



Appeal Decision

Site visit made on 20 July 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 August 2020

Appeal Ref: APP/X4725/W/20/3250775 22 Manor Drive, Ossett WF5 0LL

- 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 V Ellis against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref: 19/02568/FUL, dated 15 November 2019, was refused by notice dated 18 March 2020.
 - The development proposed is change of use of residential curtilage to operate a cattery with associated erection of cattery buildings and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of residential curtilage to operate a cattery with associated erection of cattery buildings and landscaping at 22 Manor Drive, Ossett WF5 0LL, in accordance with the terms of the application, Ref: 19/02568/FUL, dated 15 November 2019, subject to the conditions set out in the schedule attached.

Application for Costs

2. An application for costs was made by Mrs V Ellis against City of Wakefield Metropolitan District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal site is currently in residential use. The proposal would result in the creation of a mixed use site through the introduction of a cattery business within the residential curtilage. The primary use of the site would remain residential with the cattery being a secondary use. I have determined the appeal on that basis.
4. The proposal was revised during the determination of the application. Originally 11 cat pens, an isolation unit, office and prep unit were proposed. This was reduced to 6 cat pens with a prep unit and a separate isolation unit and office. A revised drawing showing 'Proposed Plans and Elevations' was submitted in this regard¹. For the avoidance of doubt, I have determined the appeal on the basis of the revised proposal and drawing.

¹ Revised Plan – Proposed Cattery, Proposed plans and elevations, Drawing No: P2 Rev D.

Main Issues

5. The main issues are:

- The effect of the proposed development on the character of the site and wider area; and
- The effect of the proposed development on the living conditions of occupiers of neighbouring properties, with regard to noise and disturbance, including associated vehicular movements.

Reasons

Character of the site and wider area

6. The appeal site is located at the western end of a cul-de-sac, Manor Drive, which serves a number of regularly spaced, two-storey, semi-detached houses, situated within an established residential area. It is bordered at the rear and sides by other residential properties and their domestic curtilages, some of which contain outbuildings of a variety of sizes, forms and materials along with other domestic paraphernalia. The land rises up at the rear of No 22 Manor Drive with the houses along Sowood Gardens sitting above the appeal site.
7. No 22 Manor Drive is the right hand half of a pair of two-storey, semi-detached houses. It occupies a large corner plot within the cul-de-sac that splays out to the rear and is enclosed by a combination of a stone wall and timber fences. A detached single-storey garage is located at the side of the property and an existing garden shed and chicken coops are present at the rear of the site.
8. The main block of 6 cat pens and prep unit would be sited at the northern end of the appeal site at the rear of the garage. It would measure approximately 12.3m in length, 3.5m in width with an additional 0.9m canopy over a walkway; and would be about 2.3m to eaves height and 2.6m to ridge height. The associated isolation unit and office would be located adjacent to the main block and measure approximately 5m in length, 3.5m in width with a 0.9m canopy; and would be about 2.3m to eaves height and 2.7m to ridge height. The buildings would be constructed of a combination of wood, uPVC, steel mesh and opaque Perspex panels.
9. Although the buildings would be of a footprint larger than most domestic outbuildings, taking into account the substantial size of the appeal site, they would not appear incongruously excessive or out of scale within the plot. The retention of over 100m² of private amenity space would also mean that the primary use of the appeal site would remain residential, in keeping with the character of the wider area. Furthermore, the simplistic form and materials of the main block and associated units, combined with their relatively lightweight appearance, would be largely consistent with other domestic outbuildings in this residential setting.
10. Taking into account the topography of the land and the existing boundary treatment of the appeal site, at ground level, the buildings would be mostly screened from immediately adjacent properties and their domestic curtilages and therefore would not be unduly conspicuous. In addition, the existing garage would substantially obscure the buildings in views into the appeal site from public routes along Manor Drive, which would significantly mitigate their impact on the character of the wider area.

11. Drawing the above points together, I conclude that the proposed development would not have a harmful effect on the character of the site and wider area. As such, it would not conflict with Policy D9(a) of the Wakefield Metropolitan District Council Local Development Framework Development Policies Document (2009) (DPD), insofar as it requires new development to respect, and where appropriate enhance the character of the locality in terms of design, scale, massing, height, density, layout, materials and colour. It would also comply with Paragraph 127 of the National Planning Policy Framework (the Framework) insofar as it seeks to ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character including the surrounding built environment.

Living conditions of occupiers of neighbouring properties

12. The appeal site is in close proximity to several existing properties and their associated amenity areas. The local noise environment was relatively quiet at the time of my daytime site visit, although general domestic noise from neighbours and their pets was audible. At the front of the property there is a gravel driveway and parking area within the front curtilage of the appeal site which can accommodate 3 cars. Manor Drive is quite narrow but opens out to a relatively large cul-de-sac turning area at the western end. On-street parking is not restricted within the area.
13. A variety of concerns have been raised by the Council and interested parties in relation to the adverse impact that a commercial operation of this nature within the residential setting would have on the living conditions of occupiers of neighbouring properties. I have given careful consideration to the points advanced in relation to issues of noise and disturbance that may be caused by both the boarding cats and the increased level of pedestrian and vehicular activity within the site and area. Although not raised by the Council in its reason for refusal but raised by interested parties, I have also considered the concern of increased odours from cat litter and other waste generated by the cattery.
14. The Council states that, based on the size of the proposed cattery units and in accordance with the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, each cat pen could not be occupied by more than 2 cats at any time and not by more than 1 cat from different households at any time. As such, there could be a maximum of 12 cats in the cattery at any time but, as asserted by the appellant, the majority of the time there would be less than this number. Moreover, it is common ground between the parties that the maximum number of cats at the cattery at any time could be controlled by condition.
15. Given the above and taking into account the enclosed nature of the cat pens and service corridor of the main block, it would be reasonable to conclude that the boarding cats and associated activities within the site would not be excessively noisy and would be largely contained within the cattery buildings. As such, any noise and disturbance would not unduly harm occupiers of neighbouring properties. Furthermore, the level of waste produced by the cattery would not be substantial and a scheme for the collection and disposal of cat litter and of other waste generated by the cattery could be controlled via condition, minimising the potential for any odours.

16. I recognise that there would be some increase in vehicular traffic to and from the appeal site and note the comments by interested parties in relation to existing parking pressures within the area. However, the appellant has stated that they would bring the majority of supplies onto the site themselves and that there would be no additional staff employed. Consequently, the additional associated vehicular movements would be limited to a maximum of 12 customer movements per week (from 6 different owners dropping off and collecting their cats); one waste collection per fortnight; and infrequent courier deliveries.
17. Moreover, the provision of one parking space within the front curtilage of the appeal site for customers and the imposition of conditions to manage the number and time of any customer movements using an appointments based system and restricted opening hours, would mean that the increased activity would have the least possible effect on neighbouring residents.
18. Therefore, whilst I appreciate the objections expressed, from the evidence before me and mindful of the comments and lack of objection made by the Council's Environmental Health Officer, I find no substantive or compelling proof which demonstrates that a commercial operation of this modest scale and nature would have a significant detrimental impact on the living conditions of occupiers of neighbouring properties in the ways cited. Furthermore, it is evident that any potential impact could be mitigated by the imposition of conditions.
19. Accordingly, I conclude that, subject to planning conditions regarding its operation, the proposed development would not have a significantly harmful effect on the living conditions of occupiers of neighbouring properties, with regard to noise and disturbance, including associated vehicular movements. As such, it would comply with Policy D9(k) of the DPD which states, amongst other things, that new development shall have no significant detrimental impact on the amenity of neighbouring users or residents and existing or prospective users. It would also accord with Paragraph 127 of the Framework insofar as it seeks to create places with a high standard of amenity for existing and future users.

Other Matters

20. I have addressed the main issues raised by the Council and interested parties in my reasoning above. Other matters raised are considered below.
21. The fact that there may be other catteries in the area does not preclude permission being granted for a new cattery.
22. I note the issue raised regarding a decrease in house values within the area. However, it is a well-founded principle that the planning system does not exist to protect private interests such as the value of land and property.
23. In relation to whether the grant of planning permission for the proposed development would set a precedent for other similar developments, no comparable sites to which this might apply have been put forward. Each application and appeal must be determined on its individual planning merits, and a generalised concern of this nature does not justify withholding planning permission in this case.

24. I recognise that there may be other neighbouring pets in the immediately surrounding area. However, no evidence is before me which confirms that the proposal would lead to conflict between the boarding cats and other animals nearby, or that the welfare of the boarding cats would suffer on account of being in close proximity to other animals or residential noise.
25. The boarding cats would be kept within an enclosed structure and any transfer of allergens would be limited to those in close proximity to the boarding cats. Any potential transfer of allergens within the wider area is not proven.
26. No compelling evidence has been submitted which verifies that the cattery would attract vermin.
27. I note the comment regarding the parasite *Toxoplasma Gondii* which is present in cat excrement and harmful to young children if in accidental contact. However, there is nothing before me which demonstrates that the cattery would attract other cats and the disposal of any waste generated by the cattery would be managed and controlled by condition.
28. I am aware of the concerns raised regarding the adverse impact of the proposal on the health and safety of local residents, including increased anxiety and stress. However, I have found that, subject to planning conditions regarding its operation, the proposal would not have a significantly harmful effect on the living conditions of occupiers of neighbouring properties and, as such, would comply with the development plan.
29. All of the matters above, individually or collectively, do not provide justification to withhold consent for the appeal proposal and therefore do not alter my conclusions on the main issues.

Conditions

30. The Council has suggested a number of conditions that they consider would be appropriate were I minded to allow the appeal. I have considered them in light of the advice set out in both the Framework and the National Planning Practice Guidance.
31. Planning permission is granted subject to the standard three year time limit condition. I have imposed a condition specifying the relevant drawing as this provides certainty.
32. In the interests of highway safety, a pre-commencement condition requiring the provision and use of washing equipment for the wheels and undersides of vehicles during the period of works is necessary. The appellant has provided their written agreement to this pre-commencement condition.
33. In the interests of the living conditions of occupiers of neighbouring properties, conditions limiting the use of the buildings to the keeping of cats, specifying the hours of collection and drop off of cats by customers and limiting the number of units to house cats are necessary.
34. In the interests of highway safety and the living conditions of occupiers of neighbouring properties, conditions limiting the number of customer appointments at any one time and the operation of the cattery are necessary.
35. In the interests of the living conditions of occupiers of neighbouring properties, a pre-commencement condition requiring the submission of a scheme for the

collection and disposal of cat litter and of other waste generated by the cattery is necessary. The appellant has provided their written agreement to this pre-commencement condition.

36. I note that the appellant is willing to accept a condition that no unneutered cats are allowed at the site. Whilst this may further mitigate any potential noise and disturbance, I am not satisfied that it would be enforceable and so would not meet the six tests within the Framework and the PPG². Therefore, I have not imposed a condition of this nature.

Conclusion

37. For the reasons given above and subject to conditions, I conclude that the appeal should be allowed.

F Cullen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed Plans and Elevations, Drawing No: P2 Rev D.
- 3) Development (including demolition, construction, engineering and/or other operations) including works for site investigation and site preparation approved by this permission shall not commence until washing equipment for cleaning the wheels and undersides of vehicles has been provided on site to prevent mud and debris being deposited onto the highway. The washing equipment shall be fully operational and shall be used to clean all vehicles to ensure that they are free from mud and debris before they leave the site at all times during the carrying out of such works until its completion. Any mud or debris from the site which is deposited on to the highway during this period of works shall be removed immediately.
- 4) The development hereby approved shall relate to the operation of a cattery for the boarding of cats only and shall not be used for any other purpose including the boarding of any other type of animal.
- 5) The collection and dropping-off of cats by customers shall only take place during the following hours: between 09:30 and 18:00 on Mondays to Fridays, and between 10:00 and 12:00 on Saturdays, Sundays and Bank Holidays.
- 6) The operator of the cattery business shall not have more than one customer appointment at any one time within the permitted opening times, and shall keep an appointment register which may be requested for inspection by the Local Planning Authority at any time subject to 7 days' notice.

² National Planning Policy Framework, Paragraph 55; and National Planning Practice Guidance, Paragraph: 004 Reference ID: 21a-004-20190723.

- 7) The cattery hereby approved shall be operated only by the occupants of 22 Manor Drive, Ossett WF5 0LL.
- 8) The cattery hereby approved shall not be brought into use until a scheme for the collection and disposal of cat litter and of other waste generated by the cattery has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be operated and maintained for the lifetime of the development.
- 9) The number of units to house cats at the cattery hereby approved shall not exceed 6 at any one time (with a maximum of 12 cats accommodated at the cattery at any one time as each unit can only be occupied by no more than two cats from the same household at any one time).

End of Schedule of Conditions