
Appeal Decision

Site visit made on 3 January 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4th January 2017

Appeal Ref: APP/W3710/W/16/3158299

19 Lancing Road, Bulkington, Bedworth, Warwickshire CV12 9QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Clews against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 034178, dated 1 June 2016, was refused by notice dated 1 August 2016.
 - The development proposed is for a change of use to use part of the rear garden of No.19 Lancing Road for a cattery business. This will entail erecting a timber framed outbuilding in order to house a minimum of nine cats with the possibility of multiple accommodations for related cats. The outbuilding would be 2.3m high falling to 1.8 x 17.5m long x 3.6m wide. Also a separate brick built kitchen is required to meet the cattery licence conditions.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of part of garden area to cattery including the erection of an outbuilding to house 9 cat pens and the partial conversion and extension of the existing garage to create isolation pen and kitchen at 19 Lancing Road, Bulkington, Bedworth, Warwickshire CV12 9QU in accordance with the terms of the application, Ref 034178, dated 1 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Plans and Elevations dated 12 April 2016.
 - 3) No development shall commence until details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted together with insulation measures have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) The proposed pens shall only be used for the boarding of cats.
 - 5) A maximum of nine pens shall be constructed and no more than 24 cats shall be accommodated at the cattery at any one time.
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- 6) The cattery shall not be open to visitors or customers wishing to drop-off or collect their cats outside the hours of 09:00-18:00 Monday to Saturday, and 10:00 to 12:00 Sundays and Bank Holidays.
- 7) No development shall commence until details of an appointment system, collection and drop off service have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 8) No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Council. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Procedural matters

2. The appellant's description of the proposed development differs to that stated in the Council's decision notice. The Council's description is preferred and accurately portrays what is proposed. The preferred description thus states 'change of use of part of garden area to cattery including the erection of an outbuilding to house 9 cat pens and the partial conversion and extension of the existing garage to create isolation pen and kitchen'.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living conditions of nearby neighbours with regards to noise, disturbance and increased odours.

Reasons

4. Lancing Road together with the neighbouring Findon Close comprises similarly designed semi-detached bungalows within a typical leafy suburban setting. The appeal property contains a narrow driveway and single garage set back from the main dwelling. It has a long back garden that backs on to No's. 1 and 2 Findon Close. Beyond the rear boundary lies scrub land and open fields.
5. The proposal would see the construction of a brick addition to the rear of the garage to provide an isolation pen and small kitchen together with a narrow building built mainly of uPVC material containing nine individual pens, which will run along the side boundary with No's. 1 and 2 Findon Road. The Council explains that the development proposed would occupy some 25% of the rear garden curtilage. However it concedes that the height of the structure at 2.3m would be marginally above what could be erected as a boundary wall or fence under permitted development. Whilst nine individual pens are proposed, the units could house a greater number of cats as owners often have more than one cat that require boarding. The appellant explains that the facility could provide boarding for up to 24 cats.
6. The Council's Environmental Health Officer objects to the proposal on the grounds that the proposal would be likely to cause noise and general disturbance from the presence of large number of animals on site that could also attract neighbourhood cats together with the comings and goings of staff and customers. In addition, concern has been expressed that the proposal

could lead to problems of odour from the housing itself and from waste storage pending disposal.

7. However, the appellant points out that the construction of the accommodation would be carried out by a specialist animal housing company and would be insulated both for comfort and sound attenuation. No evidence to the contrary is offered by the Council and the attraction to the site by neighbourhood cats that might cause noise and commotion appears to me to be anecdotal. Similarly, I have been provided with no evidence to indicate that the cattery business would cause undue odours or any other form of pollution provided the cats were well looked after and waste properly managed. I am cognizant that compliance with other legislation would be necessary including the Animal Boarding Establishments Act 1963 and Animals Welfare Act 2006.
8. Whilst the initial application was presented on the basis that cats would be collected and returned by the appellant, the suggested conditions would indicate otherwise. Thus, it has to be assumed that customers would also have the ability to drop off and collect their pets. However having regard to the relatively small number of pens proposed and the likely duration of stays, the number of visits to the site by customers would be fairly limited. No objection has been raised by the local highways authority.
9. Thus whilst the cattery would be close to existing properties and their back gardens, it is unlikely that the business would create any significant additional noise and disturbance that would be experienced in those nearby properties.
10. I conclude that the proposal would be unlikely to materially harm the living conditions of local residents and would be consistent with national policy¹ which seeks to ensure that development does not create unacceptable loss of general amenity or noise that would have a significant impact on health or the quality of life. The alterations would also comply with Nuneaton & Bedworth Local Plan Policy ENV14 that requires high standards of design in keeping with the scale and character of the local area.
11. I have considered the conditions suggested by the parties against national guidance². In addition to a condition relating to the time limit for commencement, a condition is also imposed specifying plans in the interests of providing certainty. It is also necessary in the interests of defining the permission and having regard to the close proximity of neighbouring properties to limit the nature of the housing to the keeping of cats as well as the maximum number of cats to be accommodated at any one time. On the latter point, given the nature of cat boarding, restricting the numbers to nine in total would be too restrictive. Similarly, a condition restricting the times when customers can drop-off or collect their animals is necessary in the interests of residential amenity. To protect the character and appearance of the area, prior approval of materials to be used to construct the buildings should be agreed. In order to prevent pollution, a condition requiring the prior approval of on-site drainage is also necessary.
12. I am not persuaded that significant traffic movements would occur given the number of pens involved and dedicated off-street parking provision would be unnecessary.

¹ National Planning Policy Framework paragraph 17, 4th bullet point, and paragraph 123.

² Planning Practice Guidance

Conclusion

13. For the reasons stated above and having regard to all other information and representations received, I conclude that this appeal should be allowed.

Gareth W Thomas

INSPECTOR