

# CARLISLE CITY COUNCIL

Report to:- **Development Control Committee**

Date of Meeting:- **27th January 2006**

Agenda Item No:-

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Public	Operational	Delegated: Yes
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Accompanying Comments and Statements	Required	Included
Environmental Impact Statement:	No	No
Corporate Management Team Comments:	No	No
Financial Comments:	No	No
Legal Comments:	No	No
Personnel Comments:	No	No
Impact on Customers:	No	No

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Title:- **APPEAL DECISION FOR 27 ROSEHILL DRIVE**

Report of:- **Head of Planning Services**

Report reference:- **P.07/06**

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## Summary:-

Notice of an appeal by Mrs R Bell against the City Council.

## Recommendation:-

That the Report be noted.

**A Eales**  
Head of Planning Services

Contact Officer: **David Cartmell**

Ext: **7411**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

**Item for information**

Notification has been received from the The Planning Inspectorate that:

An appeal by Ms R Bell against the City Council's refusal to grant planning permission for the erection of a building to house a dog grooming business at 27 Rosehill Drive, Carlisle was allowed subject to conditions.

(Members will recall that the decision to refuse the application was taken against the officer's recommendation. No application was made by the applicant for costs on this occasion).

A copy of the Decision Notice is Appendix 1.

**A Eales**

Head of Planning Services

**Contact Officer:** Dave Cartmell

**Ext:** 7411

**Appeal Decision**



# Appeal Decision

Site visit made on 12 December 2005

by Mrs K. A. Ellison BA, MPhil, MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
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Date

21 DEC 2005

**Appeal Ref: APP/E0915/A/05/1184266**

**27 Rosehill Drive, Carlisle CA2 6HL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Rachel Bell against the decision of Carlisle City Council.
- The application Ref 04/1547, dated 21 October 2004, was refused by notice dated 25 February 2005
- The development proposed is the erection of a building to house a dog grooming business.

**Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.**

## Main Issue

1. I consider that the main issue in this appeal is the effect of the proposal on the living conditions of neighbouring residents with particular regard to noise and traffic.

## Planning Policy

2. Policy H17 of the Carlisle District Local Plan 1997 states that the amenity of residential areas will be protected from, among other things, development which leads to an unacceptable increase in traffic or noise.

## Reasons

3. The appeal property is a modestly sized semi-detached house in a residential area. The Appellant proposes to erect a wooden hut some 3.5m x 3m in size at the foot of the rear garden in order to operate a dog grooming business.
4. The proposed building would be similar in size to a garden shed so that any business operated from it would be relatively small in scale. The Appellant confirms that she plans to operate as a sole trader treating 4 – 6 dogs per day and no more than two at a time. I note that the dogs may be without their owners in unfamiliar surroundings. However, in my opinion, the small number of dogs on the premises and the small scale of the business would be unlikely to lead to a material increase in noise from the property.
5. The Council estimates that there would be up to 12 vehicle movements per day associated with the business although the Appellant places this slightly lower, at some 3 – 4 cars per day. Even taking the Council's assessment, the envisaged number of vehicle movements would not, in my judgement, generate a significantly higher level of noise. Furthermore, I observed during my site visit that there was adequate space outside the appeal property to accommodate the likely demand for parking arising from customers.

6. Taking all of these matters into account therefore, I conclude that the proposal would not have an adverse effect on the living conditions of neighbouring residents. It would not lead to an unacceptable increase in noise or traffic and so would not conflict with policy H17 of the Local Plan.

#### **Conditions**

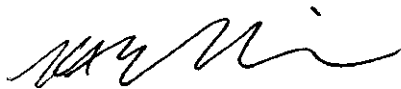
7. The Council suggested that conditions should be imposed to control the presence of dogs belonging to customers and business operating hours. In view of the residential character of the surrounding area, I consider that the level of control suggested would be reasonable and necessary to protect the living conditions of neighbouring residents. However, I see no reason why operating times should be anything other than normal business opening hours. I shall word the conditions to accord with the advice in Circular 11/95, *The Use of Conditions in Planning Permissions*.

#### **Conclusions**

8. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

#### **Formal Decision**

9. I allow the appeal and grant planning permission for the erection of a building to house a dog grooming business at 27 Rosehill Drive, Carlisle in accordance with the terms of the application Ref 04/1547 dated 21 October 2004 and the plans submitted therewith, subject to the following conditions:
- 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
  - 2) The building shall not be open for business outside the hours of 08.00 – 18.00 Monday to Saturday.
  - 3) No more than two dogs belonging to customers shall be in the building at any one time and no such dogs shall be kept in the building overnight.



Inspector