



Appeal Decision

Site visit made on 4 January 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2022

Appeal Ref: APP/X3405/W/21/3280561

65 Swallowfields Drive, Hednesford, Staffordshire, WS12 1UG

- 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 Miss Laura Trythall against the decision of Cannock Chase District Council.
 - The application Ref CH/21/0168, dated 23 March 2021, was refused by notice dated 15 June 2021.
 - The development proposed was originally described as *"I would like to offer a small scale pet grooming service, using the property's existing integral garage, which is no longer used for parking vehicles. I am applying for planning permission for partial change of use of the dwelling to include dog grooming business (sui generis). The garage is currently used for storage and laundry with the washing machine and dryer in there. These will remain in place so it will be part business use part residential use"*
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Decision

1. The appeal is allowed and planning permission is granted for the part change of use of dwelling to include dog grooming business at 65 Swallowfields Drive, Hednesford, Staffordshire, WS12 1UG in accordance with application, Ref CH/21/0168, dated 23 March 2021, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. The description used in the header above is taken from the application form. However, the Council's decision notice and the appellant's grounds of appeal statement both describe the proposed development as 'Part change of use of dwelling to include dog grooming business'. I consider that this description more accurately and succinctly describes the development proposed, and therefore I have dealt with the appeal on that basis.

Main Issues

3. The main issues are:
 - the effect of the change of use on the living conditions of neighbouring occupants, with particular regard to noise and disturbance; and
 - whether the proposal is in an appropriate location, in accordance with the sequential test

Reasons

Living conditions

4. The appeal property is a semi-detached two storey dwelling located within a residential area of Hednesford. The property has a modestly sized single storey garage attached to the side elevation of the dwelling, which is set back from the front elevation. The area to the front of the property is open on two sides and entirely hard surfaced, providing off street parking.
5. The appeal proposal seeks the partial change of use of the garage to a dog grooming salon. The proposed salon would be operated solely by the appellant with no other staff employed. Operating hours would be between 0900 – 1700 Monday to Friday and 0900 – 1300 on Saturday's, with bookings taken on an appointment only basis. The appellant has stated that there would be a maximum of 4 dogs groomed per day, with no more than 1 dog present at the salon at any one time.
6. The Council's Environmental Health department objected to the proposal on the basis that, as the garage appears to be 'link detached' to the neighbouring property, it would be incompatible on noise and amenity grounds. However it was noted during my site visit that, although virtually abutting the side elevation of 67 Swallowfield Drive, the garage concerned appeared to be a separate structure which did not share a wall with the neighbouring property.
7. In any event, whilst I consider it inevitable that the dog grooming operation would result in some additional noise, I have been provided with no evidence that the dog grooming business would generate more noise or be of any greater disturbance than the keeping of dogs as domestic pets.
8. I acknowledge that the behaviour of dogs visiting the dog grooming salon would be unpredictable, with some more prone to excessive barking than others. This however is also the case for dogs which are kept as domestic pets. Furthermore, I consider that the possibility of excessive barking would be greater where two or more dogs were to encounter one another. The potential for excessive barking would therefore be reduced by the restriction of only one dog being present at the salon at any one time.
9. Similarly, whilst the business would inevitably result in an increase in activity at the property, given the proposed operating hours and the limited number of dogs groomed per day, any increase would in my view be minimal and at a level which would not be significantly different from that of a person keeping a small number of dogs as domestic pets.
10. For the reasons given above, I conclude that the development would not cause harm to the living conditions of neighbouring occupiers. It complies with Policy CP3 of the Cannock Chase Local Plan 2014 (LP) which, amongst other things, seeks to protect the amenity enjoyed by existing properties including supporting mixed uses. Finally, it would also accord with the advice set out in Paragraph 130(f) of the National Planning Policy Framework (the Framework) which states that development should provide for a high standard of living conditions for existing and future users.

Sequential test

11. Policy CP11 of the LP requires that main town centre uses, including retail, offices, commercial, leisure and cultural facilities should take sequential approach that gives priority to the regeneration of the town centre, followed by edge of centre locations. The Council consider the proposed use to be commercial and therefore subject to the sequential approach.
12. The appellant has undertaken an online search of available commercial units within the local area, which evidences a lack of available units within both Hednesford Town Centre and edge of centre locations. The submitted evidence showed that the only available units were located outside of the local area in Cannock and Birmingham, which were also considered to be unsuitable for the small scale business proposed due to their size, cost and accessibility. The Council has not contested this information or provided any evidence to the contrary.
13. Consequently, from the information before me I am satisfied that the appellant has undertaken the necessary sequential test which has revealed a lack of available units within town centre or edge of centre locations that would be suitable for the proposed use. Accordingly, I find no conflict with Policy CP11 of the LP or guidance contained within the Framework which permits out of centre sites where suitable town centre and edge of centre locations are not available.

Conditions

14. I have had regard to the conditions suggested by the Council and have assessed them against the tests set out in paragraph 56 of the Framework. Subject to some minor amendments in the interests of clarity, I have imposed those conditions suggested.
15. In addition to the standard time limit condition, I have imposed a condition concerning the approved plans for the purposes of clarity. To ensure that the living conditions of the occupants of neighbouring properties are not unduly impacted upon by the development, conditions are also required to restrict the operating hours of the business and the number of dogs that can be groomed at the property per day and at any one time.
16. Finally, a condition is also required to ensure that sufficient car parking spaces are kept available within the appeal site so to prevent the potential overspill of vehicles onto the highway and disturbance to the occupiers of neighbouring occupiers.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

David Jones

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Map, Block Plan, Parking Map, Floor Plan - Drawing Issue 2, dated 23.03.2021.
- 3) No more than 4 dogs shall be groomed at the premises per day, with no more than 1 dog being present at any one time.
- 4) The use hereby permitted shall only be carried out during the following hours: Monday to Friday 0900 – 1700, Saturdays 0900 – 1300, and not at all on Sundays, Bank Holidays or Public Holidays
- 5) A minimum of 3 car parking spaces shall be provided within the curtilage of the property. During the operating hours of the use hereby permitted, 1 of these parking spaces shall be made available exclusively for customers of the use hereby permitted.

End of Schedule