

Appeal over West Lothian dog exercise park refusal

Plans to maintain a dog exercise park on the southern fringe of Livingston have gone to appeal at the Scottish Government.

H&J Russell appealed the refusal of their application for the park last September in fields at Murieston Caste Farm, Livingston.

West Lothian's Development Management Committee (DMC) heard sometimes emotional evidence from the nearest neighbours who live in a cul de-sac on the edge of Murieston.

They complained about "constant" noise from barking dogs drifting across fields from the park at Murieston Castle Farm to the south west.

The dog run park was on land belonging to the farm which is outside the settlement boundary of the new town, with the nearest residents living in Skivo Wynd, a little over half a mile (100m) away, and northwards up a slope.

Agents disputed the noise claims, saying barking dogs are commonly heard in the suburbs.

Speaking to the DMC in September, one resident asked: "Why can't the residents who bought these homes to live in peace have that? And she added, that if permission was granted: "I would like if someone could explain why dogs got preference over human beings."

The applicants had applied in retrospect for planning permission for a change of use from agricultural land to a dog exercise field.

Notification of the appeal against the rejection was delivered to councillors at the February meeting of the DMC today (Wednesday).

In papers submitted to the Division of Planning and Environmental Appeals (DPEA), agents for the applicant said: "The Council maintains their position that the proposed development would have a detrimental impact on the residential amenity of local residents. They have however not substantiated this claim with evidence, and it is within contrast to the opinion of their own Environmental Health Officer who was content that barking, while potentially still audible, would not be at a level that would cause concern."

The applicants had submitted a Noise Impact Assessment with the planning application which concluded that the revised site boundaries would ensure that potential noise levels from barking would be kept to acceptable levels for nearby residential properties.

The agents added: "It is noted that the neighbour objections came from residential properties at Skivo Wynd. This is a suburban type of residential area, where it will be common for residents to be dog owners. The noise levels emitted from the proposed development would not be any louder than the noise level from barking dogs within the gardens of surrounding residential properties on the street."

And they asserted: "Barking dogs would likely be a common background noise feature in this type of setting."

The agents also cast doubt on the council's claim there is no locational justification for the exercise park, given the surrounding green space in footpaths and parks in and around leafy Murieston.

The agents added: "We uphold that this argument is irrelevant as the proposed development is not intended to suit every dog walker but serves a purpose for those dog owners who need a secure facility to let their dogs off the lead in a controlled environment. These individuals would not typically use the existing green spaces or nearby walking routes and tend to seek more rural and isolated locations or use similar developments out with the local area."

The council has lodged a response to the appeal. A Scottish Government appointed Reporter will decide the application.

By Stuart Sommerville, Local Democracy Reporter