



Appeal Decision

Site visit made on 11 July 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 27 July 2017

Appeal Ref: APP/V2635/W/17/3170872

Cattery at White Dyke Farm, Black Dyke Road, Hockwold cum Wilton IP26 4JW

- 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 John Scott against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/01177/F, dated 23 June 2016, was refused by notice dated 7 February 2017.
 - The development proposed is change of use of the building from a cattery with ancillary offices to use as a cattery with ancillary offices, residential accommodation for the occupation by the cattery owner/manager, minor changes to the external appearance of the building, and car parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether having regard to the development plan and national policies there is an essential need for a rural worker to live permanently at the appeal site and subject to that need whether it could be met by other dwellings nearby.

Reasons

3. The appeal site comprises a cattery and outbuildings within a small group of dwellings and other buildings in the open countryside. It is accessed from a mainly unlit narrow rural lane some distance from nearby settlements or public transport connections.
4. Thus the appeal development would represent an isolated home in the countryside which paragraph 55 of the National Planning Policy Framework (the Framework) states should be avoided unless there are special circumstances. One such special circumstances relates to the essential need for a rural worker to live permanently at or near their place of work in the countryside.
5. Policy DM6 of the Kings Lynn and West Norfolk Borough Council Site Allocations and Development Management Plan (2016) (SADMP) is consistent with paragraph 55 of the Framework but sets out detailed requirements which need to be met to demonstrate such a need for rural worker accommodation exists. It states new permanent dwellings should only be allowed to support existing rural based activities on well-established rural based enterprises, providing there is a clearly established existing functional need requiring occupants to be adjacent to their enterprises in the day and at night and the need could not be met by existing dwellings within the locality. Furthermore, it requires

- proposals to meet a financial test by demonstrating that the enterprise and rural based activity concerned have been established for at least three years, have been profitable for at least one of them and are currently financially sound, and have a clear prospect of remaining so and the rural based enterprise can sustain the size of the proposed dwelling.
6. Both main parties agree the enterprise is established and there is a need for employees or the owners to live close to the enterprise. I find no reason to question this. Furthermore, the appellant has proposed a condition be imposed on any planning permission which would ensure the proposed dwelling was used only in conjunction with the enterprise, I am satisfied this would be effective.
 7. However, condition No 7 of the planning permission¹ granted for among things the erection of the cattery building forming the subject of the appeal states the cattery building shall at all times be held owned and occupied in conjunction with the associated dwelling (known as White Dyke Farmhouse). Furthermore, it states neither the cattery nor the dwelling shall be sold-off or sub-let.
 8. White Dyke Farmhouse is a substantial detached dwelling set in a large plot. I acknowledge that it would be of considerable market value and any monthly mortgage repayment or rent would also be substantial. I also note the comments that anyone employed within the cattery business would be unable to afford to rent or buy White Dyke Farmhouse and the cattery business cannot sustain the size of the dwelling. However, there is no detailed evidence before me, such as analysis of business accounts, salaries of employees or up to date rental or sale valuations from estate agents to substantiate these claims.
 9. Furthermore, whilst it may not be viable for employees to live in White Dyke Farmhouse, on the basis of the evidence before me I am not satisfied that it would not be viable for the cattery business owners to live there.
 10. I have considered the appellant's comments about the other dwellings nearby and consents to use other buildings nearby as dwellings. Whilst I accept that those dwellings may not be desirable to the appellant and have disadvantages in terms of providing surveillance and security for the enterprise, there is no substantive evidence before me that demonstrates they would not provide an acceptable standard of living accommodation for someone employed within the business. Furthermore, given their proximity to the cattery I am not convinced that appropriate surveillance and security could not be achieved through the use of measures such as alarms and CCTV.
 11. Thus, overall I am not satisfied the need for the proposed dwelling could not be met by the existing dwellings within the locality. Thus, it has not been demonstrated that there is an essential need for a new dwelling in an isolated location in the open countryside where the occupants would be dependent on the private car to meet their day to day needs other than employment.
 12. In reaching these conclusions I have noted that employees living within the appeal building would have significant advantages in terms of providing care for the cats particularly those that are unwell. I have also noted the benefit in terms of improved security for the cattery. I have also considered the letters of support from the Ely and District Branch of Cats Protection, the local vet and

¹ Council Reference 14/00265/F

the petition in support of the proposal. I also note the letter about the current cattery manager's health. However, I do not accept that White Dyke Farmhouse or any of the other dwellings nearby are so far away such that the cats could not be appropriately cared for, even in the event of an emergency. Overall I find the benefits do not outweigh the harm I have identified.

13. Thus for the reasons given, the proposal would be in conflict with Policies CS01 and CS06 of the Kings Lynn and West Norfolk Borough Council Core Strategy (2011), Policy DM6 of the SADMP and paragraph 55 of the Framework, which taken together seek to achieve a sustainable pattern of development and avoid isolated new homes on the countryside.

Other Matters

14. The appeal site is close to a number of listed buildings. In accordance with section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to have special regard to the desirability of preserving their settings. The Council has not raised any concerns regarding such and given that the proposal would not significantly alter the appearance of the appeal site; I agree that the settings of the listed buildings would be preserved.
15. I have noted the appellant's evidence relating to highway safety and whether or not off site highway improvement works would be necessary to safeguard such. However, as I am dismissing the appeal for other reasons I have not considered these matters any further.
16. I have also noted the comments about the difficulties in selling the existing business and White Dyke Farmhouse with tie in place. However, there is no substantive evidence before me which shows that they been marketed for sale for any reasonable period time without interest. I have therefore attached limited weight to these comments.
17. I have also considered the examples² where development involving rural enterprises have been considered by the Council and note the comments that the Council have been inconsistent with regard to imposing conditions which tie those enterprises to dwellings. I have also noted the extant planning permission³ for the conversion of the former cattery building to a dwelling. However, the full details of those cases are not before me and I have determined the appeal on its planning merits and the specific circumstances of the case which involves the creation of a new dwelling in the open countryside as part of an existing cattery. None of the examples quoted display these bespoke circumstances and I have therefore afforded them limited weight.

Conclusion

18. For the reasons set out above, I conclude that on balance the proposed development would not accord with the development plan or the Framework. Thus, having had regard to all other matters raised the appeal should be dismissed.

L Fleming
INSPECTOR

² Council References 08/00590, 10/00608, 11/01403, 15/01762, 13/01539/F, 16/01318,

³ Council Reference 15/01313/F