
Appeal Decision

Site visit made on 8 April 2026

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 APRIL 2026

Appeal Ref: APP/P2365/X/25/3374534

19 School Fold, Hesketh Bank, Preston, PR4 6RE

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Ms Lorraine Berry against the decision of West Lancashire Borough Council.
 - The application ref 2025/0604/LDP, dated 9 July 2025, was refused by notice dated 10 October 2025.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is the conversion of the garage into a dog grooming parlour.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the proposed development from the Council's refusal notice. It more succinctly describes the proposed development relative to the description of the proposed development stated on the LDC application form. I have also considered the proposed development from the point of view of the specific operational details provided by the appellant and outlined on the LDC application form, the appeal form and the covering letter that accompanied the LDC application.
3. An LDC is not a planning permission. Its purpose is to enable owners and others to ascertain whether specific operations or activities would be lawful. Therefore, for the avoidance of doubt, I make clear that the planning merits of the proposed dog grooming parlour are not relevant in this appeal. My decision rests on the facts of the case and on relevant planning law and judicial authority.

Main Issue

4. The main issue is whether the Council's decision to refuse to grant an LDC was well founded with particular regard as to whether the proposal would amount to a material change of use thereby constituting development requiring planning permission.

Reasons

5. It is proposed to use a detached garage to the rear of a three-bedroom semi-detached dwellinghouse as a dog grooming parlour. The dog grooming parlour would be run on an appointment only basis and with one dog occupying the garage at a time. There would be no client overlap. While the appellant states

on her LDC application form that *'my intention is to work only a few hours per week approx. 1-2 dogs per day max'*, it is nonetheless noteworthy that in the supporting letter accompanying the LDC application it states that there would be up to four dog grooming sessions per day (a period of one and a half hours per dog is estimated). It is also noteworthy that the appellant states on her appeal form that there would be a *'a maximum of four dogs per day, one at a time'*. I have therefore determined this appeal based on a maximum of four dogs being groomed per day. This reflects the most intensive proposed use of the garage which is of relevance from the point of view of considering whether a material change of use of the land would have occurred if the proposed use had been instigated or begun on the date of the LDC application.

6. The operational hours would be Monday to Saturday from 0900 to 1700 hours and on a Sunday from 0900 to 1300 hours. Only the appellant, who lives at No. 19 School Fold, would work at the proposed dog grooming parlour. It is stated that dog owners would *'have the choice to either stay with their dog whilst they are being groomed or also drop off at the appointment time and pick up at an allocated time'*. It is not certain from the information provided by the appellant how many customers would likely stay with their dog whilst they were being groomed. No external alterations to the existing garage are proposed and the dogs (and customers where applicable) would enter the garage from its existing side entrance door. The appellant states that as she has access to only one vehicle, there would be two available car parking spaces on the driveway for visiting clients.
7. Section 55(1) of the Act states that the definition of development includes the *'making of any material change in the use of any buildings or other land'*. Section 55(2)(d) of the Act also states that the development of land does not comprise *'the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such'*.
8. It has been held in case law that a change of use can only be material by bringing about a definable change in the character of the main use of the land. It is not the case that just because a proposal falls within a different use class in the Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO), it automatically means that there would be a material change in the character of the main use of the land. In other words, it is necessary to examine whether a proposal would lead to some significant difference in the character of the activity from what has gone on previously as a matter of fact and degree. It is noteworthy that section 55(2)(f) of the Act only provides that a change within a use class is exempted from development.
9. In this case, the land comprises one planning unit, i.e., a single dwellinghouse falling within use class C3 of the UCO. While the proposed dog grooming business would be run by the appellant who occupies the dwellinghouse known as No. 19 School Fold, it would involve several visiting clients each day who have no day-to-day connection with the use of the land as a dwellinghouse. The proposed use would not be functionally related to the primary use of the land as a dwellinghouse. It would not be part and parcel of such a primary use and would not be carried out as a function of the enjoyment of the dwellinghouse. Such a functional relationship would not be one that is commonly found in association with the primary use of land as a dwellinghouse. In my judgement, and based on the information

submitted by the appellant, I find, as a matter of fact and degree, that the proposal would not be for a purpose that is incidental to the enjoyment of the dwellinghouse.

10. It is also necessary that I consider whether the proposal would amount to a material change of use of the land from a dwellinghouse falling within a single planning unit, to a mixed dwellinghouse and dog grooming parlour use. While my site visit was only a snapshot in time, I was able to observe that there was a lot of car parking space available in School Fold. While the physical and practical ability to park three vehicles on the driveway is not entirely certain, the evidence before me does not in any event support the Council's claim that the proposal would lead to highway safety issues if a client were to park in School Fold. Moreover, there is no evidence to indicate that proposal would likely lead to car parking demand issues within the highway.
11. While it is stated that some dog owners might stay with their dog, the appellant has not provided information in terms of how many would likely do this. I find that given the duration of each appointment (i.e., one and a half hours), it is more likely than not that many would drop each dog off, drive away, return, and then drive away with their dog at collection times. In my judgement, and, given the tight knit nature of residential properties either side of the appeal site, I find that neighbouring residents would notice a material increase in vehicular and pedestrian comings and goings associated with the dog grooming parlour business and in conjunction with the existing primary use of No. 19 School Fold as a dwellinghouse. This would be to such an extent that the proposal would materially change the character of activity on the land from what could lawfully have taken place when the LDC application was submitted. Hence, I find that the proposal would amount to a material change of use of the land from a dwellinghouse to a mixed dwellinghouse and dog grooming parlour use.
12. I consider that such off-site impacts would also likely relate to the potential for some dogs to bark as they enter or leave the premises. This is because the dogs would not be in their normal environment. Indeed, some may become excited when entering or leaving the premises. Based on up to four different dogs being groomed each day, I find that the barking of some dogs is a likely possibility. Such barking would change the otherwise more peaceful and quiet character of the residential environment which I noticed on my site visit, and which is currently enjoyed by those that live in this part of School Fold. This is therefore a matter which has the potential to also lead to a regularity of disturbance for existing residents and particularly those that live close to the appeal site. This therefore adds to my conclusion that the proposal would lead to a material change of use of the land from a dwellinghouse to a mixed dwellinghouse and dog grooming parlour use. Therefore, planning permission is required for the proposed use.

Conclusion

13. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for the conversion of the garage into a dog grooming parlour is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

D Hartley, INSPECTOR