



Appeal Decision

Site visit made on 7 December 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2022

Appeal Ref: APP/U4610/W/21/3280008

6 The Mount, Chelyesmore, Coventry CV3 5GU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Gurjit Kaur against the decision of Coventry City Council.
 - The application Ref S73/2021/0368, dated 3 May 2021, was refused by notice dated 30 June 2021.
 - The application sought planning permission for replace existing garage with a new outbuilding for storage and gym without complying with a condition attached to planning permission Ref HH/2019/0431, dated 9 April 2019.
 - The condition in dispute is No 4 which states that: The outbuilding hereby permitted to be erected shall be used only for a purpose incidental to the residential use of the application property and the outbuilding shall not be used as primary living accommodation or for the purpose of any trade or business.
 - The reason given for the condition is : To ensure that the outbuilding is not used in a manner prejudicial to or likely to cause nuisance to occupiers of nearby properties in accordance with Policy DE1 of the Coventry Local Plan 2016.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The original application was granted in 2019 to replace the existing garage with a new outbuilding for storage and a gym. This was granted with a Condition restricting use incidental to the dwelling and not to be used as primary living accommodation or for the purposes of trade or business.
3. The appellant sought to remove this condition but was refused permission in June 2021.
4. The main issue is whether the Condition is necessary and reasonable having regard to the living conditions of nearby residents.

Reasons

5. The appeal property is sited within a predominately residential area. The outbuilding has been constructed, and from the evidence (floor plans) provided shows two storerooms and a shower room. From my site visit it is apparent there is some form of security grilling to the front elevation and the building was secured.

6. From the third-party representations, it would appear that the outbuilding is housing a pharmaceutical business and from the website details provided by third parties, the business is primarily for deliveries of prescription goods, but also allows walk-in customers.
7. It would also appear that there are regular deliveries to the premises, for pharmaceutical stocks, in addition to the customer visits. The outbuilding is located at the side of a residential dwelling, and parking is extremely limited. I have been provided with a considerable number of photographs showing delivery vehicles and customer vehicles causing disruption to local residents during the day when the premises are open.
8. As stated previously, the locality is a predominately residential area, and local residents would not expect a business reliant on external visitors and deliveries to be operating in a residential area.
9. I have also been informed that there are external security lights operating, but I have not visited the premises at night-time to confirm this.
10. The business website appears to show that a pharmaceutical chemist is on site during the day, which gives more credence to the fact that this business is of a level where it should be located in a commercial area.
11. Condition 4 was imposed by the Council in order to prevent any commercial use of the building to protect the amenities of local residents.
12. I therefore conclude that Condition 4 is reasonable and necessary in its current form in order to protect the character of the area and the living conditions of neighbouring occupiers, having particular regard to noise and disturbance.
13. There would be conflict with policies DE1, AC2, AC3, R3 and R4 of the Coventry City Council Local Plan (2017) which, amongst other matters, expect development to respect and enhance their surroundings and positively contribute to the local identity and character of an area, as well as out-of-centre uses satisfying a sequential and impact test where appropriate. It is also drafted in a precise manner and is enforceable. The condition was reasonably imposed and is consistent in respect of guidance in the Framework.

Conclusion

14. For the reasons given, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR