



Appeal Decision

Site visit made on 4 June 2025

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2025

Appeal Ref: APP/K2420/W/24/3355084

7 Springfield Road, Hinckley, Leicestershire LE10 1AN

- 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 Ms Gillian Nicol of Coco's Cattery against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 24/00596/FUL.
 - The development proposed is described as 'cattery is a wooden insulated building with double glazed windows and doors, with heating and air conditioning.'
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Decision

1. The appeal is allowed and planning permission is granted for cattery is a wooden insulated building with double glazed windows and doors, with heating and air conditioning at 7 Springfield Road, Hinckley, Leicestershire LE10 1AN in accordance with the terms of the application, Ref 24/00596/FUL, subject to the conditions in the attached schedule.

Application for costs

2. An application for an award of costs has been made by Ms Gillian Nicol of Coco's Cattery against Hinckley and Bosworth Borough Council and is the subject of a separate decision.

Preliminary Matter

3. Within the garden of 7 Springfield Road (No 7) is an outbuilding that has been built that appears to generally be in accordance with the submitted plans, although the building itself was empty. As such, I have had regard to the development that has been built, as well as what is proposed and particularly the use of the building.

Main Issue

4. The main issue relevant to this appeal is the effect of the proposed development upon the living conditions of the neighbouring occupiers with regard to noise, odour and disturbance and linked to this, the effect of the proposal upon the character and appearance of the area.

Reasons

5. The appeal property is a residential dwelling located in a predominantly residential area. To the front of the dwelling is a paved driveway which, based on the information before me, provides space for 3 vehicles to be parked on it. To the side of the dwelling is a gated alleyway which is proposed to be used as the main

entrance for those using the proposed cattery. At the end of the garden at No 7 is a single storey timber outbuilding that is similar in appearance to that proposed.

6. The intention would be to use this outbuilding as a cattery to provide short term accommodation for up to 8 cats. These cats would be kept within the building at all times and would remain so for days or weeks at a time. As such, the appellant notes that they do not expect customers to visit the property throughout the day. The submitted evidence identifies that 2 of the 3 parking spaces to the front of the building would be allocated as customer parking. Whilst the proposal would likely increase the number of vehicular trips to the property, given the limited scale of the proposed cattery, the noise and disturbance from vehicles parking at the front of the property would be neither unusual or significantly disruptive.
7. When visiting the property, the customers would walk along the alleyway or wait in the holding area which is located next to the alleyway between No 7 and the detached neighbouring property. This may lead to noise and disturbances from the customers and their cats, though this would occur infrequently given the nature of the business. Additionally, the noise and disturbances from those talking and walking along the alleyway would be similar to those that could occur in this residential setting under existing circumstances.
8. The cats would be kept within the building at all times, with a maximum of 8 at any one time. The building, as built, was a solid structure with a concrete floor and timber walls and roof and UPVC windows and doors. Given the solidity of the structure and the limited overall number of cats that would be housed in the building, this would likely only generate a modest level of noise, even if the windows were left open. Noise from cats is not unusual in a residential context where they are regularly kept as pets and whilst there would be more than most people would typically have, the limited number of cats would ensure the scheme would not have a significant adverse effect on the living conditions of nearby occupiers, even at night.
9. The disposal of commercial waste must be legally discarded in a certain way via a trade waste service or transfer station and there is space around the outbuilding where commercial waste could be stored. Given the space around and inside the building that could be used for such purposes, there is no substantive evidence that the commercial waste could not be adequately stored and collected. If this is done, with regard to odour, the development would not create an unacceptable living environment for nearby occupiers. It has not evident that the waste, or food storage could not be appropriately stored within the development proposed and as long as it was, this would ensure the scheme would not create an environment that would attract a significant number of vermin.
10. An air conditioning unit is proposed within the outbuilding and while this would introduce a new continuous background noise when in use, based on the information before me, the noise from the unit would not cause significant disruption within a residential context. The Hinckley and Bosworth Borough Council Environmental Health – Pollution Department Officer did not object to the application and based on the submitted evidence I find no reason to disagree.
11. If the building was used to house more than 8 cats, it is possible that the noise and disturbances to nearby occupiers could cause significant harm to their living

conditions. As such, a condition could be attached to require the outbuilding be used only to house up to 8 cats to ensure this would not happen.

12. The cattery building is located at the end of the garden and from the road the building is generally screened by the houses on Springfield Road. Given its limited scale, even when seen within the street scene, the building appears subordinate in scale to the house itself and thus does not appear out of character in this residential context. Additionally, based on the information before me advertisement consent has not been granted to permit advertisements associated with this use and none would be permitted by this decision. As such, other than the additional cars that could be parked on the driveway or on the road, the extra bins, as well as increased comings and goings from the property, the day-to-day use and appearance of the dwelling would not be substantially different from what it is now. Furthermore, the dwelling itself would remain in residential use and the cattery would be ancillary to the dwelling which could be controlled via a condition.
13. Given the limited scale of the proposed business there would likely only be a limited increase in the number of vehicles that would visit the property above and beyond the existing residential use. This limited increase would not substantially alter how the area is perceived given that, based on the information before me, vehicles are often parked on the road. Consequently, the proposal would not cause harm to the residential character of the area.
14. Therefore, for the reasons given above, the proposal would not cause harm to the living conditions of the nearby occupiers or to the character and appearance of the area. Accordingly, the proposal would comply with Policy DM10 of the Site Allocations Development Management Policies Development Plan Document, insofar as it expects development to not have a significantly adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and complements the character of the surrounding area. This would indicate that the appeal should be allowed.
15. A neighbouring occupier has been identified as having a disability and can be sensitive to noise and disruption. People with a disability have protected characteristics for the purposes of the Public Sector Equality Duty (PSED).
16. In my assessment of the effect of the development on the neighbouring occupier, I have therefore had due regard to the PSED contained in Section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. In reaching my decision, I have kept these interests at the forefront of my mind. However, they are qualified rights, and interference may be justified where in the public interest. The concept of proportionality is key.
17. I understand that the noise and disturbances can cause the neighbouring occupier distress and discomfort. However, for the reasons given above, whilst the proposal would increase the amount of noise and disturbance that would occur within the garden at No 7, the amount of noise and disturbance would not be significantly disruptive compared to what could ordinarily occur in a residential setting. Additionally, the outbuilding is located at the end of the garden which itself is quite large and therefore, the noise and disruption would generally occur away from the

neighbouring house and much of the garden. Therefore, the development would not result in significant harm to the individual with the protected characteristic.

18. In view of this, a refusal of permission would not be proportionate and necessary. Allowing the appeal would be consistent with my PSED duty contained in Section 149 of the Equality Act 2010.
19. Therefore, the proposed development would comply with the development plan as a whole and the material considerations do not indicate that the appeal should be determined other than in accordance with it.

Other Matters

20. The appellant has identified that drop off and pick-ups would be pre-arranged, and it is likely that these would occur outside of the typical morning and evening peak times. This would be due to the nature of the business where people would likely be going away for a period of time and require care for their cat. Whilst this would not be strictly controlled, even taking into consideration those visiting the cattery to view it, those visiting the property would likely do so irregularly. While the driveway would, in effect, remain as a shared space between the customers and the occupants of No 7, there are limited parking restrictions on Springfield Road and as such the residents, customers and delivery vehicles could park on the road.
21. So long as vehicles are parked safely, which is a matter of individual behaviour rather than the use of the building, it has not been substantiated that the limited increase in the number of vehicles parked on the road from this development would have an unacceptable impact on highway safety. While I note a new health centre is proposed nearby which may increase demand for on street parking, the Leicestershire County Council Highway's Officer came to a similar conclusion and also found that there had been no recorded personal injury collisions along the entire length of Springfield Road within the last 5 years. Based on the information before me I find no reason to conclude differently.
22. I note comments from interested parties regarding a covenant that stipulates that commercial businesses are not permitted to operate within the confines of certain dwellings on Springfield Road. However, disputes regarding covenants are legal matters outside of the remit of this appeal.
23. While other catteries may have been permitted in rural areas, it would not always be the case that this would be appropriate and there are site specific circumstances particular to each case, including the appeal before me and each case must be considered on its own merits. Permission being granted would not necessarily set a precedent for similar schemes nearby.
24. The cats are proposed to be kept within the building and thus the proposal would not have a harmful effect upon local wildlife. This would also ensure territorial disputes with local foxes are unlikely.
25. The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) permits outbuildings and fencing to be erected within gardens similar in scale and design to what has been built. As such, an outbuilding and associated fencing could be erected regardless of the outcome of this appeal.

26. Matters related to licencing are outside of the remit of this appeal and it is not evident that if the licence was placed on the front of the house that it would be so significant in scale that it would substantially alter the overall residential appearance of the dwelling. The licence could also be installed on the cattery itself, given that this is the location from which the business would operate. If this was the case, the licence would be well screened from most viewpoints.
27. The appellant would have to satisfy themselves that the proposal would comply with Government guidance for the care of cats. However, it has not been substantiated that the scheme as proposed would not be appropriate with regard to this guidance.
28. The planning system does not exist to protect private interests such as the value of land and property. Thus, I have given this negligible weight in coming to my decision.

Conditions

29. I have considered the matter of conditions against the tests in the National Planning Policy Framework and the Planning Practice Guidance. Where appropriate I have adjusted the wording of the suggested conditions in the interest of clarity. Further to the statutory commencement condition, a condition requiring the development is carried out in accordance with the submitted plans is necessary in the interests of certainty.
30. A condition regarding the number of cats that could be permitted on site in association with the cattery business is necessary in the interests of the living conditions of nearby occupiers. Additionally, ensuring the building is not used as an independent business unit is necessary in the interests of the living conditions of the occupiers of No 7.
31. Whilst not suggested by the Council, a condition ensuring the air conditioning unit is installed in accordance with the submitted information is necessary in the interest of the living conditions of nearby occupiers.

Conclusion

32. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

G Sibley

INSPECTOR

Schedule of 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 drawing nos: 1260/SL; 1260/BP; Internal Access Route; Garden Plan; Front Elevation; Right and Left Elevations; Rear Elevation; Customer Parking Plan.

- 3) Any air conditioning unit that is installed within the building hereby permitted shall be installed in accordance with the submitted Air Conditioning Specifications, dated 4 September 2024. No other air condition unit shall be installed.
- 4) No more than a total of 8 cats shall be permitted to be on site, in conjunction with the development hereby permitted. The unit and cattery business shall remain ancillary to the dwelling, 7 Springfield Road, Hinckley, identified on drawing no 1260/SL and shall not be occupied, sold or separately leased or let as an independent business unit.