

PLANNING INSPECTORATE APPEAL DECISIONS		
20148019A	34A ROWSLEY STREET	
Proposal:	VARIATION OF CONDITION 1 ATTACHED TO PLANNING PERMISSION 20131833 (FOR THE CONTINUATION OF USE AS A VEHICLE REPAIR WORKSHOP (CLASS B2))	
Appellant:	MR PRADEEP CHAUHAN	
Appeal type:	Planning Appeal	
Appeal received:	18 September 2014	
Appeal decision:	Dismissed	
Appeal dec date:	23 March 2015	
TEI	AREA: E	WARD: Stoneygate



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Summary

- The appeal was against a condition restricting the permitted use to a limited period consent and against a personal consent.
- The appeal was dismissed

Location and Site Description

The appeal relates to 34A Rowsley Street. This is a building in use as a vehicle repair workshop (Use Class B2) in a residential part of the city.

The Proposal

The proposal was for the continued use of the building as a vehicle repair workshop. The proposal was allowed with conditions allowing the use until no later than 31st July 2016, restricting the use to the applicant and no other person, a condition protecting the amenity of the area and a condition restricting the hours of use.

The Appeal

The appeal was against the conditions restricting the use to a limited period and a personal consent.

Commentary

The inspector made reference to guidance in the National Planning Practice Guidance (NPPG) that temporary permissions may be appropriate for a trial periods to assess the effect of development but that it will rarely be justifiable to grant a further temporary permission and that planning permission runs with the land and it is rarely appropriate for a permission to provide otherwise.

However, the inspector noted that the characteristics of a vehicle repair business can vary greatly depending on the type of work the business focusses on and by the processes and manner of operation. She also noted that premises with planning permission could also lawfully be used by a great range of other uses within Class B2.

Although the other conditions attached to the permission were not disputed the inspector considered that they would not satisfactorily safeguard against all potential disturbing and polluting adverse impacts arising from the range of possible uses. She considered the use of additional and exceptional conditions to be appropriate in this case. The inspector noted that the permitted use was one which could intensify in the future with potential detrimental impact on the amenity of neighbouring properties. Accordingly she considered it also reasonable and necessary that the permission should continue to be subject to a time limited condition and personal consent to safeguard the longer term interests of residents.