



## Appeal Decision

Site visit made on 23 September 2025

by **K Savage BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 October 2025

**Appeal Ref: APP/W3005/W/25/3366825**

**4 Hollinwell Close, Kirkby-In-Ashfield, Nottinghamshire NG17 8NE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Ms Debbie Hardy (Diamond Paws Boutique) against the decision of Ashfield District Council.
- The application reference is V/2024/0583.
- The development proposed is a wooden outbuilding for use of dog grooming on a one to one basis and teeth cleaning.

### Decision

1. The appeal is allowed and planning permission is granted for a wooden outbuilding for use of dog grooming on a one to one basis and teeth cleaning at 4 Hollinwell Close, Kirkby-In-Ashfield NG17 8NE in accordance with the terms of the application, Ref V/2024/0583, subject to the conditions in the attached schedule.

### Preliminary Matter

2. The application was made on a retrospective basis and I saw the dog grooming building is situ at my site visit.

### Main Issues

3. The main issues are the effect of the proposed change of use on i) parking and highway safety, and ii) the character of the area.

### Reasons

#### *Parking/Highway Safety*

4. The appeal site is located within a short residential cul-de-sac with properties each having private drives. As a result, there is limited space within the carriageway for on-street parking without encroaching over the drives. The proposal would generate additional parking demand as customers visit the premises.
5. The Council's concern is that there is insufficient space on site to accommodate the combined residential and commercial parking demand of four spaces, made up of three residential spaces<sup>1</sup> and one commercial space.
6. The appellant has provided photographic evidence showing four vehicles parked to the front of the dwelling in two parallel rows. In this arrangement, no vehicles would obstruct the highway. The Council, and Nottinghamshire County Council as the local highway authority, object to the arrangement on the basis that part of the driveway closest to the carriageway, comprising the dropped kerb and verges, is

<sup>1</sup> The Council's Residential Car Parking Standards indicate that a 4 bedroomed dwelling should have 3 off-road parking spaces.

actually highway land. That may be so, but I saw that parts of this land appear to have been long paved over and used as part of the appellant's driveway. Moreover, it is evident that the verges between the dropped kerbs are intended as soft landscaping, and with continuous footways not forming part of the layout within the cul-de-sac. As such, the area stated to be highway land is not used for the passage of vehicles or pedestrians and I find there would be no practical harm arising from occasional parking of vehicles within this zone, which could still be accessed when required by the local highway authority.

7. The tandem parking arrangement shown by the appellant may be tighter than the Council's standards, but there would be sufficient space for visitors to park one vehicle. The remaining vehicles would be the appellant's, who would presumably be prepared to accept slightly more confined parking of her own vehicle to enable the commercial use to take place. I also saw there to be sufficient width of dropped kerb to enable the proposed parking arrangement to be accessed safely.
8. It is also relevant that the dog grooming business is indicated to be part-time, on a one-to-one basis, with customers typically not staying for the duration of the appointment, and no overlap between customers. Consequently, the use would generate only sporadic, short-term parking demand during daytime hours. In addition, with the site being in a small cul-de-sac, there is no through traffic, the number of vehicular movements is limited and speeds are low. Given this context, even if the four-car parking arrangement on the drive could not readily occur in practice, any on-street parking demand arising would be occasional and limited, and would not pose a significant risk to highway safety within the cul-de-sac. In these respects, the development would not conflict with the National Planning Policy Framework (the Framework), which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
9. For these reasons, I conclude that the change of use does not adversely affect highway safety, and no conflict arises with Policy ST1(c) of the Ashfield Local Plan Review (November 2002) (the ALPR) which permits development that will not adversely affect highway safety or the capacity of the transport system.

### *Character*

10. The Council's concern is that the change of use would cause harm to the residential character of the area through increased comings and goings and other activities. It adds that the level of activity is undefined but, based on the indicated operating hours and description of appointments, the level of activity could exceed that acceptable in a quiet residential area.
11. I saw on site that the dog grooming building is a compact space and I am satisfied that the appellant's statement that appointments would be on a one-to-one basis is accurate. The appellant has also made it clear on the application form and in evidence that the business is a part-time endeavour alongside her other job. The use would involve some additional vehicular traffic, but as set out above, it would be sporadic, short in duration and would not pose a risk to highway safety. The actual use would take place in the rear garden, out of public view, and from the evidence before me, it would be of a small scale that would remain demonstrably ancillary to the retained primary use of the property as a family dwelling.

12. In other respects, the Council acknowledges that if gaps are provided between appointments, the use is unlikely to be detrimental enough in terms of noise to warrant refusal. Contrary to the Council, I see no reason why the level of use could not be monitored through the appellant keeping an appointments ledger, which could be secured through a planning condition. Other conditions to control opening hours, the location of the dog grooming activity and the nature of the appointments would further ensure the use does not generate levels of noise or disturbance that would harm neighbours' living conditions. Given the particular use and its combination with the retained dwelling, it would also be necessary to restrict the permission to the occupant of the dwelling so as to ensure that the use does not become separated from the primary residential use of the property.
13. Subject to these conditions, I conclude that the change of use is capable of preserving the residential character of the area, in accordance with Policy ST1(b) of the ALPR which permits developments that do not adversely affect the character, quality, amenity or safety of the environment.

### **Conclusion**

14. For the reasons set out, I conclude that the appeal scheme accords with the development plan, taken as a whole, and there are no material considerations which indicate that permission should nevertheless be withheld. The appeal should therefore be allowed, subject to the aforementioned conditions specifying the approved plans; the location of the approved dog grooming use; the permitted hours; the number of customers; timing and recording of appointments and restricting the use to the occupant of the property, all of which are necessary to preserve the residential character of the area.

*K. Savage*

INSPECTOR

### Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawings: Site Location Plan; Block Plan; Elevations and Floor Plans.
  - 2) The use of the dog grooming business hereby permitted at 4 Hollinwell Close, Kirkby in Ashfield, Nottinghamshire NG17 8NE shall be carried on only by the occupant of the property and by no other person.
  - 3) The dog grooming use hereby permitted shall be carried out only within the wooden outbuilding in the rear garden and shall not occur in any other part of the property.
  - 4) The use hereby permitted shall take place during the following hours:  
Mondays, Wednesdays and Fridays 9am – 5pm  
Tuesdays and Thursdays 9am – 7pm  
Saturdays 9am – 1pm  
and no customer shall be permitted to attend the premises outside of these hours or on Sundays or Bank Holidays.
  - 5) The number of customers on the premises shall not exceed one at any given time.
  - 6) All customer appointments in connection with the dog grooming use hereby permitted must be pre-arranged allowing a minimum of 10 minutes between the end of one appointment and the start of the next consecutive appointment. An appointment diary shall be maintained and be available for inspection on request by officers of the Local Planning Authority.
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