



Appeal Decision

Site visit made on 25 February 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 April 2025

Appeal Ref: APP/T2215/W/24/3352348

Aj's Dog Salon, Robimaur Farm, Clement Street, Swanley, Kent BR8 7PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Miss Amanda Hyde against the decision of Dartford Borough Council.
 - The application Ref is DA/24/00132/RCON.
 - The application sought planning permission for the change of use from dog grooming and equestrian, to a dwelling, dog grooming and equestrian. Internal and external alterations to barn proposed for dwelling and dog grooming salon (restricted to 4 grooms per day) without complying with a condition attached to planning permission Ref DA/21/00069/COU, dated 11 June 2021.
 - The condition in dispute is No 12 which states that: *The number of dogs that may be groomed in any one day shall be restricted to a maximum of four. Each grooming appointment shall be recorded, and the records maintained and made available for inspection by the Local Planning Authority on request.*
 - The reason given for the condition is: *to limit the intensity of the use and its potential impact upon the Green Belt and highway conditions.*
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from dog grooming and equestrian, to a dwelling, dog grooming and equestrian. Internal and external alterations to barn proposed for dwelling and dog grooming salon (restricted to 4 grooms per day) at Aj's Dog Salon, Robimaur Farm, Clement Street, Swanley, Kent BR8 7PF in accordance with the application Ref DA/24/00132/RCON, without compliance with condition number 12 previously imposed on planning permission Ref DA/21/00069/COU dated 11 June 2021 and subject to the conditions in the attached schedule.

Preliminary Matters

2. The address in the banner heading and formal decision has been taken from the decision notice which has also been used on the appeal form, as this is more accurate.
3. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties were invited to provide comments on this matter and the comments received have been taken into account in my determination of the appeal.
4. Since the Council issued its decision on the planning application, the Dartford Borough's Local Plan to 2037 (LP) has been adopted in April 2024. As such, I have taken it into account in my decision. In regard to this appeal, the Council clarifies that the relevant policies are M1, M2 and M12 (which is listed as M13 in the Decision Notice). The Council, in its Appeal Statement, further refers to

policies M15 and M16, albeit these have not been listed in the reason for refusal. The appellant has had the opportunity to comment on these new policies through the appeal process.

Background and Main Issue

5. Planning permission was granted¹ for the change of use from dog grooming and equestrian to a dwelling, dog grooming and equestrian. Condition No 12 attached to the planning permission restricted the number of dogs that could be groomed in any day to a maximum of four. The reason given for the condition was to limit the intensity of use.
6. Accordingly, the main issue is the effect of removing the condition on the openness of the Green Belt and on the living conditions of the nearest neighbours, with particular regard to noise and disturbance.

Reasons

Green Belt

7. The appeal site is located within the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
8. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless one of the exceptions listed applies. One such exception, at paragraph 154h) v), is a material change in the use of land, provided that it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Since the original planning permission was for a change of use, I find this exception to be of relevance in this case.
9. LP Policy M12 is broadly consistent with the Framework, insofar as it states that inappropriate development in the Green Belt will be resisted in accordance with national planning policy.
10. The proposal seeks to remove the condition that restricts the number of dogs groomed in any one day. Consequently, there would be an increase in the amount of activity being undertaken within the site, including parking and vehicular movements to and from the site. Further, the property accommodates residential and equestrian uses, which have an associated level of activity. However, the salon is small and only provides adequate internal space for one groomer, which together with the restricted opening hours would limit the overall number of appointments in any one day.
11. As such, even if some clients may not wait on site while their dog is being groomed, it is unlikely that the intensification of use over and above the current number of grooms already permitted by condition No 12 would amount to a significant increase in traffic movements associated with the site. Therefore, the proposal would not be so substantial as to harm the openness of the Green Belt and there is limited evidence before me to suggest that there would be harm to highway conditions.

¹ LPA Ref DA/21/00069/COU

12. Paragraph 143 of the Framework states that the Green Belt serves five purposes. One of these is to assist in safeguarding the countryside from encroachment. The proposal does not comprise any external alterations to the existing building or car parking area. Thus, there would be no spread of development into any open area of land forming part of the countryside. Given the physical size of the salon, it is unlikely that the extent of intensification of the use of the site would be substantial, and there is no compelling evidence before me to suggest that the proposal would require the provision of additional storage facilities or would lead to larger areas within the site being used. As such, the proposal would not encroach onto the countryside to such an extent that would conflict with the purposes of the Green Belt.
13. For the above reasons, the proposal would not harm the openness of the Green Belt in accordance with the Framework and it would achieve compliance with LP Policy M12. On this basis, there is no need for me to consider other possible exceptions under paragraphs 154 or 155 of the Framework. Further, the proposal would accord with LP Policies M15 and M16, which among other things support development that is appropriately located and is acceptable in terms of highway capacity and safety.

Living conditions

14. The site is accessed via a private unmade track that is bound by paddocks. The nearest neighbouring dwellings are sited at a significant distance from the appeal building. The surrounding area comprises residential properties, as well as barns and stables. As such, it is not unreasonable to assume that noise from farming activities, including animals, would have been commonplace at all times of the day and night.
15. I am mindful that the proposal is not accompanied by a Noise Assessment, and the increased activity would potentially generate more noise through additional car movements and increased occurrences of dogs barking. However, the operation hours are restricted by planning condition and, bearing in mind the likely modest increase in the number of dog grooms per day and the relationship of the appeal building and its access with the neighbouring properties, I find it unlikely that the proposal would give rise to undue levels of noise and disturbance.
16. As such, the proposal would have an acceptable effect on the living conditions of the nearest neighbours with particular regard to noise and disturbance. The proposal would therefore accord with LP Policies M1 and M2, which support development that is designed and located so to not result in unacceptable material impacts, individually or cumulatively, on neighbouring uses.

Other Matters

17. I note the third-party comments regarding the external appearance of the building. However, my consideration of this appeal relates to the removal of condition No 12.

Conditions

18. The Planning Practice Guidance makes it clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.

19. For the reasons set out above, a condition restricting the number of dog grooms in any one day is not necessary. This condition is therefore deleted.
20. As works have been carried out, conditions relating to the standard time limit, surface water flood risk assessment, external alterations to the building and materials are unnecessary.
21. For certainty a condition listing the approved plans is necessary. In order to ensure a satisfactory appearance and in the interest of the living conditions of the residents, conditions requiring the dividing fence to be retained and the site to be occupied in accordance with the Site Management Plan are necessary. To avoid unreasonable disturbance outside normal working hours to nearby residential properties a condition restricting the hours of operation is required.
22. To protect the Green Belt, conditions removing permitted development rights, precluding the installation of external lighting and the siting of shipping containers or portable structures on site are required.

Conclusion

23. For the reasons given above the appeal should be allowed.

P Terceiro

INSPECTOR

Schedule of Conditions

- 1) The development shall be carried out in accordance with the following plans and documents: 3180 07; 3180 05B; 3180 06A; Design, Access and Planning Statement ref. 3180.
- 2) A dividing fence to delineate the residential garden to the dwellinghouse hereby approved shall be retained and maintained at all times in perpetuity.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) no extensions, alterations or other form of enlargement to the residential development hereby permitted, nor erection of porches, outbuildings, hardstandings, storage tanks, gates, fences, walls or other means of enclosures, shall take place without the prior written permission of the Local Planning Authority.
- 4) With the exception of that shown on the approved drawings, no external lighting shall be installed at the site without the prior written permission of the Local Planning Authority.
- 5) No further shipping containers or other portable structures shall be installed on the site in association with either the residential, dog grooming or equestrian uses, nor for any other purposes, without the prior written permission of the Local Planning Authority.
- 6) The floor area within the building that is annotated 'dog salon' on drawing No. 3180 06A shall be utilised as a dog grooming salon only, the floor area shown as a dwelling house on drawing No. 3180 06A shall be used as a dwellinghouse only and the building indicated as 'stables' on the 'Proposed Block Plan' drawing no. 5 shall be used as stables only and for no other purpose whether permitted or not by virtue of the provision of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), (or any Order amending, revoking and re-enacting that Order) or the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order).
- 7) The use of the dog grooming salon shall not be carried on outside the hours of 09:00 to 18:00 Mondays to Fridays and 10:00 to 16:00 Saturdays with no working on Sundays or Bank Holidays.
- 8) The site shall be occupied in accordance with the submitted Site Management Plan (para. 7.17, Design, Planning and Access Statement).