

Delegated Report

Planning Ref: 26/00689/FUL
Applicant: Mrs Rachael Montford
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: Field View, 65 Church Street, Earl Shilton

Proposal: Erection of 4 double pen cattery

Case Officer: Ashleigh Gade (Senior Planning Officer)

1. Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions detailed at the end of this report

2. Planning Application Description

- 2.1. This application seeks full planning permission for the erection of a four double pen cattery at Field View, 65 Church Street, Earl Shilton.
- 2.2. The proposed cattery building has dimensions of 6 metres by 4 metres and a resulting footprint of 24 square metres. The building has a mono-pitched roof with a maximum height of 2.25 metres.
- 2.3. The proposed cattery building is to be constructed of wooden panel and uPVC cladding and to have a felt or rubber roof. The window openings of the structure are to be constructed of Perspex or mesh, and the doors are to be wooden with mesh sections.
- 2.4. The proposed cattery comprises an internal corridor area and four cattery pens, each of which can accommodate a maximum of two cats. The maximum capacity of the cattery building is eight cats.
- 2.5. The proposed cattery is to operate between 8:00am and 6:00pm, Monday to Friday, 9:00 am and 6:00pm on Saturdays and 10:00am and 3:00pm on Sundays. The business would be operated by the occupants of the associated dwelling and would not involve any external employees.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located within the settlement boundary of Earl Shilton.
- 3.2. The application site comprises an existing two-storey end of terrace dwelling with an elongated, rectangular shaped garden area to the rear which has recently been cleared of historic overgrowth.

3.3. The site has frontage to Church Street which is an adopted and classified 'C' road subject to a speed limit of 30mph. The site has no vehicular access, and all associated parking occurs on street.

3.4. To the east and west of the site are other dwellings fronting Church Street. To the north of the site are small fields within the designated open countryside. To the south of the site, across Church Street, is a Grade II* listed building, St Simon and St Jude Church, and a Scheduled Monument, Earl Shilton Motte and Bailey Castle.

4. Relevant Planning History

Nil.

5. Publicity

5.1 The application has been publicised by the posting of a site notice in the vicinity of the site and sending letters to neighbours.

5.2 No responses have been received.

6. Consultation

6.1 The following consultees had no objection to the proposal:

- Leicestershire County Council (LCC) Minerals
- LCC Highways (the Local Highway Authority)
- Hinckley and Bosworth Borough Council (HBBC) Waste
- HBBC Environmental Services (Pollution)

6.2 No response was received from the following consultee:

- Earl Shilton Town Council

7. Policy

7.1 Core Strategy (2009):

- Policy 2: Development in Earl Shilton

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014):

- Policy 22: Development and Design
- 7.4 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (2026)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.5 Other relevant guidance:
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

- 8.1. The key issues in respect of this application are:
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon residential amenity
 - Impact upon parking provision and highway safety

Assessment Against Strategic Planning Policies

- 8.1 Paragraph 3 of the National Planning Policy framework (NPPF) confirms that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The national decision-making policies within the NPPF are a material consideration in making planning decisions and should be read alongside the policies in the Development Plan.
- 8.2 Paragraph 2 of Annex A of the NPPF confirms that development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies within the NPPF should be given very limited weight. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of the NPPF.
- 8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP).
- 8.4 Paragraph 15 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, by managing the use and development of land in the long-term public interest. Policy DM7(1) of the NPPF confirms that development proposals should be assessed on the basis of whether they would be an acceptable use of land.
- 8.5 Policy S4(1) of the NPPF states that development proposals within settlements should be approved unless the benefits of doing so would be substantially

outweighed by any adverse effects, when assessed against the national decision-making policies in the NPPF.

- 8.6 The application site is located within the settlement boundary of Earl Shilton and contains an existing residential property.
- 8.7 The proposal would retain the residential use of the property, and the proposed building and operation of the cattery would be ancillary to the established residential use.
- 8.8 It is therefore considered that the proposal can be considered acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are detailed in subsequent sections of this report.

Design and Impact upon the Character of the Area

- 8.9 Policy DP3(1) of the NPPF confirms that development proposals should respond to their context including the history, character and features of their site and its setting, so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. Policy DP3(2) of the NPPF details the seven principles of well-designed places that development proposals should reflect as appropriate to the nature of the development and its location.
- 8.10 Policy DP3(3) of the NPPF states that development proposals should be refused if, without clear justification, they conflict with Policy DP3(1), or relevant aspects of the principles in Policy DP3(2), or with any explicit design standards set out in the development plan (including those in locally specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.
- 8.11 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.12 The proposal is for the erection of a cattery building in the rear garden of an existing residential property. The proposed cattery building has dimensions of 6 metres in width by 4 metres in depth and has a resulting floor area of 24 square metres. The proposed building has a mono-pitched roof and a maximum height of 2.25 metres.
- 8.13 The proposed building is to be clad with wooden panel and uPVC cladding with a rubber or felt roof. The window openings of the building are to be constructed of Perspex or mesh, and the two doors are to be of wooden construction with mesh inserts.
- 8.14 The siting of the building to the rear of the existing dwelling and deep within the elongated garden space means that it would not be visible from Church Street. Given the height of existing boundary treatments the proposal would be visible from the rear

gardens of neighbouring properties, however this would present similarly to other outbuildings and ancillary domestic structures present in rear gardens in the locality.

- 8.15 It is therefore considered that the proposal would be of appropriate design for an outbuilding ancillary to residential use and would not result in any adverse impacts to the character of the surrounding area, consistent with Policy DM10 of the SADMP and Policy DP3 of the NPPF.

Impact upon Residential Amenity

- 8.16 Policy P3(1) of the NPPF states that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of pre-existing conditions in its vicinity.
- 8.17 Policy DM10(a) and (b) of the SADMP state that development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.18 The proposed cattery building would be located to the rear of the elongated garden space behind the existing dwelling. The cattery would be operated by the residents of the associated dwelling.
- 8.19 The proposed cattery has four double pens that can accommodate a maximum of eight cats. Notwithstanding this, this would only be in circumstances where each pen was occupied by two cats each, which would only occur in situations where both cats were from the same household. As such, the typical occupancy of the building is likely to be less than eight cats.
- 8.20 The business would operate between 8:00am and 6:00pm Mondays to Fridays, between 9:00am and 6:00pm on Saturdays and 10:00am and 3:00pm on Sundays. The submitted business details confirm that drop-off and pick-up of boarding cats would occur by at pre-organised times within these hours, and such appointments would be staggered.
- 8.21 The submitted business details confirm that litter trays would be emptied in line with legislative requirements, with a regular schedule in line with industry standards for the deep cleaning of litter trays and other cleaning associated with other elements and fixtures within the pens.
- 8.22 It is noted that the business plan confirms the cattery would be appropriately licenced. Matters appropriate maintenance and standards of the facility would be managed within the licencing process and are not within the remit of planning consideration.
- 8.23 Appeal Decision APP/L2420/W/3355084 for a cattery with a maximum capacity of eight cats confirmed that an outbuilding housing up to eight cats would be unlikely to

cause significant harm to neighbouring occupiers. The Inspector for APP/L2420/W/3355084 also noted that the noise generated from a maximum of eight cats within a cattery building would likely only be modest.

- 8.24 It is considered that the siting of the proposed cattery building to the rear of the garden area would locate it sufficiently and appropriately away from neighbouring dwellings. Given the modest scale of the building and the construction materials, which will include soundproofing insulation, it is considered that the scale and siting of the proposal would ensure it did not cause undue impact to neighbouring amenity.
- 8.25 Council's Environmental Health Officers were consulted on the proposal and had no objections.
- 8.26 Furthermore, it is noted that no objections were received from neighbouring dwellings.
- 8.27 It is therefore considered that the proposal would not have an adverse effect on the privacy or amenity of nearby residents, including by way of overbearing or resulting in undue noise or exposure to smells, in accordance with Policies DM7 and DM10 of the SADMP and Policy P3 of the NPPF.

Impact upon Parking Provision and Highway Safety

- 8.28 Policy TR3 of the NPPF states that development should be located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure. Any significant adverse impacts from development on the transport network in terms of capacity and congestion, or on highway safety, should be mitigated to an acceptable degree using a vision-led approach.
- 8.29 Policy TR6(4) of the NPPF confirms that where development proposals would have severe adverse impact on the transport network or an unacceptable impact on highway safety, taking into account any mitigation measures proposed as well as any wider network improvements, that they should be refused.
- 8.30 To support this, Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe. Policy DM18 of the SADMP requires that new development provide an appropriate level of parking provision.
- 8.31 Policy TR4(1)(e) of the NPPF requires development proposals to provide a suitable number of parking spaces for a range of transport modes where appropriate, reflecting the location and nature of the development, including its connectivity, and any locally-set standards in the development plan.
- 8.32 Policy DM18 of the SADMP requires that new development provide an appropriate level of parking provision.

- 8.33 All proposals for new development should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority. Currently, this is the Leicestershire Highway Design Guide (LHDG) (2024).
- 8.34 The application site does not have vehicle access from Church Street and does not have any off-site parking capacity. Any parking in association with the proposal would rely on street parking along Church Street.
- 8.35 The Applicant has confirmed that drop-offs and pick-ups by customers would be pre-scheduled and arrivals for these appointments would be staggered. There would be no external employees attending the site.
- 8.36 The Local Highway Authority (LHA) have reviewed the proposal and have considered the small-scale nature of the proposal and that the proposal is unlikely to result in a high number of trips to the site. The LHA have subsequently advised that they do not consider that the proposal would lead to a severe impact on the highway and therefore had no objection to the proposal in the site-specific circumstances.
- 8.37 It is therefore considered that the proposal would not have an unacceptable impact upon highway safety or the wider road network, consistent with Policies DM17 and DM18 of the SADMP, Policy TR3 of the NPPF, and the requirements of the LHDG.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which

makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions and obligations.

11. Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions detailed at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and County Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Location Plan (submitted: 30.07.2026)
- Block Plan (submitted: 06.08.2026)
- Proposed Elevations (N & S) (submitted: 06.08.2026)
- Proposed Elevations and Floor Plans (submitted: 06.08.2026)
- Business Summary (submitted: 06.08.2026)

Reason: To ensure a satisfactory form of development in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the external elevations of the building hereby permitted shall match that described within the submitted application form, as part of this planning application.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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, Field View, 65 Church Street, Earl Shilton, identified on the Block Plan (submitted: 06.08.2026) and shall not be occupied, sold, or separately leased or let as an independent business unit.

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance and to ensure no undue pressure on the local highways network, in accordance with Policies DM7, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.