



Appeal Decision

Site visit made on 1 August 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/M0655/W/23/3317528

24 Bernard Avenue, Appleton, Warrington WA4 3BA

- 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 Dawn Turner against the decision of Warrington Borough Council.
 - The application Ref 2022/41545, dated 5 May 2022, was refused by notice dated 14 December 2022.
 - The development proposed is use of front garden area for the siting of a caravan to be used to accommodate a dog grooming business.
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Decision

1. The appeal is allowed and planning permission is granted for Use of front garden area for the siting of a caravan to be used to accommodate a dog grooming business at 24 Bernard Avenue, Appleton, Warrington WA4 3BA in accordance with the terms of the application, Ref 2022/41545, dated 5 May 2022, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The application is retrospective. However, I have dealt with the appeal on its planning merits.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site comprises a semi-detached residential dwelling in a predominantly residential area. Properties are generally set back from the road behind front gardens and/or driveway parking such that most properties have off-street parking. The appeal site positively contributes to the character and appearance of the area.
5. The proposal is for the siting of a small touring caravan on the hardstanding of the front garden for use as a dog grooming salon by the appellant who lives at the appeal property. The appellant has been running the business from the caravan since April 2021. She works alone and can manage one dog at a time with no more than 2 dogs a day, occasionally 3. She operates the business between the hours of 09:30 and 15:30 Monday to Friday and 09:30 and 12:30 on Saturdays. The service is by appointment only with generally local

customers. She uses domestic-style equipment, such as a shower head, clippers and a hair dryer.

6. The Council has no issue in principle with the running of a small-scale dog grooming salon from a residential property. As the Council acknowledges, it is not uncommon to find touring caravans parked on driveways/front gardens in residential areas and they are not usually considered to cause visual harm. However, it is the effective permanent siting of a caravan at the front of the property for a business use and the effect this has on the residential character and appearance of the area and the street scene that causes the Council concern.
7. I have not been advised of any covenant or other restriction on properties in Bernard Avenue that limits the siting of caravans on the front garden/driveways of properties. Hence people can park their caravans for an unspecified period of time. Some touring caravans will be used throughout the year and hence are periodically removed. In contrast, some caravans are removed very infrequently, or sometimes not at all. The caravan for the dog grooming business would not be removed.
8. On my site visit, albeit a snapshot in time during the summer school holidays, I saw that a number of dwellings in the area had caravans or motorhomes/campervans and even commercial work vans parked on their driveways or front gardens. The appellant also includes pictures of others in the area. All were much larger than the caravan at the appeal site, which I saw fitted neatly between the front window of the property and the front garden boundary wall. One nearby dwelling had a large, tall motorhome parked diagonally across the front garden and driveway, as it was too long to fit between the house and the front garden boundary, and also prevented use of the drive. The appeal caravan does not do this as it does not encroach on the appellant's driveway in front of its garage and there is no loss of off-street parking.
9. When approaching the site from Clydesdale Road direction a boundary hedge between the appeal property and the adjoining semi-detached property screens the caravan from view. I appreciate that such landscaping could be removed and is regarded as temporary, but other caravans and large vehicles can be parked without the requirement for landscaping or screening. There is a low brick wall in front of the property, similar to others in the road, and a trellis fence has been erected with some hedge planting behind that will grow up in time.
10. The caravan can be seen, however, when approaching from Greenfields Avenue. To all intents and purposes it looks like a domestic touring caravan parked on the front drive like many others, ready to be taken on holiday if necessary. As one approaches the appeal site one sees a few potted planters and low-key written signage in the planters and a transfer on the caravan. Consequently, the business use of the caravan does not reveal itself until one is close to, or outside, the site, and even then it is very discreet. If the low-key moveable signage and planters were removed each night, one would hardly know the caravan was being used for dog-grooming. I also observed that the caravan was in good condition, and the driveway and area around the caravan were clean, tidy and well kept. Consequently, the residential character and

appearance of the property and the street scene is not significantly altered by the development.

11. I find therefore find that, in this instance, there is little difference between the caravan being sited on a driveway for a small-scale dog grooming business operated as already described, compared to other caravans or motorhomes that are used very infrequently, or not at all for various reasons. They are common features of residential properties and hence are not unduly incongruous in the street scene of most residential streets, including Bernard Avenue. As a result, the development does not harm the character and appearance of the property, the street scene or the surrounding area.
12. Accordingly, the development accords with Policies QE7 and CS1 of the Local Plan Core Strategy, which seek, amongst other things, to ensure that development reinforces local distinctiveness and respects the streets scene, local area and wider townscape and safeguards residential amenity.

Other Matters

13. The Council's Environmental Protection team raises no objection subject to the submission of a Noise Management Plan (the NMP). I am not advised that the Council has received noise complaints. The Council is also satisfied that the small-scale nature of the business and its way of operating does not cause noise and disturbance to occupiers of neighbouring properties. From the evidence before me I have no reason to take a different view. To further protect the amenities of neighbours and the area, conditions can be imposed to restrict the hours of operation, the number of employees and the number of customers a day.
14. The Parish Council has raised concerns about the impact on parking. The Highway Authority and Council raise no objection. With 2-3 customers a day this would not generate a significant number of vehicle comings and goings or the need to park outside, if indeed all dogs were brought by car and dropped off/picked up. The appellant states that some local customers even walk their dogs to the site. Due to the small-scale nature of the business and the limited operating hours, I am satisfied that the impact on on-street parking would not be significant and would not have a greater impact than other residents and their visitors parking on the road. Conditions to limit the scale and scope of the business can be imposed, which the appellant is in agreement to, including that the caravan is not replaced by a bigger one.

Conditions

15. Any conditions must meet the statutory tests required by the National Planning Policy Framework and the Planning Practice Guidance. The Council has commented on the appellant's suggested conditions and is in general agreement and most are discussed above.
16. As I find the development with appropriate conditions is acceptable, there is no need to impose a temporary 5-year permission. The wording for the submission of a NMP suggests the use ceases until the NMP has been submitted and approved. However, as there are no noise complaints, I shall impose a time period for the submission of the NMP, and if it is not submitted then the dog grooming business must cease. In the interests of amenities of neighbouring

occupiers, I shall also limit the maximum number of dogs that can be groomed a day to 3, which the appellant herself has suggested.

Conclusion

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

K Stephens

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Block/Site Plan (showing position of the caravan on the plot) and Plan/Elevations JG1, and the details contained within the Application Form, Design and Access Statement and additional information received by the Council on 9 May 2022.
- 2) No staff shall be employed at the dog grooming business hereby approved other than those that live at the property, namely 24 Bernard Avenue.
- 3) The dog grooming business hereby approved shall not be open to customers outside the following hours: 09:30 – 15:30 Mondays – Fridays, and 09:30 – 12:30 Saturdays.
- 4) The maximum number of dogs visiting the site for treatment/grooming per day shall not exceed 3.
- 5) The use hereby permitted shall cease within 28 days of the date of failure to meet the following requirements:
 - i) Within 2 months of the date of this decision a Noise Management Plan is submitted in writing for written approval by the local planning authority. The Noise Management Plan shall cover: The management of noise of dogs including arrival at the site, leaving the site and for the duration of their time on the site; The use and type of all equipment used on site; and Procedures that help with noise reduction such as keeping windows and doors closed.
 - ii) If within 6 months of the date of this decision the local planning authority refuse to approve the Noise Management Plan or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance to the above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

End of conditions.