

Meadowbank
Sewell
Nr. Dunstable
Beds LU6 1RP

17 AUG 2011

15th August 2011

Mr. A. Bunu
Chief Planning Officer
Development Management
Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Shefford SG17 5TQ

Dear Mr. Bunu,

Application Reference CB/11/01842/VOC – Whistlebrook Stud, Sewell, Dunstable LU6 1RP

We are writing again following the copy of the submission you sent to us by Mr. Mark Hales of Environmental Health. As we are vehemently opposed against this proposal and its affect it has upon us, we are taking all the opportunities we can to put our case forward.

In Mr. Eden's correspondence to you dated 17.3.11, he clearly stated that dogs set each other off regardless of numbers and that it would not be possible to draft a noise condition that would ensure that noise from barking dogs is not detrimental to the neighboring properties. Mr. Hales, on the other hand, has no objection and although he categorically confirms that noise is generated from barking dogs and people shouting, he feels once a week would not be unreasonable. We find this totally unacceptable. What justification is there to inflict numerous dogs barking and people shouting for two hours on the neighbours for one day a week? The disturbance during those sessions does not just affect us whilst the dog training is being carried out. To us, there is a build up of knowing that the dogs are soon arriving and that barking and people shouting will follow for the next two hours. We try to evade that misery by going anywhere in our home where we do not have to hear it. When the session ends, we are relieved, but know that in 7 days time it will be back upon us again. One session a week leaves a lasting affect for the next 7 days as a nuisance that becomes regular, even one day a week, is a nuisance that carries on into other days mentally.

If this proposal is granted who will monitor it to ensure that it is in keeping with any conditions set? Will it be us? Past history shows that this site has constantly breached planning permissions. Who will check that any conditions are being complied with and not broken every week? Who will count that the number of dogs is not being exceeded every week?

As advised to you recently, Mrs. Attrill of Heartsease took a tally count of the number of barks during a Monday session and this was recorded at over 400, on top of people shouting. Other sessions may be similar but are just as likely to generate more. This is an unpredictable noise nuisance with no control or containment due to it being on an open-air arena and the position of that arena.

The Planning Committee of Houghton Regis Town Council unanimously turned the proposal down and if our local council find it unacceptable then that decision is the right one for they are there to protect their local community from inappropriate developments. Furthermore, Miss Cook brought along to that meeting a supporter who stated he lived in Sewell and ran a farm in Sewell. Both were untrue. He does not live or has ever lived in Sewell, nor ever ran a farm in Sewell. Miss. Cook was well aware that these statements were untrue and if she can put forward a supporter who misleads Councilors then who is to say her proposals will be honest and complied with. Out of the 11 dogs who live in Sewell, not one causes a nuisance to any of the neighbours at any time, therefore, there is no justification in allowing numerous dogs from elsewhere to turn up in this peaceful, tiny hamlet and cause that disturbance on our doorstep.

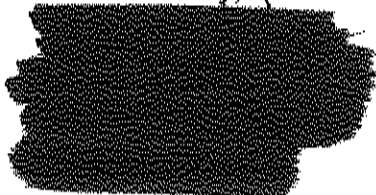
Family life is more important than dogs and we should not have to tolerate the consequences of people turning up and training their dogs next to our home. We doubt if anyone who attends the courses would cherish that prospect next to them. Perhaps this question should be asked to your planning colleagues and planning committee members. We feel it would be highly unlikely that anyone would relish such a proposal.

We already have to listen to shouted instruction on the arena when horse riding lessons are taking place. We also have to listen to Gymkhana events when loads of children arrive to take part and inevitably shout and scream during such sessions. Therefore, granting one day is not one day's tolerance for us; it is in addition to the activities that we encounter already.

Could we please ask that this letter is attached to our objection papers.

Thank you for your attention.

Yours sincerely,

A large, dark, irregularly shaped redacted area covering the signature of the sender.

Cc Mr. M. Hales -- Environmental Health
Mrs. S. Gilchrist - Houghton Regis Town Council
Mr. D. Jones -- Central Beds Councilor
Mrs. S. Goodchild -- Central Beds Councilor

APPENDIX 2

Heartsease,
Sewell,
Dunstable
Beds LU6 1RP
9.7.11

11 AUG 2011

ASCL

Development Management
Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Shefford
SG17 5TQ

Application Reference CB/11/01842/VOC
Whistlebrook Stud
Dunstable LU6 1RP

Dear Sirs,

We find it totally incomprehensible that this nuisance has been allowed to go on for so long and again a decision is being allowed to be delayed by the Cooks.

The decision by our local council should be final. They decided along with Mr Eden of the Enviromental Dept. that this action was totally unacceptable next to residential property.

We already have to put up with the riding school. The dog training ie. barking cannot be justified.

Complaints diary enclosed.

Yours faithfully,



cc. Mr [redacted]



Complaints Diary

DATE	TIME	DURATION	REMARKS AND DESCRIPTION OF THE NUISANCE
17.1.11	7-9.15PM	2 1/4 hrs	CARS COMING AND GOING. DOG BARKING MEN/WOMEN SHOUTING. BARKING HEARD OVER TV. THROUGH DOUBLE GLAZING.
24.1.11	7-9.15PM	2 1/4 hrs	DOGS BARKING, WHINING, BARKING OVER TV. CARS LEAVING 8PM, 9.15PM DOGS BARKING IN CAR PARK.
31.1.11	7-9.15PM	2 1/4 hrs	CARS, CAR LIGHTS OVER OUR GARDEN, HOUSE, FLOODLIGHTS, YELLING, DOGS HEARD OVER TV AGAIN!
7.2.11	7-9.15PM	2 1/4 hrs	DOGS BARKING, CARS MOVING 8PM, 9.10PM BARKING WORSE AFTER 8PM BARKING IN CAR PARK 9.10AM.
14.2.11	7-9.10PM	2.10 hrs	LOTS OF DOGS, BARKING. SHOUTING WORSE BEFORE 8PM. GOOSE 9.10PM.
21.2.11	7-9.10PM	2.10 hrs	SMALL YAPPY DOG, LARGE WOOFING ONE WOMEN SHOUTING, BARKING OVER TV.
28.2.11	7-9.15	2 1/4 hrs	HEADLIGHTS LIGHT UP OUR GARDEN. CARS COMING/GOING. "DOG FIGHT!" DOGS BARKING. WOMAN YELLING.
7.3.11	7-9.10PM	2.10 hrs	DOG WOMAN YELLING COME ON, COME ON OVER AND OVER AGAIN. SOME BARKING LOTS OF PEOPLE. CARS LEAVING 8PM & 9.10PM.
14.3.11	7-9.15PM	2.15 hrs	WOMEN SHOUTING DOGS YAPPING.

I confirm that the above details are true and accurate, and that, if required, I am prepared to attend court as a prosecution witness.

Signed..... V. F. Gurnel Date..... 15/3/11

Complaints Diary

DATE	TIME	DURATION	REMARKS AND DESCRIPTION OF THE NUISANCE
21.3.11	7-9	7-9	ABOUT 5 PEOPLE ON ARENA WOMAN YELLING DOGS BARKING
			STOPPED RECORDING AS WE THOUGHT THIS WAS RESOLVED!
9.5.11	7-9	7-9	WENT TO MEADOW BANK TO MEET MARK HALE. FIRST HOUR QUIET. SECOND HR. USUAL BARKING, WOMEN/MEN YELLING REPETITIVE DIRECTIONS, DOGS BARKING, DOG FIGHT. CARS LEFT 9.30PM
16.5.11	7-9.45	7-9.45	DOGS BARKING. WOMAN SHOUTING LEAVING 9.45.
23.5.11	7-9.30	2 1/2 HRS.	DOGS BARKING WOMAN SHOUTING LEFT 9.30.
30.5.11	7-9	2 HRS	DOGS BARKING WOMEN YELLING.
6.6.11	7-9.10	2.10	DOGS BARKING. WOMEN, MEN AND CHILDREN SHOUTING. UPSETTING OUR DOGS. 9 PM Dog fight ABOUT 3 DOGS. DOGS HEARD OVER TV, CARS LEAVING AND ARRIVING BAY PARKING ACROSS OUT GATEWAY AS NOT ENOUGH ROOM TO PASS. LEFT 9.10 PM.
13.6.11.	7-9.10	2.10	DOGS BARKING WOMEN YELLING.
20.6.11.	7-9.15	2.15	DOGS BARKING WOMEN YELLING
27.6.11	7-9.10	2.10	" "
4.7.11	7-9.15	2.15	" "

I confirm that the above details are true and accurate, and that, if required, I am prepared to attend court as a prosecution witness.

Signed..... V.F. Atkull Date..... 7/6/11

Complaints Diary

DATE	TIME	DURATION	REMARKS AND DESCRIPTION OF THE NUISANCE
11.7.11	7-9.15PM	2 1/4 hrs	Sat with tally dogs barked 439 times 'quiet times' Filled with women yelling repetitive instructions: over, over, over, through, through, through
18.7.11	7-9.10	2hr 10min	Barbina, yelling
13 8.11	7-9.15	2hr 15min	Barbina as much as '439 words' women with deep voice yelling.
8.8.11	7-9.10	9.10	Stayed out late to avoid yelling/barking. Bob heard Tom-barking. Arrived home as car leaving block in our access.

I confirm that the above details are true and accurate, and that, if required, I am prepared to attend court as a prosecution witness.

Signed..... V.F. O'Connell Date..... 9/7/11

APPENDIX 3

11 AUG 2011

AGE2

Fax to 0845 8496162

Castle Hill Farm,
Llanstoffan,
Carmarthen.
SA33 5JX

9th August 2011
Land line 01267 241931
Mob. 07961335461

Ref. CB/11/01842 - Change of use within the use class D2 (c)

Dear Mr. Bunu,

I am writing to address the specific objections to this application.

The objections have wrongly alleged that 14 dogs bark, squeal and howl for 2 hours non-stop. This is utter fabrication. If true, then environmental would be pursuing a noise nuisance prosecution. There are no more than two dogs at a time in the arena and no more than six dogs in each class. The objectors have just taken the maximum number of dogs in two adjacent classes, added the neighbours 2 dogs and alleged that they all make a noise together and this simply is not true. The dog classes have been witnessed by myself several times and have not been a problem. Objectors cannot even get the number of properties in Sewell correct. There are 17 properties, not 13 as they claim and their other claims are also incorrect. For example, it is claimed that "polite conversations with the owners are not possible due to their previous attitude and behaviour". This wrongly infers a problem with the owners, when in actual fact it is the other way round. Solicitors and the police have been contacted on several occasions due to harassment and abuse of clients, ourselves and even children on occasions, so I can see how they now find it difficult to talk politely. The dog agility clients have been harassed several times and have also had to contact the police so the problem is certainly not with the owners, who actually live in West Wales.

Environmental have no objections and will not be taking action regarding noise allegations, as they have not found any basis. A recording of the dog training activity was not made by them, as I have been advised. The supposed recording is the subject of a current Data Access Request to both Houghton Regis and Central Bedfordshire councils but this has not so far been provided to us. This recording was not done with either the knowledge or permission of either Dunstable Riding School or Dog Agility Flyers and, as it has not been seen or heard, comments cannot be provided to you. Until the applicant can see and comment on the recording, it must be disregarded as evidence and removed from the planning file.

Houghton Regis Town Council have objected, but this was only based on a majority of one vote, belonging to the chairman. The main objector has enlisted the help of the Deputy Mayor, and they have both apparently witnessed the recording. Although invitations were sent, no-one from the town council has attended, to witness either horse or dog training, and no-one else has witnessed a recording, so the town council's objection should be discounted because it was borderline and based on untrue allegations.

Traffic has been mentioned as a problem but this is no more than traffic generated by any horse users, which it has replaced for the few hours that the premises are hired. Highways and the Rights of Way departments have not objected and therefore it is clear that no traffic problems exist.

Many people in Sewell do not object and some even support the riding school and the dog agility but are too afraid of repercussions to speak out. As stated previously, it has been necessary to contact the police because of abusive and harassing behaviour and I can therefore understand why residents do not want to get involved. It can be very unpleasant to be targeted in such an abusive way; especially when children are harassed by adults.

Objectors state that dog training commenced in Oct 2010 and do not seem to have noticed that it had been going on ('de minimus') since May 2010. Thus it cannot be intrusive because they failed to notice it for five months right through the spring and summer of 2010, when they were out in their garden right next to the site. They are claiming that this application is a result of an enforcement notice - this is again incorrect - no enforcement action or notice has been warranted due to the fact that all reasonable means have been followed in consultation with the planning advice received. Incorrect advice was originally provided by planners (regarding 'Sui generis' and needing a 'mixed use' variation) and this unfortunately delayed the application initially.


Objectors say this is 'development' but I must make it clear that this cannot be, because it is not a material change. We believe 'de minimus' and 'lawful activity' still apply to the dog activities on Monday evenings for the reasons given in prior communications and because it is in the same use class.

The dog agility club cannot go elsewhere for a second evening because of the amount of equipment needed on site and, anyway, have not been successful finding alternative premises. One evening is considered 'de minimus' and the second evening is required so that additional demand for classes can be met. We are against conditions because they limit business growth and we already have limits on the arena use anyway. However, 2 evenings per week may be acceptable, i.e. 6-8 hours weekly. If a condition is necessary, it would probably be best to cancel the 1996 condition entirely and add a new one, listing all the uses allowed, to avoid misunderstandings.

In summary, please disregard these objections, as they are based on gross inaccuracies - whether accidental or deliberate, I am unable to determine. As all objection letters copy or state similar incorrect facts, then please disregard those too.

I look forward to seeing your recommendations regarding this application.

Yours sincerely,


Owner/Agent

APPENDIX 4

Abel Bunu

From: [REDACTED]
Sent: 12 September 2011 09:50
To: Abel Bunu
Cc: stuart.oliver@houstonregis.org.uk
Subject: Statement 4 committee

Dear sirs

The trainers of Agility Flyers would very much have welcomed the opportunity to address the committee directly but this has not been possible due to one being on a pre-booked holiday & the other having work commitments that could not be altered at such short notice, so they have asked that the following statement is read out on their behalf.

Statement:

From May 2010, Agility Flyers has offered dog agility classes to the local public, providing a controlled, safe, learning environment for a healthy outdoor sport that also promotes dog obedience, the welfare of animals & responsible dog ownership. We now have an enthusiastic, committed & loyal group of local people of all ages & have more than 10 people on our current waiting list highlighting that there is the need but not the capacity elsewhere in the area.

Unfortunately, Mr Bunu's proposal of 4 hours on 1 day per week only, would not allow us to accommodate further participants as, having surveyed our current & future attendees, most have either work or family commitments preventing many from arriving earlier than our current 7pm start time & as you know we are unable to train later than 9pm due to the curfew on the menage, which we strictly adhere to.

We therefore request that we be allowed to train for 2 hours on 2 evenings per week so that we may accommodate those wishing to join our classes. Current planning permissions are already in place for horse tuition to this effect.

We implore the committee to agree to this proposal as we have put alot of effort into this venture & it is vital to our future existance that we are able to provide the additional classes so that those wishing to participate in this activity are able to do so.

Thank you. [REDACTED]

Sent from Yahoo! Mail on Android

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

12/09/2011

AGILITY FLYERS - RULES

Please take the time to read and familiarise yourself with the following points. Please note that where the initials AF are used, this refers to Agility Flyers.

Premises

AF and Dunstable Riding School accept no responsibility for loss or damage to vehicles or personal items whilst on the premises.

Please park sensibly and do not obstruct the entrance/exit or other users of the car park.

Please be aware that there are horses and possibly other livestock on the premises. It is your responsibility to ensure that your dog is under control at all times.

Handlers are required to have the means to pick up any fouling should it occur and place it in the bin provided or take it home if one is not available. Please note that the ménage is rented and failure to comply may result in losing the venue.

Members

All members will be notified in writing of any rule changes.

AF trains only using praise and reward methods and no harsh treatment will be accepted by any members at any time. AF reserve the right to dismiss any handler that in the opinion of the trainers are acting in a manner detrimental to the welfare of any dog or distracting other participants.

Minors under the age of 12 are to be accompanied by a parent or guardian at all times at training or other AF events unless with the express permission of the trainers. Minors under the age of 16 remain the responsibility of their parents or guardian at all times.

In the event of a member ceasing to attend training for a period of one calendar month without notification to the trainers, AF reserves the right to offer their place to another handler should there be a waiting list.

Dogs

Except when attending a pre-agility class, all dogs must be a minimum of 12 months of age in order to participate. Larger breeds may be required to be older than this if the trainers feel that their physical development could be affected.

No bitches in season are permitted at any training evening or AF event at any time.

Dogs suspected of having Kennel Cough or handlers/dogs which have been exposed to another dog exhibiting symptoms should seek veterinary advice and discuss this with the trainers before attending a class. Please note that this condition can be passed by handlers from dog to dog via clothing.

Please note your dog must have a basic level of obedience, i.e. return when called, a reasonable wait / stay command. If this is found not to be the case, at the instructors discretion, you may be required to undertake further obedience classes before continuing with the agility course/classes.

All dogs are required to have a standard of fitness due to the physical nature of the activity. If in any doubt, please seek your vet's advice. Vaccination certificates must be produced if requested.

Dogs are accepted for training at the trainer's discretion.

Dogs left in cars must have good ventilation at all times with a source of drinking water provided. Under no circumstances must dogs be left in cars on very hot days.

Equipment

Whilst every care is taken to ensure you and your dogs' safety, handlers train at their own risk and must only use the equipment whilst under instruction.

For safety reasons all dogs must be wearing a collar during training. This must be a flat or rolled collar which doesn't contain any chain or links which could get caught on the equipment. Please ask if you are in any doubt.

All dogs must be on lead at all times unless under instruction.

Do not allow your dogs to foul the equipment.

Fees

Course fees are payable on booking in order to secure your place and are non-refundable except under exceptional circumstances as agreed by AF. Attendance fees are payable on a per dog basis on the first training session of each month for the month ahead. This fee is payable even on non-attendance unless prior notice is given for reasons such as annual vacations, a bitch in season, etc, as the rent is still required to secure the venue.

Data Protection

A list of all members names and addresses will be maintained by AF and may become available for inspection by members of the kennel club should we become KC registered at any point in the future. All information will be treated as confidential.

**BEGINNERS AGILITY COURSE (8-WEEKS)
BOOKING FORM**

Applicant's Details

Dog's Details

Name.....
Address.....
.....
.....
Daytime Tel:.....
Email:.....
Emergency Tel:.....

Name.....
Breed.....
Age.....

What experience of agility or other formal dog training do you have (if any)?
.....
.....

What do you hope to achieve from the course (fun, competition, fitness, etc)?
.....
.....

Does your dog have any behavioural problems that may need to be accommodated?
(i.e. aggressive towards other dogs, nervous, poor recall, etc.) Please state.....
.....
.....

Do you have any physical / learning disabilities or medical conditions that we should be aware of?
.....
.....

Where did you here about Agility Flyers?.....
.....

By signing this form, you agree that you have read and will abide by the rules of Agility Flyers and understand that, whilst every effort is made to ensure the safety of both you and your dog, you partake at your own risk (see attached).

Signed..... Date.....

To secure your place on the next course, please return this form, together with your payment of £60.00 (cheques payable to J T Dimmer) to

J T Dimmer
26 Chesterfield Crescent,
Wing,
Bucks.
LU7 0TW.



We look forward to seeing you!