
Appeal Decision

Site visit made on 18 September 2019

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2019

Appeal Ref: APP/C3240/D/19/3231799

Hartfield House, Pool Hill Road, Horsehay, Telford TF4 3AS

- 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 Ms Melanie Lewis against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2019/0092, dated 19 November 2018, was refused by notice dated 29 May 2019.
 - The development proposed is the erection of timber framed dog kennels and runs with a static 30' mobile home and fencing.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has already been undertaken and therefore I have determined this appeal on that basis.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of adjacent dwellings.

Reasons

Character and appearance

4. The dwelling is located on a substantially sized plot in a predominantly residential area. The surrounding area is generally characterised by two storey, brick built dwellings of traditional residential design and form. This creates a pleasant and consistent character and appearance.
5. The mobile home is of a considerable size and has a dominant visual appearance. Whilst it is well screened to some boundaries, it can be clearly seen from Pool Hill Road. Its form and appearance are not consistent with the residential nature of the surrounding area and as a result its presence has caused significant harm to the character and appearance of the area.
6. The kennels are of a more limited size than the mobile home and have a lesser visual impact. However, their scale exceeds that which would usually be found at a residential dwelling and their design does not have a domestic form. For these reasons, they too appear visually out of character within the context of

the site and have caused significant harm to the character and appearance of the area.

7. I conclude therefore that both the mobile home and the kennels have caused significant harm to the character and appearance of the area. Consequently, the development conflicts with the design objectives of Policy BE1 of the Telford & Wrekin Local Plan 2018 (LP), which seeks to safeguard the character and appearance of the area.

Living conditions

8. The housing of a number of dogs together in a confined area a significant distance from the host dwelling is highly likely to give rise to noise disturbance to the residents of dwellings in close vicinity to the site, from the barking of dogs. I note that representations have been received on the grounds that the development has caused noise disturbance, which adds weight to my assessment in this regard. Whilst the appellant has contended that the dogs that currently reside in the kennels are quiet, in practice there is no way of ensuring this is the case, or that the kennels are not used in the future by other dogs. I find therefore, on the basis of the evidence before me, that the development has resulted in significant harm to the living conditions of the occupiers of adjacent dwellings through the generation of noise.
9. Both the Council and the representations submitted have raised concern about odour from the development. In this respect I note that the scale of the development exceeds that which would usually be expected at a residential property and that it allows for the accommodation of a number of dogs. Furthermore, the development is in close proximity to other residential dwellings. Whilst I note that the appellant has stated that the cleaning schedule is carried out to the highest standards, I have no further information regarding the specifics of this or how it ensures that the odour generated by the development is adequately managed. For these reasons and on the basis of the evidence before me, I consider that significant harm is being caused to the living conditions of the occupiers of the adjacent properties from odour at the site.
10. The Council has raised concern about the impact caused by the general activity at the site but has not expanded further on what the specific activities of concern are. However, as I have identified significant harm on the grounds of noise and odour and these are the matters referred to specifically by the Council, I need not explore any other impacts further.
11. I conclude therefore that the development has caused significant harm to the living conditions of the occupiers of adjacent properties through noise and odour. As a result, the development conflicts with the objectives of Policy BE1 of the LP, which seeks to protect living conditions.

Other Matters

12. The appellant has suggested that a temporary planning permission could be granted for a minimum of 12 months to allow for alternative arrangements to be made to house the dogs. Whilst I have given consideration to a temporary permission, I do not find it to be justified in this instance, as the development is causing significant harm to both the character and appearance of the area and to the living conditions of the occupiers of adjacent dwellings. Furthermore,

there is no substantive evidence before me to demonstrate that the appeal development is the only option for housing the dogs.

13. The appellant has made reference to a lapsed planning permission for a dwelling on the site and to the planning application document requirements of the Council. However, neither of these factors lend any substantial weight in favour of the development or outweigh the harm that I have identified. The appellant has also expressed a desire to be flexible and to amend the scheme if required. However, the scope of the appeal process does not allow for the consideration of potential amendments to the proposed development. I have therefore considered the appeal on the basis of the plans submitted to and determined by the Council, and on the basis of the development I observed on site.
14. The Council considers that the mobile home constitutes a separate planning unit whereas the appellant contends that its purpose is to provide a homely environment for the dogs. However, as I have found clear harm with respect to character and appearance and living conditions, it is not necessary for me to examine this point further.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR