



Appeal Decision

Site visit made on 2 July 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2024

Appeal Ref: APP/G1630/W/24/3336496

39 Gretton Rd, Gotherington, Cheltenham, Gloucestershire GL52 9QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Holly Monaghan against the decision of Tewkesbury Borough Council.
 - The application Ref 23/00678/FUL was approved on 7 December 2023 and planning permission was granted subject to conditions.
 - The development permitted is the erection of a single storey timber SIP building at the rear of the house. There will be a circa 500mm gap between the house and building. The building is 3.66m x 2.44 m externally with a mono pitched, slightly sloping roof. This building will be used solely as a room for my dog grooming business. The proposed building is over 2m away from any neighbouring boundaries.
 - The conditions in dispute are Nos 3 and 4 which state that:
 3. The use hereby permitted shall only take place between the following hours;
Monday to Friday 9.00am – 5.00pm
Saturdays 9.00am – 2.00pm
Sundays – closed
Public Holidays – closed
 4. No more than 1 dog shall be kept at the site at any one time. The operators of the site shall keep records of the dogs and these shall be made available for inspection at all reasonable times by officers from the local planning authority.
 - The reasons given for the conditions are:
 3. To minimise potential noise and disturbance impacts on surrounding dwellings.
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Decision

1. The appeal is allowed and the planning permission Ref 23/00678/FUL for the erection of a single storey timber SIP building at the rear of the house at 39 Gretton Road, Gotherington, Cheltenham, Gloucestershire GL52 9QU is varied by deleting Conditions No 3 and 4 and substituting them for the following conditions:
 - 3) The use hereby permitted shall only take place between 0900-1700 Monday to Saturday. The use shall not be carried out at any time on Sundays or Public Holidays.
 - 4) No more than 5 dogs, in association with the use hereby permitted, shall be allowed on site at any one time. No dogs associated with this use shall be permitted on site outside of the condition opening hours. The operators of the site shall keep records of the dogs and these shall be made available for inspection at all reasonable times by officers from the local planning authority.

Background and Main Issue

2. A dog grooming business is operating at the appeal site from a timber outbuilding. The appellant wishes to extend their opening hours from those originally imposed to include Saturdays between 0900 and 1500. They also seek to accommodate additional dogs at any one given time on site. Therefore, the main issue is the effect of removing or varying condition numbers 3 and 4 on the living conditions of neighbouring occupiers.

Reasons

3. The appeal site is a large domestic plot that contains a detached dwelling to the front with a driveway serving a garage on one side. Between the garage and dwelling a small timber outbuilding has been erected for the purposes of the dog grooming business. I understand that one dog is groomed at a time between the hours set out in the condition above. The exception to this being on Saturdays where the appellant primarily only works to catch up on missed appointments. I consider this to be a small-scale business and that given the physical size of the building it is unlikely to change significantly. The immediate surroundings are primarily residential with open countryside beyond.
4. Given the above, I consider the potential level of noise generated from site would be comparable with a dog owning dwelling. As the surrounding area is predominantly residential, such a level of noise would not be atypical. The main risk to neighbouring occupiers' living conditions would be through the building being used for a significant number of dogs, beyond that typical for a domestic property, and at times when residents are more likely to be resting and sleeping, in particular later in the day and on Sundays or public holidays.
5. The removal of both conditions could allow a significant increase in the number of dogs on site and for the business to operate at times when it could adversely affect neighbouring occupiers. However, it would be possible to vary conditions No 3 and 4 so as to allow additional dog on site and for longer operating hours on Saturdays. Such varied conditions would be less onerous on the appellant whilst also still suitably protecting the living conditions of neighbouring occupiers.
6. I am mindful of the suggested amended wording provided by the Council. Although it is not common for domestic dwellings to own five dogs, I consider this number is not so significant as to generate an unacceptable risk to the living conditions of neighbouring occupiers. I therefore find that it would be acceptable to vary Condition No 3 to accommodate up to five dogs associated with the business. With regards to noise and activity, I consider that Saturdays are more akin to weekdays, in that residents will be active, and so extending the hours of operation to 1700 would not unacceptably affect the living conditions of neighbours.
7. The removal of both conditions and their replacement with new conditions would not unacceptably affect the living conditions of neighbouring occupiers through noise generated at the site. The proposed variation of conditions would comply with Policy RES10 of the Tewkesbury Borough Plan 2011-2031 and Policy SD14 of the Joint Core Strategy 2011-2031 which collectively, and amongst other matters, require that developments do not cause unacceptable harm, including through noise, to the amenity of neighbouring occupiers.

Conclusion

8. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that Conditions No 3 and 4 should be varied and the appeal allowed.

Samuel Watson

INSPECTOR