
Appeal Decision

Site visit made on 21 October 2025

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2025

Appeal Ref: APP/P4605/W/25/3368676

Vesey House, Doggy Day Care, Wylde Green Road, Sutton Coldfield, Birmingham B76 1QT

- 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 Oliver Long of Bark Doggy Daycare Ltd against the decision of Birmingham City Council.
 - The application Ref is 2024/06583/PA.
 - The development proposed is retention of mobile coffee cabin as part of existing business as dog daycare (class sui generis).
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Decision

1. The appeal is allowed and planning permission is granted for the retention of engineering operations to create a hardstanding for a wheeled café cabin and customer seating and retention of storage container in association with a dog day care and dog grooming business at Vesey House, Doggy Day Care, Birmingham B76 1QT in accordance with the terms of the application, Ref 2024/06583/PA, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Location/Block Plan; Drawing no. HGD22-167-1.4 (Existing Site Plan 2017 and Current Site Plan 2025).
 - 2) The use of the wheeled café cabin hereby permitted shall only operate between the hours 07:30 and 18:00 Mondays to Fridays when the dog day care and dog grooming business is open, and at no times on Saturdays and Sundays.

Preliminary Matters

2. The description in the banner heading is taken from the application form. However, the Council's description used in the decision notice more accurately describes the development for including the engineering operations to create hardstanding and an area for customer seating.
3. On my site visit I also saw that located behind the café cabin there was a dark green steel storage container that was being used to bake and/or heat various foods. The steel container is shown on the plans showing the comparison of the "Existing site plan 2017 and Current site plan 2025" (drawing HGD22-167-1.4), although it is not shown on the location/block plan where the approximate location of the coffee cabin only is shown outlined in purple. The parties have both confirmed that the storage container should be included in the description.
4. In light of the above, I have amended the description in paragraph 1 accordingly.

5. In considering whether to grant planning permission, section 66(1) of the Listed Buildings and Conservation Areas Act 1990 requires me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Main Issues

6. The main issues in this appeal are:
- Whether the appeal development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and the development plan, and the effect of the appeal development on the openness of the Green Belt and purposes of including land within it;
 - Whether the development would preserve the Grade II* listed building, known as Vesey House¹, or its setting or any features of special architectural or historic interest which it possesses;
 - Whether the development is in a sequentially preferable site and effect on the vitality or viability of the Wylde Green and Sutton Coldfield local centres, and
 - If the development constitutes inappropriate development in the Green Belt, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

7. The Government attaches great importance to Green Belts and the Framework identifies that the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open and lists the purposes that the Green Belt serves. The Framework states ‘inappropriate development’ is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Development in the Green Belt is inappropriate unless one of the exceptions listed in paragraph 154 applies.
8. The wheeled café cabin is the provision of facilities as part of an existing dog day care and grooming business on the site. In this instance it falls to be considered against exception 154b) that relates to the “*provision of appropriate facilities (in connection with the existing use of the land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments....*”. The laying of the hardstanding for the seating area by the café cabin falls to be considered as an engineering operation against Framework exception 154h)ii). Both exceptions are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
9. Policy TP10 of the Birmingham Development Plan² (the BDP) seeks to protect the Birmingham Green Belt, which is part of the wider West Midlands Green Belt, from

¹ National Heritage List for England: list entry number 1075773

² Adopted January 2017

inappropriate development in accordance with relevant national planning policy. This part of the Green Belt also includes New Hall Valley Country Park, which the policy identifies as one of a number of areas of countryside that extend into the city and which are particularly important because of their links to the countryside, and their visual quality and accessibility. I am satisfied that Policy TP10 is broadly consistent with the Framework.

10. There is no definition of openness in the Framework or development plan - it is a planning judgement. To assist, caselaw has established that openness has both a spatial and visual aspect to it.
11. The appeal site, within which the café cabin, storage container and hardstanding have been sited, has already been built on and developed over time with the various existing dog care and grooming buildings, dog-exercise compound and hardstanding for the driveway and car park. The development is located within an informal landscaped area in the corner of the site that is largely screened from the road and the neighbouring Country Park by hedgerows and mature trees and so has minimal visual impact.
12. The café cabin, steel storage container and hardstanding for the seating area occupy an area of the site that was once previously free of built development, as shown in third-party aerial images, and hence it does have spatial impact on openness. However, the appeal site is clearly demarcated with boundaries and the development is located within the existing confines of the site, such that the development does not encroach onto new land beyond the appeal site boundaries and does not encroach into the surrounding countryside or the Newhall Valley Country Park.
13. The covering over of part of the grassed areas with concrete slabs and gravel, not dissimilar to laying a garden patio and paths, and siting of the structures does not involve an extension or encroachment of development beyond the site's existing boundaries or into the adjacent Country Park. Furthermore, the hardstanding and siting of 2 mobile structures is relatively temporary, as they could be removed and taken off the site and the area put back to a landscaped grass area.
14. I am satisfied that the siting of the café cabin and storage container, and the laying of hardstanding including for customer seating, would preserve the openness of the Green Belt. Furthermore, there is no conflict with the purposes of including land in the Green Belt as the development does not encroach into the countryside and does not result in unrestricted urban sprawl. Consequently, the development falls within the terms of Framework exceptions 154b) and 154h)ii) and hence is not inappropriate development in the Green Belt. Accordingly, there is no conflict with BDP Policy TP10 in this regard.
15. As the development is not inappropriate in the Green Belt, there is no need for me to consider whether very special circumstances exist to justify the development.

Heritage

16. The appeal site is located adjacent to Vesey House, a Grade II* listed dwelling dating from the early 16th century. It is 2 storeys, built of sandstone with a tiled roof. It is a "Vesey cottage", one of a number constructed during this period under Bishop Vesey around Sutton Coldfield for the poor. From the submitted evidence and my site visit observations, the special interest and significance of the listed

building, insofar as it relates to this appeal, are largely derived from a combination of its historic and architectural interests as an example of a 16th century vernacular dwelling built for good causes with historic association with a local dignitary. I saw that the property has been substantially extended with modern additions.

17. Special interest and significance of a heritage asset can also be derived in part from its setting, which are the surroundings in which it is experienced. The property is set back from the road behind a boundary hedge. The listed building can be seen and experienced, and its heritage merit appreciated, from the entrance to the appeal site. On entry into the appeal site the listed building is visible above and beyond the tall brick boundary wall that exists between Vesey House and the appeal site, and the car park forms an open space that allows the listed building to be seen and appreciated. The division of the site and the range of single-storey buildings that have been erected close to the listed building as part of the dog care business over time have compromised the setting of the listed building to some extent. Nonetheless, the appeal site does contribute to the setting of the listed building and its significance.
18. The café cabin and storage container have been positioned in the far south east corner of the site, farthest away from the listed building. This area is tucked away and surrounded by trees and bushes, located off the car park, such that the storage container/café cabin and listed building are not seen in the same view. Nor do they encroach on the open space of the car park and hence do not interfere with views of Vesey House. The listed building can be seen and appreciated from the seating area that has been laid out in front of the café cabin.
19. I am satisfied that the development, even if of a modern metal design, still allows the significance of the listed building to continue to be appreciated. Consequently, the setting of Vesey House is preserved. The development would thus satisfy the requirements of the Act and the provisions of the Framework. Accordingly, the proposal would comply with BDP Policies PG3 and TP12. Together these seek, amongst other things, to protect, enhance and manage the historic environment for its contribution to character and local distinctiveness and ensure development responds to the site and local context, including heritage assets.

Sequential retail sites

20. I noted during my site visit that there was an A-board on the pavement advertising the café cabin opening hours a 0800 – 1600 Mondays to Fridays and 09:00-15:00 hours at the weekends. The appellant has applied for the café cabin and outside seating as being part of the existing dog day care and grooming business. According to the appellant this business is operates between 07:30 – 18:00 hours Monday to Friday, but not at the weekend. For the avoidance of doubt, I shall determine the application on that basis.
21. The Framework recognises the role that town centres play and requires a sequential test be applied to planning applications for main town centre uses which are not in an existing centre. A café is a use typically found in town centres, but not exclusively, and there are often cafés that operate in an ancillary fashion within other uses. BDP Policy 21 seeks to protect the vitality and viability of centres in accordance with a network and hierarchy, and that these are the preferred locations for retail, office and leisure developments.

22. BDP Policy PG3 is a general 'place making' policy that expects, amongst other things, development to create a sense of place, provide attractive environments that encourage people to walk and cycle and help create sustainable neighbourhoods.
23. The nearest centres are Wylde Green local centre and the sub-regional centre of Sutton Coldfield, but the appeal site and café cabin do not lie within either of them. There is a pavement in front of the site that links to the school, the Country Park and the nearby residential areas all within easy walking distance, providing safe pedestrian access and an opportunity to encourage walking and recreation in the area.
24. A café used to be sited inside the dog day care buildings on the site. The café facilities are now provided outside, in the form of the café cabin and storage container. The café cabin is small, measuring about 4m x 2.7m with a floor area of about 10.8sqm. I saw from the menu board and the display shelves that it offers a very limited range of hot and cold snacks and refreshments, such as breakfast baps, paninis, pasties and sausage rolls. It also offered a number of specialised dog-snacks. All customer seating is outside. Consequently, the small café cabin at the appeal café is not as much of a main town centre use as shops, for example.
25. On my site visit, I observed the café cabin attracted some passing trade. As I walked through the Country Park, I saw that some dog walkers had parked at the Country Park car park, walked a loop with their dogs and called in at the café cabin on their way round.
26. However, as the café cabin would operate as part of the dog day care and grooming business, then that is the justification for it to be located at the appeal site where the dog day care and grooming business operates and hence no need to undertake a sequential test to find an alternative location for the café cabin. Accordingly, the development would comply with BDP Policies PG3 and TP21, whose aims are set out above.

Other Matters

27. I am aware there are third-party objections to the proposal and queries as to whether the various buildings and operations are lawful. That goes beyond the remit of the appeal before me.

Conditions

28. The Council has not submitted a list of conditions. I have considered the imposition of any conditions against the tests in the Framework and Planning Practice Guidance.
29. As the development is already in operation, there is no need for the standard condition that limits the lifespan of the planning permission. However, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.
30. The appellant has applied for the retention of the mobile café cabin as part of the existing dog daycare business. It is necessary and relevant to impose a condition restricting the use of the café cabin to the opening hours of the dog day care and grooming business, and in the interests of the amenity of the area and protect the

vitality and viability of local centres. The parties have had the opportunity to comment on the hours' condition.

Conclusion

31. I find the proposal would not conflict with the development plan, whose aims are already outlined above. For the reasons given above I conclude that the appeal should be allowed.

K Stephens
INSPECTOR