter dated 20 July 2018 explaining the measures or as the agent puts it, 'best endeavours to eliminate the alleged disturbance arising from dog barking' given the close proximity of the application site to neighbouring residential properties. The measures are:

- excluding the north field adjoining Field House
- including a similar sized field to the rear of Parsonage Farm
- relocating the car parking to an area west of the field which would be used as 'first option'
- asking clients in the summer months to park their cars inside the training paddock
- Reduction in class length to 50 minutes instead of the full hour
- asking dog owners to actively prevent their dogs from any continuous barking including carrying out distraction techniques

Unfortunately the changes, revisions and best endeavours proposed in connection with the planning application do not overcome our clients fundamental concerns about noise breakout from the revised application site and they **maintain strong objections** to the proposal. The planning reasons are:

- The reconfigured application site still adjoins the rear garden curtilage of Mill House. The noise break out of barking dogs will therefore be little altered even with the field closest to Field House excluded from the application.
- The noise from barking dogs in open fields cannot be mitigated with acoustic screens. The panel fence separating our clients land from the application boundary will not suppress the noise of barking dogs to an acceptable level.
- The agent refers to 'alleged' disturbance from barking dogs but the nuisance has been confirmed to be demonstrably harmful by the serving of a noise abatement notice by the Council's Environmental Health Officer. And if there was no nuisance why has the applicant volunteered additional measures to eliminate it?
- The new parking arrangements effectively extend the potential for noise from dogs in cars as the existing parking areas remain alongside the proposed additional parking.
- Reducing class length by 10 minutes will not alter the length of the daily dog training and exercising proposal as the hours of operation listed as 08.00.18.00 Monday to Saturday, Sundays and bank holidays remain unchanged.

- Asking owners to actively prevent dogs from continuous barking is no guarantee that barking will not occur, and is simply not enforceable
- the applicants agent will know that putting in place 'best endeavours' to eliminate disturbance from barking dogs is no justification for granting planning permission. The proper approach is to use planning conditions as these can enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. Conditions can be imposed where they meet the tests for their imposition in the first place, namely that they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- In the case of this application however there are no conditions that could be imposed to control the noise from barking dogs to make it acceptable and meet all the six tests above. It is simply a proposal that has been wrongly located amongst residential dwellings where noise nuisance will inevitably arise.

We trust you will notify us of the decision in due course.

Yours faithfully,

Paul White BA (Hons) DipTP MRTPI
Director of Planning

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