



Appeal Decision

Site visit made on 20 August 2025

by **S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/H4315/W/25/3365925

99-101 Greenfield Road, Dentons Green, St. Helens WA10 6SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Miss Emily Cunliffe (Emilys Reformer Pilates Studio) against the decision of St. Helens Council.
 - The application reference is P/2024/0540/FUL.
 - The application sought planning permission for the retrospective change of use from ancillary storage (B8) to a pilates studio (E).
 - The conditions in dispute are No.2 which states that *'no more than 4 clients to be allowed per class unless otherwise agreed in writing with the Local Planning Authority*, and No.3 which states that *'the building shall not be open to customers outside the following hours: 08.00am - 20:00pm Mondays to Fridays and 09.00am - 12:00pm Saturdays, Sundays and Bank Holidays*.
 - The reason given for both conditions is *'in the interests of protecting the amenities of the occupants of nearby residential properties, in accordance with Policy LPD01 of the St Helens Local Plan'*.
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Decision

1. The appeal is dismissed.

Procedural Matters.

2. The application is described in the application form as follows. *'The proposed development involves a change of use for the current premises to a Reformer pilates studio. Internally, minor alterations have been made, including an erection of a studded wall, updated flooring and refreshed wall surfaces. Additionally, new windows and a door have been installed behind the existing shutters. The overall footprint and size of the building have not been altered. The studio will contain 5 reformer pilates beds with 1 designated for demonstration purposes during classes. Operating times have been carefully planned to avoid peak hours for neighbouring shops, ensuring minimal impact on local traffic'*.
3. The National Planning Policy Framework was revised in December 2024 and amended on 7 February 2025 to correct cross references from footnotes 7 and 8, and to amend the end of the first sentence of paragraph 155 to make its intent clear. The 2025 Framework (the Framework) has not materially changed in terms of

the identified main issue below and therefore it has not been necessary for me to seek comments from the main parties.

Background and Main Issue

4. Retrospective planning permission was approved on 23 December 2024 for the above change of use and subject to various conditions including Nos 2 and 3 as stated in the banner heading above.
5. In the context of the above, the main issue is whether conditions 2 and 3 of planning permission P/2024/0540/FUL are necessary in order to protect the living conditions of the occupiers of adjoining properties including the availability of parking spaces and its effect upon traffic flows, and upon general noise disturbance, including the banging of car doors, especially for the occupiers of No. 1 and No. 2 Tennis Street where bedrooms face the site and the street

Reasons

6. The planning approval condition permits 4 customers per class whereas the appeal is to permit 5 persons per class. While the difference is limited, it could lead to an increased amount of parked cars and also therefore, to noise disturbance.
7. The proposed increase to opening hours creates the possibility for such adverse impacts to be extended over a longer period of time and, so far as the proposed earlier open time of 6:30am is concerned, at a somewhat antisocial time, though I have no information before me as to how this time limit compares in detail to the opening times of shops and other commercial premises in the area. I can appreciate that customers visiting the pilates studio are likely to arrive 5 or 10 minutes before the appointment and that noise from car doors would adversely affect the amenities of the occupiers of No. 1 and No. 2 Tennis Street at that time and where bedroom windows abut the street.
8. The main parties dispute the extent to which customers drive to the facility or walk there or use public transport. I have no quantitative survey before me to indicate how existing customers do arrive, though it is possible that the majority do arrive by private transport.
9. Equally, I have no independent survey before me as to the availability of car parking in the vicinity, or how the proposed changes to the conditions in the Decision Notice might affect parking need and its effect upon traffic movements. However, on my site visit, while only a snapshot in time, I was able to observe the high demand for car parking and also the very limited available spaces on Tennis Street and in adjoining roads and streets, with cars parked on yellow lines, some half on the pavement, and on the adjoining main road at a bus stop. My observations reflect submitted photographs by a third party.
10. Therefore, on the evidence before me, I conclude that the conditions are still necessary in so far as they seek to ensure that the Council maintains appropriate control in respect of the above amenities of the occupiers of adjacent properties, having regard to policy LPD01 of the St. Helens Local Plan (2022), and also paragraph 131(f) of the Framework which aims to create places with a high standard of amenity for existing and future users of the area.

Conclusion

11. For the reasons outlined above, I conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR