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## Appeal Decision

Site visit made on 9 September 2019

**by Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 October 2019

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**Appeal Ref: APP/R3325/W/19/3225177**

**The Old Cider House, Alford Well Farm Lane, Alford, Castle Cary BA7 7PW**

- 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 Petra Hughes against the decision of South Somerset District Council.
  - The application Ref 18/02992/FUL, dated 19 September 2018, was refused by notice dated 13 February 2019.
  - The development proposed is described as being to: *"change the internal structure of an existing timber stable block (no existing internal structures) to a small boarding cattery of up to 6 pens. Concrete floor, water and electricity already connected."*
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### Decision

1. The appeal is allowed and planning permission is granted to change the internal structure of an existing timber stable block (no existing internal structures) to a small boarding cattery of up to 6 pens - concrete floor, water and electricity already connected, in accordance with the terms of the application Ref 18/02992/FUL, dated 19 September 2018, subject to the following 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 plans: (i) drawing labelled Location Plan Revision B showing the site outlined in red; (ii) drawing labelled Location Plan Revision B showing access and parking areas; and (iii) drawing of typical cat pen details.
  - 3) The opening hours of the cattery for drop offs and pick ups of cats shall be limited to between 9.00 hours to 17.30 hours Mondays to Saturdays and between 9.00 hours and 10.30 hours Sundays, except in emergencies.
  - 4) The building hereby approved for use as a cattery shall not contain more than 6 cat pens and shall not house more than 12 cats at any one time.

## **Procedural matters**

2. The National Planning Policy Framework (the Framework) was amended after the Council refused the appeal application. I have taken the amended Framework into account as a material planning consideration.

## **Main issues**

3. The main issues are the effects of the proposal on:
  - i) the safety of public highway users; and
  - ii) living conditions at neighbouring properties, in terms of any noise and disturbance caused by traffic and parking.

## **Reasons**

### *Highway safety*

4. The Old Cider House is 1 of 4 live/work units situated on the edge of a cluster of buildings in the countryside near to the village of Alford, accessed via Alford Well Farm Lane - a narrow single track no-through lane leading off the B3153 and subject to a 30 mph speed limit. The proposal is to convert a timber stables building in a paddock next to the live-work unit to form a boarding cattery, with internal alterations only. Additional parking would be provided next to an existing parking area.
5. The first section of the lane has several places where vehicles may pass, but after that passing places are restricted within the section leading up to and past a humped back railway bridge, until the road opens up a bit for gateways near to the appeal site. When vehicles meet, therefore, one will often have to reverse some distance down the lane to find a passing place.
6. The lane is also no doubt used by walkers, horseriders and cyclists. One public right of way crosses the lane and another joins it near the bridge.
7. Traffic speeds should generally be low because of the lane's narrow width and poor surfacing, plus its restricted forward visibility due to the bridge and a bend. As the lane serves only a limited number of properties, I would also expect traffic volumes to be very low. This was borne out at my site visit when I parked on the lane for 20 minutes without any vehicles, walkers, horseriders or cyclists passing. I note that there have been some accidents on the lane, but no record of recent injury accidents. Despite its restrictions, the lane is not substantially different from many other rural lanes in Somerset, some of which will carry much higher levels of traffic including pedestrians, horseriders and cyclists.
8. The junction of Alford Well Farm Lane with the B3153 appears to be reasonably safe, with sufficient width and visibility along this section of road which is also subject to a 30mph speed limit. My attention has been drawn to a Technical Note that was submitted in connection with an appeal for a motor vehicle storage site near Alford<sup>1</sup>. The Inspector for that case found that the B3153 was dangerous as existing and dismissed the appeal in part due to those highway safety concerns. Unlike that appeal proposal, however, this proposal should not

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<sup>1</sup> APP/R3325/W/17/3186158

generate heavy goods vehicle traffic. It should not significantly increase traffic using the B3153.

9. Business use has already been accepted in this location in general and at The Old Cider House in particular. Live/work units are not the same as residential dwellings with home offices - they encompass a mix of residential and business uses. In this case a condition of the original planning permission for the units limits that business use to Class B1(a) offices in order to maintain employment on the site and reduce the need to travel. The business uses could nevertheless be expected to generate a level of traffic that could potentially be significantly more than a residential dwelling would generate. As with office use, deliveries of materials and other goods for the cattery could be expected to be fairly minimal. I accept the appellant's submission that most supplies would be brought in as part of normal domestic journeys.
10. The proposal is for 6 pens for up to 12 cats only, which means that traffic movements from customers should be relatively infrequent, even allowing for some extra journeys to inspect the premises and other reasons. Subject to a limitation on the number of pens and cats to the proposed numbers, I find that the level of traffic would not be significant in terms of the overall use of the lane. I recognise that some cattery customers would not be familiar with the lane, but most should be familiar with lanes of this general type and configuration. Finally, I note that the Council's highways advisors have not raised any objection to this application.
11. I conclude that the proposal would not significantly or unduly affect the safety of public highway users including drivers, walkers, horse riders and cyclists. The proposal therefore accords with the aims of South Somerset Local Plan 2006-2028 (LP) Policy TA5, to ensure that developments have safe access.

#### *Neighbours' living conditions*

12. Traffic to the cattery would pass close to the front of the other 3 live/work units. These properties are not, however, significantly closer to this section of shared drive than many houses are to public roads. The amount of traffic generated by the cattery use would be relatively minor. Parking and manoeuvring areas are somewhat farther away from the residential premises, limiting their impact. The Council has suggested a condition limiting customer traffic to specified periods of the day. I see no reason why this condition should impose a limit within the middle daytime period, but otherwise find it reasonably necessary in order to preclude most night-time and early morning traffic.
13. Subject to this amended condition, I conclude that the proposed cattery use would not harm living conditions at neighbouring properties due to noise and disturbance from traffic and parking. The proposal therefore also accords with the aim of LP Policy EQ2, to protect neighbours' residential amenity.

#### *Other matters*

14. I have also considered the other points raised by neighbours and others. I am satisfied that there is sufficient space for the storage and collection of waste at the site and note that there is no proposal for advertising hoardings. Although some local objectors have expressed surprise that previous conditions limiting the use of the appeal site are not necessarily permanent, I must consider the

appeal on the basis of current circumstances and assess the proposal on its own merits. I understand that the shared drive leading to the appeal site is private and leave any private legal issues regarding the use of this drive to the owners. Finally, although the submitted evidence of need for this facility is not strong, the Council has raised no objection in principle to this business use which would benefit the rural economy and provide a local service in a general location where a degree of business use is already accepted. Taking all of these matters into account, I find nothing to override my conclusions in regard to the main issues.

### **Conditions**

15. I impose a condition specifying the relevant plans to provide certainty. As set out above, a limit to the number of cats is necessary in the interest of highway safety and limits to the timing of pick ups and drop offs are needed to protect neighbours' living conditions. In this respect, I have incorporated the Council's suggestion that there can be exceptions to the stated hours for pick ups and drop offs in emergencies. Although 'emergencies' are not easy to define, they would need to involve exceptional circumstances and should be comparatively infrequent in practice.

### **Conclusion**

16. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

*Les Greenwood*

INSPECTOR