



Appeal Decision

Hearing held on 21 January 2025

Site visit made on 21 January 2025

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal Ref: APP/C1625/W/24/3352889

Mobile Home at Elm Farm Barns, Pinnells End Lane, Coaley, Dursley GL11 5EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs D Deacon against the decision of Stroud District Council.
 - The application Ref is S.24/0383/FUL.
 - The development proposed is the erection of a cattery and the material change of use of the land for the siting of a mobile home for use as a temporary rural worker's dwelling, together with associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the planning application was determined, a revised National Planning Policy Framework ("the Framework") has been published. Therefore, I have referenced the revised paragraph numbers where necessary.
3. Prior to the Hearing, two completed and signed legal agreements were submitted to secure financial contributions for environmental and ecological mitigation measures. Consequently, the Council has advised that their fourth reason for refusal has been addressed. I will consider this later in my decision.
4. The Council's fourth reason for refusal omitted reference to the Cotswold Beechwoods Special Area of Conservation ("the SAC"). However, it was clear from the Officer Report that the proposal could affect the integrity of both the SAC and the Severn Estuary Special Protection Area, Special Area of Conservation and Ramsar site ("the SPA/SAC"). Furthermore, the appellants have submitted a legal agreement in respect of the SAC. Therefore, the appellants were not prejudiced by the omission of the SAC from the reason for refusal.
5. The Council had changed the appellants' description of development without their permission. However, neither the appellants' or Council's description accurately reflected the development, and both contained wording that is not an Act of development. A revised description of development was therefore agreed at the Hearing, and this is contained in the banner heading above.
6. The mobile home is sited on the appeal site and is occupied by the appellants. It was confirmed at the Hearing that it does not have planning permission. The development is therefore part retrospective and I have determined the appeal on this basis.

Main Issues

7. The main issues are:

- a) whether the appeal site is in a suitable location for the proposal, including whether there is an essential need for a dwelling to accommodate a rural worker; and
- b) the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Suitable Location and Essential Need?

8. Core Policies CP2 and CP3 of the LP detail the settlement hierarchy whereby development should be focused sequentially according to a settlement's size and range of services and facilities. The appeal site falls outside the settlement development limits of Coaley and is therefore within the open countryside.
9. The proposal is for the siting of a mobile home to be occupied as a rural worker's dwelling in association with a proposed cattery. LP Core Policy CP15 contains a closed list of developments that could be acceptable within the open countryside, providing they meet several criteria. At the Hearing, the parties agreed that the proposal could be considered against criterion (2): *"proposals outside identified settlement development limits will not be permitted except where these principles are complied with: it is essential to be located there in order to promote public enjoyment of the countryside and support the rural economy through employment, sport, leisure and tourism"*. From the information before me, I do not disagree.
10. Consequently, I must determine whether it is essential for a cattery to be located within the open countryside and subsequently, whether there is an essential need for a rural worker to live on site most of the time.
11. It was confirmed at the Hearing that the appellants consider there is an essential need for a cattery to be in the open countryside because noise levels need to be low, so cats are not adversely affected; to prevent a noise nuisance to neighbours; and because catteries are generally found in the countryside.
12. At the Hearing the appellants clarified that boarding cats can be susceptible to noise from external sources such as children, vehicles travelling along roads and dogs barking. However, I am not persuaded from the information before me that acoustic insulation could not be effective at reducing cats' exposure to such noises. At the Hearing, the appellants stated that acoustic insulation can be expensive. However, no substantive evidence has been provided to support this assertion or that the cost of acoustic insulation would be prohibitive to all catteries.
13. The appeal site is in proximity to dwellings, roads, a primary school, and the settlement of Coaley. Consequently, at the time of my site visit, the appeal site was subject to children playing at the local school, a dog barking at a neighbouring property, and vehicles including a tractor travelling along the adjacent roads. While I accept this was a snapshot in time, it demonstrates that open countryside locations can be subject to similar external noise sources as more built-up areas and are not necessarily quiet.

14. At the Hearing the appellants clarified that noise nuisance associated with a cattery can include the comings and goings of clients dropping off and picking up their cats and occasional meowing. I acknowledge that a cattery could generate an increase in vehicle trips to and from a site. However, to prevent associated noise from affecting the living conditions of the occupiers of neighbouring properties, a condition restricting drop off and pick up days/times could be imposed.
15. Cats could meow while being boarded. However, at the Hearing, the appellants acknowledged that once settled, cats are generally very quiet. Furthermore, acoustic insulation could help reduce noise emissions from a cattery. Consequently, meowing cats are unlikely to affect the living conditions of the occupiers of neighbouring properties.
16. Appendix C of the appellants' Appeal Statement lists animal boarding establishments within the district. Of the four that are solely for the boarding of cats, two are in the open countryside and two are within a settlement, albeit one is on the settlement's edge. Consequently, the evidence suggests that catteries are operated within settlements.
17. For these reasons, I do not consider it is essential for a cattery to be within an open countryside location.
18. As I have found it is not essential for a cattery to be in the open countryside, it is unnecessary for me to determine whether there would be an essential need for a rural worker to live on the appeal site most of the time. However, even if I had found an essential need for a cattery to be located in the open countryside, the DEFRA Cat Boarding Licensing document¹ ("the DEFRA document") states that the caring for cats between the hours of 6pm and 8am can be done via CCTV, and while a competent person is required to be on site at all times to deal with emergencies, this is only required for a cattery to achieve a higher standard (defined as a 4 or 5 star rating).
19. While it would be desirable for someone to live on site to care for the cats overnight, to accommodate customer's last-minute change of plans, and to be available to deal with emergencies, the DEFRA document does not specify a person must live on site for a cattery to obtain a license. Furthermore, it does not state that the CCTV must be linked to a dwelling on site. Therefore, an on-site dwelling is not essential for the operation of a cattery.
20. The appellants assert that a cattery that does not have an on-site presence would unlikely be used and a cattery would be unviable if it operated with a star rating of less than 5. However, neither of these matters have been substantiated with evidence. Even if evidence was provided, it is not essential for a cattery to be in the open countryside, and there are several animal boarding establishments listed within Appendix C of the appellants' Appeal Statement that operate with a star rating of 2 or 3.
21. I have been directed to a list of appeal decisions for the provision of a dwelling at a cattery/kennels whereby the question of whether a cattery is a rural enterprise was not contested. However, limited information has been provided regarding these

¹ Cat boarding licensing: statutory guidance for local authorities, Department for Environment, Food & Rural Affairs, updated 1 October 2023

appeal decisions to enable me to determine whether they are directly comparable to the appeal proposal. In any event, I must determine each case on its own merits.

22. Paragraph 89 of the Framework recognises that *“...sites to meet local business and community needs in rural locations may have to be found adjacent to or beyond existing settlements...”* However, I have already found that it is not essential for a cattery to be in the open countryside.
23. Paragraph 84 of the Framework seeks to avoid the development of isolated homes in the countryside unless one or more of circumstances (a) to (e) apply. The Braintree judgement² concluded that *“...the word “isolated” in the phrase “isolated homes in the countryside” simply connotes a dwelling that is physically separate or remote from a settlement”*.
24. The mobile home is located adjacent to a building used in connection with the appellants’ agricultural contracting business (“ACB”), a range of connected buildings within the appellants’ ownership (one of which is used by another business) and three dwellings. Together, these buildings form a small cluster. While the appeal site falls outside of the settlement development limits of Coaley, the mobile home is not physically separate from other buildings. Consequently, it would not be isolated and therefore, paragraph 84 of the Framework is not applicable.
25. Notwithstanding this, the appellants assert that LP Core Policy CP15 is inconsistent with paragraph 84 (a) of the Framework. I acknowledge that criterion (1) of the LP Core Policy CP15 refers solely to farming and forestry enterprises and not rural workers. However, criterion (1) relates to all types of development associated with farming and forestry enterprises, not just rural worker’s dwellings. Furthermore, rural worker’s accommodation falling outside of agricultural and forestry enterprises could be considered under criterion (2). Consequently, I find that LP Core Policy CP15 is generally consistent with paragraph 84 (a) of the Framework.
26. In reference to the first main issue, the appeal site is not a suitable location for the proposal, and there is not an essential need for a dwelling to accommodate a rural worker. It would conflict with Core Policies CP2, CP3 and CP15 of the LP, the content of which I have described above.

Character and Appearance

27. The appeal site is an irregular-shaped parcel of land to the east of Pinnells End Lane, a single width no-through road. The ACB building is a modern building that is agricultural in appearance and is positioned along the boundary shared with the lane. To the south of this building is a mobile home occupied by the appellants, while two containers used for domestic storage are sited to the east. The remainder of the appeal site comprises a yard.
28. Along the northeastern boundary of the site is a range of connected buildings of varying heights that are within the appellants’ ownership. Beyond this are three dwellings and The Street. To the south and west of the appeal site are open fields. The southern field has a bund along the boundary shared with the appeal site, while a Public Right of Way (“PRoW”) traverses the western field.
29. The proposed cattery building would be single storey and would be positioned alongside the existing ACB building. It would be a similar length as the ACB

² Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

building but would have a greater footprint. Notwithstanding this, views of the proposed cattery building from the surrounding roads and the PRoW would be limited by existing buildings, the bund and existing boundary treatments and therefore it would not harm the character or appearance of the surrounding area.

30. The Council's third reason for refusal refers to the effect of the proposal on the openness of the countryside. However, the appeal site is developed and contains various buildings and structures such that openness is not a key characteristic of the site. I acknowledge the development would increase the amount of built development and associated paraphernalia on the appeal site. However, part of the cattery building would replace two storage containers, and a significant part of the existing yard would remain free from development with space for vehicle circulation and parking. Consequently, the proposal would not appear cramped or overdeveloped.
31. The mobile home projects beyond the western elevation of the ACB building and is therefore closer to Pinnells End Lane. While it is partially obscured by the existing boundary fence, it is highly visible in both short and medium distant views from Pinnells End Lane, The Street and the PRoW. The mobile home's design and materials appear incongruent to the surrounding buildings which are either agricultural in appearance or comprise dwellings constructed of stone. Therefore, it harms the character and appearance of the surrounding area.
32. Planning permission is sought for a temporary period of three years to test the viability of the proposed cattery. At the end of the three-year period, the Council could refuse the retention of the mobile home and could control the scale, siting and materials of a permanent dwelling. Had I found that there was an essential need for a mobile home to be sited in the countryside to support a cattery, then some temporary harm may have been acceptable until the business could demonstrate its viability. However, given I have found that no essential need exists, the mobile home's harm to the character and appearance of the surrounding area is a matter that weighs against the proposal.
33. For these reasons, and in reference to the second main issue, the development would harm the character and appearance of the surrounding area. It would conflict with Core Policy CP14 of the LP which, amongst other things, seeks to support high quality development that protects, conserves and enhances the built and natural environment where it achieves an appropriate design and appearance which is respectful of the surroundings.

Other Matters

34. The appeal site is within the Zone of Influence of the SPA/SAC and the SAC. These sites are protected by the Conservation of Habitats and Species Regulations 2017, as amended. The appeal proposal includes one dwelling that could lead to increased recreational pressure on the qualifying features for which the SPA/SAC and SAC have been designated.
35. The appellants have submitted two legal agreements for financial contributions towards environmental and ecological mitigation measures and consequently, the Council has confirmed that the fourth reason for refusal has been addressed. Notwithstanding this, it is incumbent upon me as the competent authority, to consider whether the proposal would be likely to have a significant effect on the integrity of the SPA/SAC and SAC. However, as I am dismissing the appeal, I do

not need to consider this matter further, as it could not lead me to a different conclusion.

36. The appellants assert that the proposal would generate economic benefits through the occupiers of the mobile home using local services and facilities and providing future employment opportunities. However, the proposal is for one dwelling, and it is proposed to employ two part-time staff. Therefore, the economic benefits would be limited. The appeal site is in proximity of a third-tier settlement with access to facilities, services, and sustainable modes of transport. However, I have found that a cattery could be located within a settlement whereby facilities and services would be in proximity. I therefore afford this matter limited weight.
37. I acknowledge the appellants' previous experience in operating a cattery and the financial viability of the proposal (which was not disputed by the Council). However, these matters do not carry weight in the consideration of the appeal.

Conclusion

38. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Deborah Deacon, Appellant

Stuart Deacon, Appellant

Ian Pople BA (Hons) MTP MRTPI Planning Consultant, Cotswold Vale Planning Ltd

Anthony Coke BSc (Hons) MRICS Rural Advisor, APA Consultants Ltd

Paul Featonby, Occupier of Adjacent Building

FOR THE LOCAL PLANNING AUTHORITY:

Griffith Bunce, Development Team Manager BA (Hons) MA MRTPI

Mykola Druziakin, Planning Officer Baccalaureus