

Design & Access Statement

Demolition of existing garage and erection of ancillary timber building for mixed use comprising of sports massage therapy services and residential use, associated with 1A St Margret Road, Stoke Golding, CV13 6DY.

November 2025

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Introduction

This statement is submitted in support of the demolition of existing garage and erection of ancillary timber building for mixed use comprising of sports massage therapy services and residential use associated with 1A St Margret Road, Stoke Golding, CV13 6DY.

This Statement has been prepared in accordance with the requirements of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the provisions of the Town and Country Planning (General Development Procedure) (Amendment) Order 2010 and Town and Country Planning (Development Management Procedure) (Amendment) Order 2015.

In accordance with the National Planning Policy Guidance (NPPG), the level of detail presented in this statement is proportionate to the scale and complexity of the application. References were made to the relevant planning policies. These are predominantly the adopted and saved Local Plan policies as they take primacy in the determination of such an application where they are NPPF & NPPG compliant.

Relevant Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

National Policy Guidance

National Planning Policy Guidance (NPPG)
National Planning Policy Framework (NPPF Dec 2024)

Core Strategy & Development Management Policies DPD

Policy DM1: Presumption in Favour of Sustainable Development
Policy DM10: Development and Design
Policy DM17: Highways and Transportation
Policy DM18: Vehicle Parking Standards

Principle and other material planning considerations

The NPPF identifies three dimensions to sustainable development giving rise for the planning system to perform the roles below:

“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural

resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

Furthermore, LP policy should follow the approach of the presumption in favour of sustainable development where such development should be supported when weighing all of the provisions of the NPPF2 as a complete document.

Local List Requirements

Due to the scale and nature of the proposal, the level of detail submitted with the application is considered proportionate. Schedule 4 of the DMPO details the statutory consultations required before the grant of permission. If during the determination period the statutory consultees request additional information and this is not provided by the applicant, the LPA could refuse the application for this reason. On this basis this section forms a notice under Article 12(1) (DMPO Amended July 2015) as the applicant considers the submitted information meets the requirements set out in article 34(6)(c) and any other information contained in the adopted Local List should be waived allowing the immediate validation of the application.

The proposal

The proposal is for an ancillary timber outbuilding for mixed use comprising sports massage therapy services and residential use, for purposes incidental to the enjoyment of the main dwelling house.

The provision of sports massage therapy services usually falls within Use Class E (e) of The Town and Country Planning (Use Classes) Order 1987 (as amended) as the provision of medical or health services, principally to visiting members of the public. However, this does not include the use of premises attached to the residence of the consultant or practitioner. The Use Classes Order does not define what is meant by 'premises attached to the residence of the consultant or practitioner'. Applying a common-sense interpretation, this would logically include outbuildings within the residential curtilage even where they are not physically attached to the house. In this specific instance, the provision of sports massage therapy services on a mixed-use residential basis, is likely to be judged a *sui generis* use.

Planning Practice Guidance (Reference ID: 13-014-20230726) states: “*Planning permission will not normally be required to home work or run a business from home, provided that home working or a business use is incidental to the use as a dwellinghouse. The local planning authority must consider whether any purposes to which it is put are reasonably incidental to its use as a dwellinghouse. Where such uses result in a material change of use of a dwellinghouse, planning permission will be required. Whether a material change of use has taken place, or will take place, is a matter of fact and degree and this will be determined on the individual merits of a case. When determining whether a material change of use has occurred, or will occur, a local planning authority must consider whether home working or a business has led, or will lead, to a notable change in the character of the property's use. Environmental impacts may be used to indicate a notable change of character of the property, for example: increase in traffic and parking, disturbance to neighbours caused by regular or the number or timing of, visitors or deliveries, abnormal noise or smells, or the need for any major structural changes or major renovations.*”

There will be no regular deliveries specific to the sports massage use and the number of client arrivals and departures will be modest and within the number of vehicle movements that can typically arise from an average family home on a daily basis. The service will not involve any activities that would be considered unusual in a residential area, and there will

be no detrimental environmental factors associated with the therapy use, meaning an actual material change of use, would not be readily apparent to a casual observer.

Notwithstanding the above and for the avoidance of doubt, the applicant wishes to obtain planning permission for the therapy activity as part of a mixed use of the outbuilding, even though it is considered the mixed use will most likely fall below the threshold of an actual material change of use.

Hours of use.

Appointments will take place Monday to Friday during the afternoon and early evening and are strictly booked in advance only. There is a 30 minute change over between each appointment to ensure that only 1 client car is present per session.

Monday 12.30pm to 3.00pm
Tuesday 2.00pm to 7.00pm
Wednesday 2.00pm to 7.00pm
Thursday 2.00pm to 6.00pm
Friday 2.00pm to .00pm6

An average of up to 3-4 clients per day.

Access & Parking

The existing access and parking arrangements will be utilised and in accordance with the Framework that states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

As the applicant lives at the host property there is no staff car parking associated with the use. The house enjoys the benefit of on-site parking and clients only attend one at a time. Some clients may choose to park on the road, which is unrestricted and freely available at this location.

The modest amount of development and the percentage impacts of this traffic are considered minimal meaning the impact of the development will have effectively ‘nil detriment’ and will not therefore adversely affect the current road network capacity.

Conclusion & Justification

The proposal represents the type of organic and integrated ancillary development that is appropriate within the local context and supported by the associated Local Plan policy and can be supported on this basis.