



Appeal Decision

Site visit made on 28 July 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th August 2020

Appeal Ref: APP/A4710/W/20/3248136

23 Chestnut Close, Greetland, Elland HX4 8HX

- 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 Emma Seal against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 19/01019/HSE, dated 27 August 2019, was refused by notice dated 20 November 2019.
 - The development proposed is a detached outbuilding ancillary to dwelling and use for personal training business.
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Decision

1. The appeal is allowed and planning permission is granted for a detached outbuilding ancillary to dwelling and use for personal training business at 23 Chestnut Close, Greetland, Elland HX4 8HX in accordance with the terms of the application Ref: 19/01019/HSE, dated 27 August 2019, subject to the following conditions;
 - 1) Clients shall only be permitted on the premises between the following hours: 10:30-19:00 Monday to Friday. No clients shall be permitted on the premises on Saturdays, Sundays or Bank Holidays.
 - 2) A maximum of one client shall be permitted on the premises at any one time.
 - 3) The doors to the detached ancillary outbuilding shall be kept closed at all times whilst personal training services are being provided.

Procedural Matter

2. At the time of my site visit the outbuilding had been constructed. The building was in general accordance with the submitted plans and I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of adjacent dwellings with particular regard to noise.

Reasons

4. The appeal relates to a detached outbuilding which is situated in the rear garden of the appeal property. The area has a tight knit residential character. The building is used by the appellant to provide personal training to clients. The

structure appeared well constructed and is fitted with a section of double-glazed doors/windows with full length blinds on its main north-east facing elevation.

5. The appellant has submitted a noise survey¹ in support of the appeal. Given the orientation of the building, the residential property that would be most likely to be impacted would be the adjoining 22 Chestnut Close, to the north (the noise sensitive receptor). The noise survey was undertaken whilst personal training was being provided within the building. The results of the survey, which have not been contested, suggest that the specific sound level would have a low impact on the existing noise climate at the noise sensitive receptor.
6. Whilst I accept that there will be some variation in activity between different types of training sessions, there is nothing within the evidence to suggest that the sessions assessed as part of the report were not typical of those generally provided.
7. The noise survey was undertaken with the doors to the building closed and I have added a condition to ensure that this remains the case whilst personal training is being provided. The evidence indicates that this would be possible during the summer months as the building benefits from air conditioning.
8. The evidence indicates that any music is provided through a small rechargeable bluetooth speaker linked to a mobile phone and I have no evidence to suggest that this would not remain the case.
9. It is indicated that the premises have been in operation on the basis sought from May 2019. It is accepted that additional comings and goings at the property would have arisen as a result of the use. However, any disturbance associated with the arrival and departure of clients will have been likely to be limited as they pass through the side gate straight to the studio at the rear.
10. Further, clients are by appointment only, are only provided with the address when booking and are advised to park on the front driveway where space is available for three cars to park away from the street. However, whilst the availability of an off-street space is of benefit, even if this were not available, one vehicle associated with a client would be unlikely to cause any significant highways issues on the street.
11. It would be unlikely that training classes would be provided for the full duration of the permitted hours with the evidence indicating that these hours would likely only be partially used. The number of clients on any one day would be further limited given that individual sessions would be 45 minutes long.
12. Therefore, I conclude that the proposal would not have any significant adverse impact on the living conditions of neighbouring occupiers with particular regard to noise. It would subsequently comply with Policy EP8 of the Replacement Calderdale Unitary Development Plan (RCUDP) (2009) which states that where development proposals could lead to the juxtaposition of incompatible land-uses, they will only be permitted if they do not lead to an unacceptable loss of amenity caused by noise. Amongst other things, the policy promotes the use of conditions to manage noise. There would also be no conflict with paragraph 170 of the National Planning Policy Framework which states that planning

¹ Assessment of the Emission of Noise from the Gymnasium to the Rear of 23 Chestnut Close, Greetland, Druk Limited, February 2020.

decisions should prevent existing development from being adversely affected by unacceptable levels of noise pollution.

13. I have also identified no conflict with Policy H2 of the RCUDP which states amongst other things that changes of use to housing will be permitted provided no unacceptable environmental, amenity, traffic or other problems are created. The proposal would accord with Policies BE1 and BE2 which seek good design quality which would also protect the living conditions of adjacent residents. There is no conflict with Policy T18 which sets out maximum parking standards.

Other Matters

14. The Council do not have any significant concerns regarding the impact of the built form of the outbuilding itself on neighbouring occupiers in terms of privacy, light or overbearing impact or on the character and appearance of the area. I have no reason to disagree with these conclusions.

Conditions

15. No conditions have been suggested by the Council. I have added a condition restricting the hours on which clients can be on the premises in the interests of the living conditions of adjacent occupiers. This would prevent comings and goings in the early morning and late evening and on Saturdays, Sundays and Bank Holidays. Condition two limits the number of clients that can be on site at any one time to one, while condition three requires that the doors to the unit are kept shut whilst personal training is being provided. These conditions are necessary in the interests of the living conditions of adjacent occupiers. I consider they would meet the relevant legal and policy tests.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be allowed subject to the conditions.

T J Burnham

INSPECTOR