



Appeal Decision

Site visit made on 3 June 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2025

Appeal Ref: APP/T3725/W/25/3361820

11 Turton Way, Kenilworth, Warwickshire, CV8 2RT

- 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 Miss Chloe Stafford against the decision of Warwick District Council.
 - The application Ref is W/24/1050.
 - The development proposed is described as 'change of use of the back garden of 11 Turton Way to allow Doggy Daycare business to operate. The erection of a summerhouse style building to house the dogs and a secondary gate to secure the dogs is required as part of the change of use'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to noise.

Reasons

3. The appeal site relates to a semi-detached dwelling located within a predominantly residential area. The dwelling has a small garden to the rear. There are residential dwellings adjoining the site at both sides and rear.
4. The proposal includes the change of use of part of the residential property to be used as a dog care facility (Sui Generis) and the erection of an outbuilding within the rear garden to facilitate the sought use and a fence/gate. The outbuilding and the fence/gate have been found acceptable by the Council. Thus, I have focused on the proposed change of use, which is the disputed element of the appeal scheme.
5. The submitted management plan outlines the opening times for the business, which include Monday to Friday between 9am and 4pm, and the maximum number of dogs which would be 6. The outlined programme indicates that the dogs would be at the appeal site for approximately 3 hours and a half, while the rest of the time would be spent off site.
6. Whilst the dogs would spend only a few hours in the dog care area, due to a combination of factors such as small garden, close proximity to neighbouring residential dwellings, and unpredictable nature of dogs, noise is likely to occur, albeit intermittently, which would nonetheless be noticeable and harmful to the living conditions of nearby occupiers. The noise impact would be worse during the warm months when occupiers of neighbouring dwellings are more likely to be using their gardens or have their windows open.

7. As part of the acceptance process into the day care, the appellant has stated that the compatibility of dogs will be assessed. However, no specific details have been provided regarding the assessment process. Notwithstanding the appellant's experience in dog care, it has not been demonstrated that the proposal could be accommodated without significantly affecting the living conditions of the occupiers of neighbouring properties.
8. The appellant asserts that, as an individual, they could have several dogs. Be that as it may, this is not an alternative to the proposal and there is no substantive evidence before me in this regard.
9. Accordingly, I conclude that the proposal would have an unacceptable harmful impact on the living conditions of the occupiers of neighbouring dwellings, with particular regard to noise. Thus, it is contrary to the aims of Policy BE3 of the Warwick District Local Plan 2011-2019 adopted 2017, which states that developments which have an unacceptable impact on the amenity of nearby residents will not be permitted.

Other Matters

10. The parking survey was found acceptable in terms of highway safety. However, this is a neutral matter rather than one that carries positive weight for the development.
11. The appellant asserts that the business would be environmentally friendly as an electric van would be used to transport dogs. The proposal would provide care for dogs, and I note that some people support the development. However, there is nothing to suggest that there is a critical need for the proposal to be located on this site which would result in an unacceptable harmful impact on the living conditions of the occupiers of neighbouring dwellings. In this context, these factors do not justify the harm identified.

Conclusion

12. For the reasons given above the appeal should be dismissed.

Andreea Spataru

INSPECTOR