



Appeal Decisions

Site visit made on 1 October 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2019

Appeal Ref: APP/W4705/W/19/3232794

Beltrees, Occupation Lane, Oakworth, Keighley, West Yorkshire BD22 7LB

- 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 Mrs Gemma Andrews against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/00278/FUL, dated 21 January 2019, was refused by notice dated 27 June 2019.
 - The development proposed is construction of two wooden pre-fabricated outbuildings in the rear garden to be used in connection with a small-scale, home-based cattery business.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of two wooden pre-fabricated outbuildings in the rear garden to be used in connection with a small-scale, home-based cattery business at Beltrees, Occupation Lane, Oakworth, Keighley, West Yorkshire BD22 7LB in accordance with the terms of the application, Ref: 19/00278/FUL, dated 21 January 2019, subject to the following conditions:
 - 1) The cattery hereby permitted shall only be operated and used in connection with, and ancillary to the occupation of the existing dwelling known as Beltrees and shall at no time be severed and used as a separate, independent planning unit.
 - 2) The development hereby permitted shall be used solely for the accommodation and care of cats. No dogs shall be accommodated in the pens or other structures approved by this permission.
 - 3) The cattery hereby permitted shall be limited to the defined buildings shown on drawing no 9006/02 showing a maximum of 10 pens, and the isolation unit. The cattery unit shall not be subdivided or extended to increase the accommodation.

Procedural Matter

2. The description of the proposed development as set out on the planning application and appeal forms includes a summarised version of the full planning justification. Therefore, and with the agreement of the main parties, I have used the description of development that is contained within the Council's decision notice as it succinctly and accurately describes the appeal proposal.

3. The pre-fabricated buildings to be used as part of the proposed home-based cattery business have already been constructed. However, the appellant wishes to regularise their use as part of a commercial cattery business that has previously operated from inside the host property Beltrees. I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

5. The appeal site is located within the curtilage of a large detached domestic property in a residential suburb to the south of Keighley. The southern boundary of the property abuts Occupation Lane which provides access to the property from the west via Cambourne Way and from the east via the B6143.
6. Occupation Lane is a designated bridleway and is unlit and in a poor state of repair. It is very narrow and there is insufficient width to allow two cars to pass safely. The lane drops quite steeply to the east before joining the B6143 approximately 300 metres east of the appeal site.
7. When travelling west along Occupation Lane from the appeal site, the condition of the lane is improved and approximately 45 metres west of the appeal property the lane meets Cambourne Way which serves the wider estate as well as a substantial new housing development to the south. Cambourne Way is of sufficient width to allow two cars to pass, is lit, has footways on both sides and is in good condition.
8. The appellant has constructed two purpose-built sheds with internal accommodation for cats. The large shed which sits on the shared boundary with the neighbouring property Stoneyridge has 10 secure cat pens, a separate smaller shed located close by has facilities for one cat to be isolated should it become poorly.
9. The proposal would see the use of the sheds as a relatively small-scale cattery business. I note that the Council does not object to the design, siting or location of the sheds or the principle of the cattery business in this location. I have no reason to disagree with these views.
10. The Council states that there is sufficient parking within a layby adjacent to the property to accommodate any visiting cars and I concur with this assessment. There is, however, some dispute about whether the proposed business would lead to an unacceptable increase in the use of Occupation Lane to the detriment of highway safety.
11. I visited the appeal site at approximately 11:15 hours and moved around the site and surrounding area on foot for around 30 minutes. Whilst I do appreciate that this was a snap shot in time, I did not see any traffic using Occupation Lane and only saw one vehicle travelling south on Cambourne Way. I did not see any other pedestrians on Occupation Lane.
12. I acknowledge that Occupation Lane is in a poor state of repair, particularly to the east of the property and that it is a bridleway without the benefit of pedestrian footways. However, the proposal is for a very small-scale cattery business, the scale of which would be limited to the number of cat pens

available. Even if all 10 pens were occupied, as well as the isolation unit, the owners of the cats would be unlikely to arrive at or leave the site at the same time. At any one time, I do not consider that traffic movements associated with the cattery would be significant and in fact any traffic movements would likely be sporadic. Furthermore, I note that the appellant states that she collects and returns some visiting cats using her own vehicle. Such an arrangement would therefore further reduce the number of vehicular trips associated with the business.

13. For the above reasons, I conclude that the proposal would not give rise to an unacceptable intensification of the use of Occupation Lane and therefore it would not have an unacceptable impact on highway safety. Therefore, the proposal would not conflict with the requirements of Policies DS4 and DS5 of the Bradford Local Plan Core Strategy Development Plan Document 2017 which seek to promote safe and inclusive streets and places.

Other Matters

14. I note the third-party representations made in relation to the use of Occupation Lane by vehicles unrelated to the appeal site. I do not have any substantive evidence before me in relation to the number of vehicles using the lane on a daily basis or where they originate from. Nonetheless, I have concluded that the proposed cattery would be small-scale and that the vehicular trips associated with it would not have an unacceptable impact on highway safety.

Conditions

15. The conditions set out above are based on those suggested by the Council. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
16. In the interests of highway safety, and to protect the living conditions of the occupiers of neighbouring properties in respect of noise and disturbance, I have applied three conditions that limit the scale and use of the proposal to that applied for.

Conclusion

17. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

J Hunter

INSPECTOR