



Statement to accompany the planning appeal to change the use class of Ryecroft Meadow, Caia Farm, Old Wrexham Road, Gresford, Wrexham. LL12 8UA.

August 2020

Case Number: P/2020/0218

Applicant: Miss Rhian Williams

Introduction

With few enclosed spaces for dogs to go off-lead in the area, I set up and opened a dog walking field/dog exercise area in September 2018 whilst at University studying BSc (Hons) Canine Clinical Behaviour. I would be extremely grateful if you could carefully consider the points raised in the application supporting document (submitted) and this statement.

Planning History

I contacted Wrexham County Borough Council in 2017 and 2018 regarding the use of land for dogs and was told I did not need planning permission. In January 2019 I received a letter informing me I did need change of use from agricultural to sui generis. I subsequently submitted the first application. In November 2019, it was taken to a planning committee meeting with the Planning Officer in charge recommending the application for refusal. Ultimately it was refused because of a single objection citing noise as an issue. I submitted a new application in 2020 with a noise survey. That application has been refused without referral to Wrexham Planning Committee.

Dog Walking Field

Many dogs benefit from an enclosed space where they can be on or off the lead without other dogs or other owners nearby. Reasons often include dogs undergoing training or owners who may want somewhere safe, away from other owners and dogs, to walk their dogs. There are over 400 enclosed facilities across the UK, however, there is a clear lack of these facilities across Wales with most situated across England and Scotland. The facility is not boarding kennels or dog daycare. The field is not open to the public to come and go as they please. Use of the field is by booking in advance only.

Grounds of Appeal

I am appealing against the refusal of planning permission. Below I have responded to the reason for refusal and have considered additional factors.

Noise

The first application was refused solely on the grounds of noise in November 2019. Therefore, I instructed an independent company to carry out a noise survey on the land. Their findings showed that there is no detrimental impact on the surrounding community, local amenity or environment (submitted). They found a small area at the end of one neighbour's garden could potentially be affected (Lowest Observed Adverse Effect Level [LOAEL] range) and mitigating actions could be put in place to counteract this with a small area of acoustic fencing being installed if the occupier so wished. This occupier has not objected to the application.

For the resubmission, the noise survey was added. It would appear this document has not been taken into consideration as the application has been refused again on Friday 7th August for noise (submitted).

"By virtue of the noise levels, non-continuous sources of noise, and the general character of the noise associated with the proposed use (dogs and their handlers), to allow the development would be a constant source of irritation and disturbance to neighbouring noise sensitive properties, detrimental to their amenity and contrary to Wrexham Unitary Development Plan Policy GDP1 (f)."

GDP1 (f) states *"Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development."* However, as discussed, the noise survey has proven there will be no detrimental impact on the surrounding community, local amenity or environment.

Importantly, environmental protection/public protection have not raised any concerns for this application or the previous application. I ensure dogs have enrichment within the field to counteract the main reasons for barking and have stated in my terms and conditions "Although Ryecroft Meadow is intended to be a relaxing, fun and safe facility ... dogs who exhibit

excessive, persistent patterns of barking behaviour will be restricted from using the facility for both private hire and events.”

The field is primarily used for 1-2 dogs, this year alone (January-August) there have only been two occasions where there were 10-14 dogs on the land at once. In the previous year August-December there were 31 events with an average of six dogs per event with only three events having 11, 12 and 13 dogs maximum. All above sessions were no longer than one hour.

Updated Noise Report August 2020

Where I have had to assume WCBC finds the current noise survey insufficient and based on objections, following refusal, E2 Consultants have done further calculations (submitted). This considers a very worst-case scenario: a highly unlikely scenario where 10x dogs are concentrated (however, spaced evenly to preserve some realism) nearest to the boundary of the dwellings on the site and the most likely position to cause adverse effects, and that all 10x dogs are barking simultaneously with one another.

The findings show the dwellings are still within the No Observed Adverse Effect Level [NOAEL] range with some of their gardens nearest the land being in the LOAEL range as shown previously. As discussed a close boarded fence could be installed behind the properties affected to counteract this.

Highways

I have worked with the Council and the Highway Department to satisfy highway concerns as detailed on our site plan, which resulted in no objection.

Local Community Council

I was made aware that a community council meeting took place on Thursday 6th August at 6:30 pm where they discussed the application. I was then sent the decision from Wrexham Council on Friday 7th August at 9:00 am, therefore, I do not see how the local community views could have been taken into consideration.

Wrexham Council

Despite offering numerous opportunities to conduct a site visit in order to ensure and allay any concerns, none of the committee members or the chief planning officer took the opportunity to come and visit the site where they could see for themselves how the field operates in a safe manner.

On Monday 10th August 2020 I enquired regarding comments submitted about my application. I was advised 40 were made, two were objections. Given that the original grounds for refusal has been proven unsubstantiated and in the face of overwhelming support, with 95% of responses being either positive or neutral, I do not understand why this did not proceed forward to the planning committee.

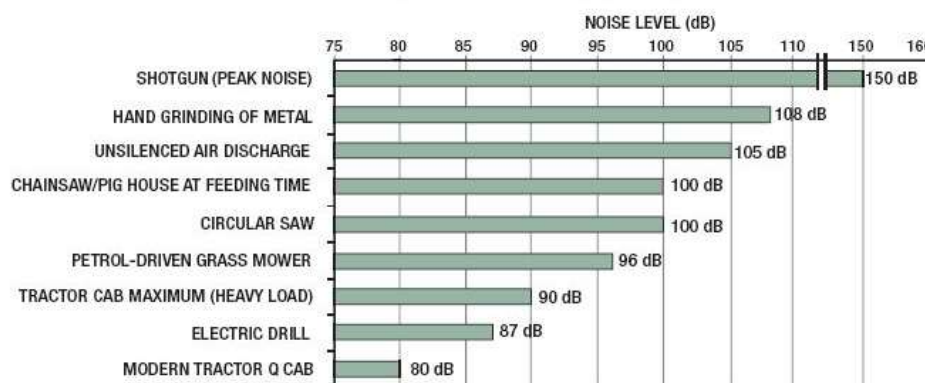
Objectors

Whilst some of the issues raised are not planning related, I wanted to ensure that my views were noted with regards to the two comments against the application as I have not been able to respond to either objections on this application. Although the Wrexham.gov website states "*We (the council) cannot refuse planning permission simply because people object to an application*" it appears through the process that individuals have been able to unduly influence the application process. I have felt unable to defend my business and hoped during the resubmission that the facts (noise survey) would have helped make the decision, rather than unfounded comments.

Noise

I would firstly like to address the common claim in both regarding noise. Both respondents have complained about noise, however, when occupying a property adjacent to farmland this cannot be unexpected. It is impossible to expect this land to be noise-free given that normal farm operations would emit noise levels that are similar, such as livestock. As part of a wider study, Weeks et al., (2009) recorded mean levels of vocalisations from cattle in the range 80-90 dB and sheep vocalisations at around 70 dB. Or potentially louder, due to machinery, than the requested change of use (see graph).

Examples of how noisy some agricultural activities are



"The diagram shows typical noise levels associated with agricultural work activities." -

<https://www.hse.gov.uk/agriculture/topics/noise.htm>

Objection 1

Assuming the resubmission comments [not those made on the first application] are only those that are considered in this case I have little to respond to this objection other than the fact that there is absolutely no "constant barking, screaming, shouting and whistles" and would expect these to be viewed as accusations rather than facts.

Objection 2

I would like to address a specific point highlighted by the second objection: “Gunshots fired during training sessions”. I can confirm that I take this accusation extremely seriously, no firearms license is held by any individual currently dwelling on the farm, nor are firearms held on the farm, or allowed on the field. I do not understand why anybody associated with the field would discharge a firearm consequently frightening dogs and their owners. Furthermore, I would actively discourage this as a training method. I can only assume this refers to the use of guns on neighbouring land.

Concerns over the lack of security of the field:

The Wrexham.gov website states “Little or no weight can be given to comments that refer to non-planning matters”. I do not feel that the escape of their dog onto our land can be considered. No dog or human that is related to this business has ever accessed their garden in the two years we have been running and we take the safety of dogs and people very seriously. Furthermore, I have personally improved the quality of the boundary fencing by installing 6ft deer and heras fencing, along multiple neighbouring gardens from which the aforementioned dog has escaped. To my understanding, the dog has not gained access to our land since April 2020 due to the additional fencing that I have put in place. This is just one example of where I sought to work with my neighbours to alleviate their issues. Once again, were livestock to be kept in the field, or were the dog to escape and visit a field containing livestock then the owner would be liable for this under the Dogs (Protection of Livestock) Act 1953. They are responsible to provide secure fencing on their side of the boundary to contain their dog.

Loss of Privacy:

There are hedges and trees on the boundary between the dwellings and the land, meaning there is little visibility into neighbouring gardens (see appendix for images). In relation to the comments in the second objection, a new gateway has been proposed and is marked on the site

plan, existing gateways will stay for maintenance use only or be fenced off. Therefore, the access will move further from their garden which I have spoken to them about in person.

Conclusions

I am appealing against the refusal of planning consent at Caia Farm, Old Wrexham Road, Gresford, Wrexham for: "Change Of Use Of Agricultural Land To Dog Exercise Area (In Retrospect)".

The application should be granted because:

- The council's reason for refusal has not taken into account the noise survey carried out by E2 Consultants which demonstrates the facility does not have a detrimental impact on the surrounding community, local amenity or environment and the consideration for the proposed measures to counteract any potential noise concerns. Further to this, alternatives allowed under the fields current use class would likely lead to higher noise levels.
- There is little visibility into neighbouring gardens. In addition, screening has been installed and hedges planted in areas with less coverage.
- The facility is an appropriate use in the Green Belt, being an outdoor recreation facility.
- The business is a local, rural enterprise and should be supported in line with the Planning Policy Wales Edition 10 (page 86) which states that "diversification can strengthen the rural economy and bring additional employment and prosperity to communities." and "local authorities should encourage the growth of self-employment and micro businesses in rural areas by adopting a supportive and flexible approach to home working and associated change of use applications".

- Rhian Williams BSc (Hons) Canine Clinical Behaviour, FdSc Canine Behaviour and Training

Appendix



1. View in direction of 1 Park View From Field (taken August 2020)



2. View in direction of 1 Park View From Field (taken March 2020)



3. View in direction of 3 and 4 Park View and The Croft House (taken September 2018)



4. View in direction of 2, 3, 4 Park View (taken May 2019)



5. View from the most southern end of the field (taken January 2019)



6. View of some of the enrichment provided - most southern end of field (taken August 2020)



7 & 8 - View from field in direction The Croft House (June 2019)



Diagram showing where the images were taken