



Appeal Decisions

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 25 February 2025

Appeal A Ref: APP/R1845/C/23/3330040

Appeal B Ref: APP/R1845/C/23/3330041

Northwood Farm, Northwood Lane, Bewdley, Worcestershire DY12 1AP

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended). Appeal A is made by Mr Jim Hutton and Appeal B is made by Ms Paula Cartwright against an enforcement notice issued by Wyre Forest District Council.
 - The notice was issued on 30 August 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a building shown coloured yellow and marked A on the attached plan ("the Plan") for use as dog kennels and the change of use of the building shown coloured purple and marked B on the plan from stables and agricultural store to use in connection with the keeping, breeding and exercising of dogs not associated with the established agricultural holding and change of use of the Land from agricultural land to a mixed use comprising agriculture and keeping, breeding and exercising of dogs not associated with the established agricultural holding.
 - The requirements of the notice are to:
 1. Demolish the dog kennel building, shown coloured yellow and marked A on the Plan, and remove all resulting materials from the site.
 2. Permanently cease the use of the Land, for keeping, breeding and exercising of dogs and return to an agricultural use.
 3. Permanently cease the use of stable building, shown coloured purple and marked B on the Plan, for the keeping of dogs, and return to private equestrian use in accordance with the requirements of condition 5 of planning application 12/0600/FUL.
 - The period for compliance with the requirements is 3 (three) months.
 - The appeals are proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended) (the 1990 Act).
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Decision

1. It is directed that the enforcement notice be varied in part 6 'time for compliance' by deleting the text "3 (three) months" and substituting it with "6 (six) months".
2. Subject to this variation, the appeals succeed in part and the enforcement notice is upheld.

Preliminary matters

3. Given that the appeals are proceeding on ground (g) only and there are no matters of planning merit for consideration, there was no need to see the site. Neither appeal party has been prejudiced by me not doing a site visit.
4. The grounds of appeal in Part E (Grounds and Facts) of the appellants' appeal form state under ground (g), "the business has operated here since 2012". This should be an appeal on ground (d) that is, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by the matters alleged. The appellants neither selected ground (d) as a ground of appeal on the appeal form or provided any further

submissions to substantiate their claim. In these circumstances, there is no reason for me to consider this as a hidden ground of appeal.

Background – relevant planning history

5. Planning application (Ref: 23/0456/FUL) for the retention of an existing dog breeding building was refused by the Council on 16 August 2023. An appeal against the Council's decision was dismissed on 19 February 2024 (Ref: APP/R1845/W/23/3330036).
6. Prior to this, planning application (Ref: 21/0029/FUL) for the change of use of land from agricultural to the commercial breeding of dogs and replacement of existing kennels and structures with a single kennel block to include office and storeroom, was refused by the Council on 25 June 2021. An appeal against the Council's decision was dismissed on 16 March 2023 (APP/R1845/W/23/3330036).

The appeals on ground (g)

7. An appeal on ground (g) is that the compliance period specified in the notice in accordance with s173(9) of the 1990 Act, falls short of what should be reasonably allowed. The appellants state that longer is needed to allow for the dogs to deliver their litters and for these to be homed. It is suggested that three months to comply with the notice is not sufficient, but there is no alternative suggested by the appellants.
8. The Council, however, considered the appellants' request and having obtained information from the Kennel Club regarding timescales for pregnancy, weaning and homing, stated its willingness to extend the compliance period to six months. Consequently, as I have no reason to disregard the Council's stance in this respect, I shall vary the terms of the notice accordingly.
9. Therefore, the appeals succeed in part and the enforcement notice is upheld with a variation in the terms set out in the formal decision.

S A Hanson

INSPECTOR