

## Delegated Report

**Planning Reference:** 26/00125/CLP  
**Applicant(s):** Miss Rebecca Morson  
**Ward:** Barwell



Hinckley & Bosworth  
Borough Council

**Application Site:** Peckleton Rise, 119 Charnwood Road, Barwell

**Proposal:** Certificate of proposed lawful development for the operation of a dog grooming business in the rear garden

**Case Officer:** Ashleigh Gade (Senior Planning Officer)

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### 1. Recommendations

#### 1.1. Refuse Certificate of Lawful Proposed Development

### 2. Planning Application Description

2.1. This is an application for a Certificate of Lawful Proposed Development at Peckleton Rise, 119 Charnwood Road, Barwell. This application pertains to the operation of a dog grooming business within the rear garden of the existing dwellinghouse.

2.2. The proposal involves the installation of a cabin-style 'grooming pod' within the rear garden of the application site and the subsequent use of this pod to provide dog grooming services. The grooming pod is a purpose-built structure specifically designed for dog grooming purposes and is fitted with noise insulation.

2.3. The Applicant has stated that the dog grooming business would operate on Mondays, Tuesdays, Wednesdays, Fridays and Saturdays between the hours of 8:00am and 3:00pm. The dog grooming business would be run by the Applicant with assistance from one part-time employee. The Applicant resides on the site, but it has not been confirmed whether the part-time employee does.

2.4. The Applicant has confirmed that the business would operate by appointment only with no walk-in service provided. All appointments would be staggered throughout the hours of operation to avoid a concentration of arrivals and departures. A maximum of seven dogs would be groomed per day.

### 3. Description of the Site and the Surrounding Area

3.1. The application site is located within the settlement boundary of Barwell.

3.2. The site currently comprises a two-storey detached dwelling with hard standing to the front and rectangular rear garden space containing a number of small outbuildings.

- 3.3. The application site is directly neighboured on all sides by residential development, and the wider setting of the locality is predominantly residential.

**4. Relevant Planning History**

Nil.

**5. Publicity and Consultation**

- 5.1. There is no statutory requirement to consult third parties on an application for a lawful development certificate. As such, no consultation has been undertaken by the Local Planning Authority (LPA).

**6. Policy**

- 6.1 Town and Country Planning Act 1990 (as amended)
- 6.2 Planning Practice Guidance (PPG)
- 6.3 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

**7. Appraisal**

- 7.1 Section 192 of the Town and Country Planning Act 1990 enables any person with the opportunity to ascertain whether any proposed use of buildings or other land, or any operations proposed to be carried out in, on, over or under land would be lawful.
- 7.2 The statutory framework covering, 'lawfulness,' for lawful development certificates is set out in Section 191(2) of the Town and Country Planning Act 1990. Section 191(2) of the Town and Country Planning Act 1990 confirms that uses and operations are lawful at any time if:
- (a) No enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
  - (b) They do not constitute a contravention of any of the requirements of any enforcement notice then in force.
- 7.3 Paragraph 55(1) of the Town and Country Planning Act 1990 defines, 'development,' as the carrying out of building, engineering, mining, or other operations in, on, over, or under land, or the making of any material change in the use of any buildings or other land.
- 7.4 In accordance with National Planning Practice Guidance (PPG), the applicant is responsible for providing sufficient information to support an application. In the case of applications for proposed development, an applicant needs to describe the

proposal with sufficient clarity and precision to enable to a local planning authority to understand exactly what is involved.

- 7.5 Without sufficient or precise information, a local planning authority may be justified in refusing a certificate. However, this does not preclude another application being submitted later on if more information can be produced.
- 7.6 The PPG confirms that a local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is, or would be, lawful. The planning permits of an application are not relevant in the determination of its lawfulness.
- 7.7 The submitted Application Form and Planning Statement focus primarily on justification for the proposal against the consideration as to whether the proposal constitutes a “material change of use” under Section 55(1) of the Planning Act.
- 7.8 Notwithstanding this, the Planning Statement does acknowledge that the proposal involves the installation of a ‘grooming pod’. This grooming pod is described in the Planning Statement as:
- “...a purpose-built, moveable dog grooming pod, positioned within the residential curtilage of the property. The pod is not permanently fixed to the ground and does not constitute a permanent building.”*
- 7.9 The grooming pod is also referred to in the Conclusion of the Planning Statement as a “movable structure”.
- 7.10 The information provided to support the application includes a 3D Rendering of the grooming pod. The details on this plan confirm that the grooming pod has dimensions of 3.65 metres by 3.65 metres which means the pod has a footprint of 13.3 square metres.
- 7.11 The information provided does not clarify the height of the grooming pod, though the 3D Rendering confirms that it has a flat roof form.
- 7.12 The Block Plan provided in support of the application shows the intended location that the grooming pod will be sited. It is located centrally to the rear garden space of the dwelling, forward of the rear boundary where the site already contains a number of small outbuildings.
- 7.13 Based on aerial measurements of the rear garden area as existing, there is an area of approximately 63 square metres of garden space within which the proposed grooming pod could be located.
- 7.14 The Application Form submitted for this application confirms that the proposed operation or use being applied for is permanent.
- 7.15 Notwithstanding that the Planning Statement refers to the pod as not constituting a permanent building due to its lack of fixing to the ground, the operational details

provided demonstrate that the grooming pod would be installed permanently on the site to accommodate the permanent operation of the dog grooming use. Furthermore, once installed within the rear garden space of the application site there is very little functional relocation the grooming pod could likely achieve being that it is a 13.3 square metre building within a 63 square metre area of garden space.

- 7.16 Additionally, even if the grooming pod were to be constructed of lightweight materials, as suggested on the official supplier website, it remains that the building is 3.65 metres by 3.65 metres in dimension, is likely to be at least 2 metres in height as a minimum, and will be fit out with dog grooming equipment internally. The overall size and likely finished weight of the grooming pod would therefore be significant.
- 7.17 Given the above, the LPA consider that the grooming pod would be permanent in its siting on the application site and, furthermore, that it functionally represents a building. This means that the proposal is “development” under the definition of such in Paragraph 55(1) of the Planning Act.
- 7.18 It is noted that the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) provides for certain development to occur lawfully without the need to seek full planning permission. For thoroughness and for the absence of doubt, the LPA have considered whether the proposed building would benefit from any Permitted Development Rights under the GPDO.
- 7.19 Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for the provision within the curtilage of a dwellinghouse – (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.
- 7.20 This means that being “incidental to the enjoyment of the dwellinghouse” is a key consideration in determining whether a proposal comes under the ambit of Class E.
- 7.21 In considering this proposal, the LPA have had reference to Appeal Decision APP/C3105/X/22/3295887 which dealt with the installation of a building to be used for provision of dog grooming services and its suitability to be considered Permitted Development under Class E. Paragraph 1 of the Appeal Decision states that where the use of a building would be for a dog grooming business:
- “In such circumstances, the use cannot be said to be ancillary or incidental to the main residential activity since it is not functionally linked to that residential use, nor does it form an ordinary part of it.”*
- 7.22 Paragraph 12 of the Appeal Decision thereafter concludes:
- “...the proposed use for dog grooming services on a purely commercial basis would not be incidental and would be outside the scope of that permitted under Class E of the GPDO. Therefore, the proposal requires planning permission.”*

- 7.23 The LPA therefore conclude that the proposal does not benefit from Permitted Development Rights under Class E given the intended commercial use of the building. Further, the LPA do not consider there are any other Classes of Permitted Development which would apply to the installation of the grooming pod building on the application site.
- 7.24 It is therefore considered that the application details demonstrate that the introduction of a dog grooming business to the site would involve the placement of a building on the application site. The proposal is thus “development” under the definition of Paragraph 55(1) of the Planning Act 1990 (as amended). The building does not benefit from any Permitted Development Rights. The proposal consequently requires full planning permission.
- 7.25 Given the above, the development is not lawful and a Lawful Development Certificate cannot be issued.

## **8. Equality Implications**

- 8.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; and
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 8.3 There are no known equality implications arising directly from this development.
- 8.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **9. Conclusion**

9.1 The information provided demonstrates that the proposal would involve the placement of a building on the application site. The building constitutes development and is not considered to benefit from Permitted Development Rights. The proposal therefore requires full planning permission and cannot be considered to be lawful, and as such, a Lawful Development Certificate is refused.

9.2 This conclusion is made on the basis of details provided by the Applicant, and as shown on the following documents received by the Local Planning Authority:

- Application Form (submitted: 10.02.2026)
- Planning Statement (submitted: 10.02.2026)
- Site Location Plan (submitted: 13.02.2026)
- Block Plan (submitted: 13.02.2026)
- Dog Grooming Parlour Plan (submitted: 10.02.2026)

## **10. Recommendation**

### **10.1 Refuse Certificate of Proposed Lawful Development**

## **11. Reasons**

1. The Applicant has failed to demonstrate that the proposed use of the site for the operation of a dog grooming business represents lawful development. The proposal involves the placement of a building on the application site that constitutes development pursuant to Paragraph 55(1) of the Town and Country Planning Act 1990 (as amended) and is not considered to benefit from any Permitted Development Rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Given this, the development is not considered to be lawful and a Lawful Development Certificate is refused.