



Appeal Decision

Site visit made on 10 June 2025

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal Ref: APP/H4505/W/25/3360253

One Acre Oak, Hookergate Lane, Rowlands Gill NE39 2AB

- 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 Dawn Michaels of Grooming Furbulous Darling against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref DC/24/00840/COU was approved on 12 December 2024 and planning permission was granted subject to conditions.
 - The development permitted is the change of use of part of detached garage (use class C3) to dog grooming business (sui generis) (retrospective application).
 - The conditions in dispute are Nos 1 and 2 which state that:
 - (1) *The consent hereby granted shall be for a limited period only of 1 year from the date of the decision. On the expiration of this period, the dog grooming use at the site shall cease. The site shall be returned to its former condition within three months of the date of expiry.*
 - (2) *The dog grooming business hereby approved shall only operate within the groom room as shown on the approved site plan (Ref 01), with doors and windows to be closed while grooming activities take place.*
 - The reasons given for the conditions are:
 - (1) *In the interests of highway safety in accordance with the National Planning Policy Framework and policies CS13 and MSGP15 of the Local Plan for Gateshead.*
 - (2) *For the avoidance of doubt and in the interests of protecting residential amenity in accordance with the National Planning Policy Framework and policies CS14 and MSGP17 of the Local Plan for Gateshead.*
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Decision

1. The appeal is allowed and the planning permission Ref DC/24/00840/COU for the change of use of part of detached garage (Class C3) to dog grooming business (Sui Generis) (retrospective application) at One Acre Oak, Hookergate Lane, Rowlands Gill NE39 2AB granted on 12 December 2024 by Gateshead Metropolitan Borough Council, is varied by deleting condition No 1, and deleting condition No 2 and substituting it with the following condition: *The dog grooming business hereby permitted shall only operate within the groom room as shown on the approved site plan (Ref 01).*

Background and Main Issues

2. Planning permission for the change of use of part of the detached garage at the property known as One Acre Oak to dog grooming business includes a condition that the permission should be limited to a period of one year and a condition that the business should be operated within the groom room only with the door and windows closed. The appellant seeks to vary the permission by deleting the temporary permission condition and removing reference in the second condition to the business being operated with the doors and windows closed.

3. The temporary permission condition was imposed by the Council in the interest of highway safety and the operation of the business condition was imposed for the avoidance of doubt and to protect residential amenity.
4. Taking the above into account, the main issue is whether or not the disputed conditions are reasonable and necessary to make the development acceptable, with regard to highway safety and the living conditions of neighbouring occupiers in relation to noise.

Reasons

Highway safety

5. The appeal site's access is proximate to a bend in the road and opposite a bus stop. To ensure that the development does not intensify the use of the access the business is operated by accepting customers by appointment only and by footfall only, as secured by condition Nos 3 and 5 of the planning permission. I observed the measures implemented at the site to ensure that the business operates in this way including a closed gate with clear signage that customer parking is not permitted and the installation of CCTV for monitoring. There is also evidence that the appellant advertises the operation of the business on their webpage and their social media platforms. As such, it seems unlikely that customers would drive to the site and therefore the use of the access would not be intensified, nor would indiscriminate parking take place on the road.
6. It is not disputed that the business has been operating at the appeal site since 2019 with no evidence of any road traffic accidents associated with the development. Interested parties have also confirmed this to be the case. On this basis and taking account of the way in which the business is operated set out above, there is no substantive evidence to indicate that it is necessary to impose a temporary permission as a trial run to assess the effect of the development on the area.
7. This leads me to conclude that condition No 1 is not reasonable or necessary to make the development acceptable, with regard to highway safety. Thus, the removal of the condition would not conflict with Policy CS13 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (2015) (CS) and Policy MSGP15 of the Making Spaces for Growing Places Local Plan Document for Gateshead (2021) (LPD). Amongst other things, these policies require development to connect safely to and mitigate the effects of development on the existing transport network so that there is no unacceptable impact on its safe operation.

Living conditions

8. The appeal site is a detached garage, however there are neighbouring properties and gardens nearby. Nevertheless, owing to the small scale of the business, its restricted hours of operation and the appointment only nature of the business, as secured through conditions Nos 4 and 5, the Council's officer report concludes that the development does not unacceptably affect the living conditions of the occupiers of neighbouring properties. I have no clear reason to come to a different view. Even if the door and windows were open to fairly regulate the temperature in the room for the dogs and for the groomers, the way in which the business is operated and the separation distances between the appeal site and neighbouring properties and gardens ensures that no unacceptable harm arises.

9. It therefore follows that condition No 2 is not reasonable or necessary to make the development acceptable with regard to living conditions of neighbouring occupiers in relation to noise. As such, the removal of the condition would not conflict with CS Policy CS14 and LPD Policy MSGP17, insofar as they require development to prevent negative impacts on residential amenity from noise and to provide a high-quality environment and good standard of amenity.

Conditions

10. Conditions Nos 1 and 2 fail to meet the tests for planning conditions in paragraph 57 of the National Planning Policy Framework and should be deleted. While it is unlikely that grooming would take place anywhere other than inside the appeal site, in the interest of certainty I have replaced condition No 2 with a condition to ensure that the business is only operated from within the groom room shown on the approved plan.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed. I will vary the planning permission by deleting the disputed conditions, and substituting condition No 2 as set out in the decision above.

F Harrison

INSPECTOR