



Appeal Decision

Site visit made on 17 February 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2022

Appeal Ref: APP/L3245/W/21/3268538

5 Orchard Cottage, B4379 From Brewers Oak Farm To Sheriffhales Crossroads, Crackleybank, Sheriffhales TF11 8QS

- 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 Mr Darren Giles against the decision of Shropshire Council.
 - The application Ref 20/01219/FUL, dated 19 February 2020, was refused by notice dated 20 October 2020.
 - The development proposed is change of use of private kennels to boarding kennels and dog grooming.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal can be effectively managed with regard to highway safety.

Reasons

3. The site comprises a detached dwelling known as 'Orchard Cottage'. This is an extended property incorporating a number of outbuildings and kennels, which is located within the Green Belt.
4. The proposal seeks to utilise two existing kennel blocks. Block 1 is in the garden to the north of the dwelling. This includes five kennels, a whelping pen (used for the appellant's dog breeding activities) and dog grooming areas. Block 2 comprises four kennels and is to the south of the entrance into the site and parking area.
5. The appeal site is located along the B4379 approximately 45m south of the traffic-controlled junction with the A5. Whilst there is some on-site parking there would be sufficient space for a vehicle to enter and exit the site in a forward gear, subject to one of the parking spaces being vacant. The site is also gated.
6. The gates are about 3.5m from the rear of the carriageway and operated remotely and incorporate an intercom system. Therefore, other than smaller vehicles most would overhang onto the highway in the event that the gates are closed. Whilst I note that this is an existing access, the proposal would result in an intensification of its use. Consequently, this type of arrangement would increase the risk of obstruction and collision for vehicles using the highway.

Therefore, having regard to the Framework this would have an unacceptable impact on highway safety.

7. The appellant has sought to respond to the above concern and a previously refused planning application for a similar proposal (17/00715/FUL) by proposing the operation of a collection and deliver service. This would involve an appointment system and the appellant using his own transport to collect and return customers dogs. In theory, this is intended to remove the need for customers to visit the site.
8. Nevertheless, I share the Council's concerns that dog owners would want to physically view and inspect the quality of the boarding facilities. Moreover, the appellant is the only person operating the facility and there is insufficient information to show how he would practically operate the dog collection and delivery service, whilst also undertaking the day-to-day management of boarding kennels for up to 8 dogs and a dog grooming service. There is also insufficient information to show how a condition requiring that the business operates on a collection and delivery service could be effectively monitored.
9. The appellant advises that the kennels and dog grooming business were operating between 2015 - 2017 without any associated road traffic collisions or incidents. However, I have not been provided any information in terms of the levels of use and vehicular activity associated with this to draw any meaningful conclusions.
10. Since planning application 17/00715/FUL was refused, traffic lights have been installed at the junction of the A5/B4379. While this may have improved highway safety at the junction, this does not address the suitability of the existing access for the proposal.
11. Based on the above reasons, and notwithstanding the Council's initial recommendation to approve, it has not been shown that the proposal can be effectively managed without detriment to highway safety. As such, I find conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy, March 2011, which amongst other things requires that all developments are safe and accessible.

Other matters

12. The Council had suggested a condition to allow the business to operate on a temporary basis to allow the proposed collection and delivery service to be properly evaluated. However, the appellant has not specifically requested a temporary consent, and as already stated an effective mechanism to monitor this has not been identified.

Conclusion

13. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR