



Appeal Decision

Site visit made on 12 June 2024 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2024

Appeal Ref: APP/R4408/W/24/3337605

The Coach House, Homecroft Road, Goldthorpe, Barnsley, South Yorkshire S63 9DX

- 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 Lee Gauntley against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2023/0544 was approved on 11 August 2023 and planning permission was granted subject to conditions.
 - The development permitted is change of use from coach depot with maintenance and repair to MOT and repairs garage.
 - The condition in dispute is No 4 which states that: *"The proposed development hereby approved shall comply with the following restrictions:*
 - *All business operations (including MOT, Servicing and general repair) shall occur inside the existing garage building on site.*
 - *The business shall employ no greater than 2 full time mechanics and 1 x apprentice working on a part time-basis.*
 - *No greater than 10 vehicles per day shall be worked on.*
 - *Admin staff shall be limited to 1 full time employee, or 2 x part-time employees."*
 - The reason given for the condition is: *"In the Interest of the amenity of neighbouring residential properties, in accordance with Local Plan Policy GD1: General Development."*
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Background and Main Issue

3. Condition 4 of the above mentioned permission sets limits for, amongst other things, the number of employees and the number of vehicles to be worked on each day. The appellant seeks to increase the number of vehicles to 20 per day and the number of employees to a total of 5 which includes administrative staff, apprentices and qualified mechanics/MOT testers. The main issue is the effect of that variance on the living conditions of neighbouring residents with specific regard to noise disturbance.

Reasons for the Recommendation

4. The Council asserts that the approved MOT garage would likely have more activity than the previous coach depot. As no substantive details have been

- provided relating to the intensity of operations or the number of vehicle movements at the coach depot, I have no reason to dispute the Council's conclusions in this regard. Moreover, the appellant has not disputed this.
5. The appeal site is within a densely populated residential area and although there are commercial properties a short distance away in High Street, a large number of dwellings are in close proximity. The proposed alterations to condition 4 would double the number of vehicles that could be worked on each day. There would also be a substantial increase in comings and goings both from vehicles arriving and leaving and customers on foot to collect.
 6. In the absence of additional detail pertaining to capacity and apparatus inside the building, I am unsure as to whether all of the works associated with the increased vehicle attention capability would take place inside or, if they were, whether doors could be kept closed. I am concerned that any works with power tools outside, the closing of bonnets and doors and the increased frequency of potentially loud conversations above any noise would give rise to an increased level of disturbance to local residents therefrom. This might be limited to during the day and less at weekends but in the absence of this clarity I cannot be certain there would be an acceptable level of effect.
 7. Furthermore, the approved drawings show that car parking would be provided for the appellant and four customers. With up to 20 vehicles a day using the garage as well the vehicles for up to 5 employees, it is highly likely that a significant number of vehicles could be displaced to the road which has unrestricted parking in the vicinity of the appeal site. While most properties in the street have driveways and I observed capacity on the street as part of my site visit, this was around midday on a weekday when residents are more likely to be away at work. In the absence of anything corroborative, I cannot assume that there would be sufficient capacity on the street for the business's purposes. Such an increase in the number of vehicles parking on the street would have a significant adverse effect on the living conditions of local residents, as it would prevent them from being able to park outside or close to their homes, causing increased stress.
 8. While higher limitations may have been agreed with the planning officer during the original application, these would have formed their recommendation. The controlling elements of the above condition against the proposed amendments are the circumstances in which this case is considered. With this and the above in mind, the proposed variation would cause harm to the living conditions of neighbouring residents. This would conflict with Policy GD1 of the Barnsley Local Plan 2019, which requires development to have no significant adverse impact on the living conditions of existing and future residents.

Other Matters

9. I have no substantive evidence to demonstrate that the business would be unviable without the proposed alteration to the condition. Therefore, and while the condition may be restrictive, this does not justify harm to the living conditions of neighbouring residents. No objections were received during the original planning application, but this is a neutral matter which does not weigh in favour of the proposal or obviate the requirement to assess the appeal on the basis of the main issue.

Conclusion and Recommendation

10. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan. I therefore recommend that the appeal be dismissed, and the condition be retained in its current form.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed and the original condition remains.

John Morrison

INSPECTOR