

ET Planning

Retrospective permission
sought for the use of the
existing ancillary
swimming pool building
for commercial
operations

Client:

Mr S Singh

Four Oaks

Back Lane, Meriden, CV7 7LD

*Permission is sought for a mixed use site, in which the
commercial use of the swimming pool is deemed acceptable*

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Contents

1. INTRODUCTION	1
2. SITE LOCATION AND DESCRIPTION	2
3. PLANNING HISTORY	4
4. DEVELOPMENT PROPOSALS	5
5. POLICY ASSESSMENT	7
6. CONCLUSION	18

APPENDIX 1: Edgefield APP/X0360/20/3247007

APPENDIX 2: 50 Wantley Hill Estate DC/19/2297

APPENDIX 3: Transport Statement

1. Introduction

- 1.1 This statement is produced to support a planning application for the retrospective change of use of the ancillary swimming pool outbuilding, at Four Oaks House, CV7 7LD, for commercial use between the hours of 09:00 and 17:45 on weekdays. Therefore, permission for mixed use is sought on site.
- 1.2 The submission is retrospective in nature, in reference to the use of the building commercially. In addition, the building itself has not been altered. However, changes are proposed to the access road to ensure that it is suitable in relation to the proposed use.
- 1.3 This planning statement will cover the background to the application and provide the necessary information to enable its determination by officers at the Council. It will consider the proposal in light of relevant planning policies and other material considerations. The conclusion reached is that key material considerations and the wider objectives of National and Local planning policy support the grant of permission.
- 1.4 This application follows an enquiry made by Solihull Council's enforcement team (EN/2023/00033/CU) in which it was stated that the commercial use of the outbuilding was in breach of planning control. Therefore, this application seeks to regularise the site.
- 1.5 In addition to this planning statement, the application is accompanied by the appropriate planning application forms and ownership certificate, duly signed and completed, and the following documents prepared by Plan-it Partnership:
 - 1:2500 Site Location Plan
 - 1:500 Proposed Block Plan
 - 1:100 Existing Side Elevation

- 1:100 Existing Side Elevation
- 1:100 Existing Front Elevation
- 1:100 Existing Rear Elevation
- 1:100 Proposed Floor Plan
- 1:500 Existing Block Plan

1.6 The relevant application fee will be submitted by the applicant separately.

2. Site Location and Description

2.1 The application site is located in Four Oaks to the north of Back Lane. The site is in close proximity to Coventry and Birmingham being located between these two large towns and the surrounding sub-urban built form.

2.2 The surrounding area is residential and commercial in nature with a number of large detached residential dwellings located in the area. A list of commercial business that are located in close proximity of the site is provided below:

- 1) PRS Design Services Ltd – The Mill Woodlands, Back Lane, CV7 7LD,
- 2) Catalyst Supplies Ltd – Willow tree Cottage, oak farm, Back Lane, CV7 7LD,
- 3) PSH Associates Ltd – The cottage, Back Lane, Meriden CV7 7LD,
- 4) Frontier Analytics Limited -Windy Nook, Back Lane, CV7 7LD,
- 5) White house Kennels – Boarding Kennel/cattery at Back Lane, Meriden CV7 7LD,

6) Admiral Pools and spas Ltd – The Ramblers, Back Lane, Meriden CV7 7LD,

7) Quest Trade services – Back Lane, Meriden CV7 7LD,

2.3 The main dwelling, Four Oaks, is located to the centre of the site to the north of the roundabout. Another dwelling, Four Oaks Barn, is located to the north of the site and is accessed by a separate access road. Finally, Deepdene and Apple Tree Barn are located to the west of the site and are accessed by a separate access road.

2.4 Existing access is provided to the site with an access road which extends up to the existing built form, including Four Oaks and the building subject to this application.

2.5 A parking area is provided to the south of the Four Oaks as shown by the below image.



2.6 Four Oaks bus stop is located within 250 metres of the site, ensuring that there are public transport connections to the site. However, the majority of uses do currently attend the site by car.

- 2.7 The application site is located within the Green Belt. The site is not listed, adjacent to a listed building, or within a conservation area. The site is also not subject to any Tree Preservation Orders (TPO).

3. Planning History

- 3.1 The application site has been subject to a number of previous planning applications. The relevant applications are discussed below.
- 3.2 Firstly, multiple applications have been submitted in relation to extending the main dwelling. Another application has been submitted to change the use of a barn building to a dwelling on site.
- 3.3 However, the only relevant applications to this submission are applications PL/2019/01591/COU & PL/2019/01282/MINFHO in which the applicant sought permission to change the use of a portion of the property to establish an Ofsted registered nursery for up to 12 children.
- 3.4 As neither of the applications were determined by the Council, no officer report or decision notice can be assessed in relation the Council's position on the above scheme.
- 3.5 The only relevant information was the comments raised by the Highways in which they objected to the proposal.
- 3.6 Highways stated that as the number of vehicles using the access will increase the chance of two vehicles meeting at the access was increased. Therefore, highways stated that they would require the access to be at least 5 metres wide for a minimum distance of 7.5 meters from the edge of the carriageway.
- 3.7 Highways also stated that the above changes would enable *"two vehicles to pass each other within the vehicular access"*.

- 3.8 Highways clearly stated, as per the above quote, that a passing point would be acceptable on the access road to simply ensure that vehicles could pass each other safely.
- 3.9 In response to these comments the access is proposed to be widened to 6 metres for the first 35 metres of the access road. This ensures that the width of the access is suitable for two cars to safely pass each other until after the bend in the access, in which at this point the whole of the access is visible and a passing point can then be utilised.
- 3.10 Therefore, measures have been taken in this submission to address the highways concerns that were previously raised.

4. Development Proposals

- 4.1 The National Design Guide (2019) identifies that “well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and well-being of their users and all who experience them. They meet the needs of a diverse range of users, taking into account factors such as the ageing population and cultural differences. They are adequate in size, fit for purpose and are adaptable to the changing needs of their occupants over time” (para 120-121).
- 4.2 Regarding the requirements of NPPG Paragraph: 029 Reference ID: 14-029-20140306 in respect of Design and Access Statements, the proposal is described as follows:
- 4.3 **Use and Amount:** The proposed use is for the retrospective use of the swimming pool outbuilding for commercial operations between 09:00 – 17:45 on weekdays. Therefore, a mixed-use site is sought.

- 4.4 No lessons take place on the weekend with the operation only taken place between 09:00 and 17:45 on weekdays. Although the application site is operational between 09:00 – 17:45, no swimming lessons will occur between 09:00 – 10:00 for site setup and between 12:45 – 15:00 for lunch.
- 4.5 Each swimming lesson occurs for a duration of 45 minutes and begins at the beginning of the hour. This allows for a 15-minute gap between lessons to stop swimming lessons overlapping. There will be a maximum of 6 children per swimming lesson for a total of 36 visitors at the site per day.
- 4.6 The building subject to this application is largely used for SEND children as this facility provides a private swimming pool in which specific swimming lessons can be given. This ensures that the SEND children are not exposed to the public during their lessons, as they may be in a standard pool.
- 4.7 The size and layout of the swimming pool outbuilding has not been altered and will not be altered within this submission.
- 4.8 As discussed in section 3 above, the access is to be widened to 6 metres for the first 35 metres to ensure that a passing point is provided in which the whole of the access road is visible. This ensures that the proposal is safe on highway grounds.

5. Policy Assessment

- 5.1 **National Guidance:** The National Planning Policy Framework (NPPF) is a relevant material consideration to the application.
- 5.2 The purpose of the planning system is to contribute to the achievement of sustainable development. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 38 of the NPPF states that “Local planning authorities should approach decision on proposed development in a positive and creative way” and “at every level should seek to approve applications for sustainable development where possible”.
- 5.3 **Principle of Development:** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.4 This section of the statement is split into multiple subheadings which argue that the principle of development is acceptable in a number of ways.

The use of the site as a rural business

- 5.5 Paragraph 84 of the NPPF states that planning decisions should enable “*the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings*”. In this instance the commercial use of the swimming pool has been in operation since (WHEN?) ensuring that an existing building is being utilised to provide a rural business in compliance with the NPPF.
- 5.6 Paragraph 85 of the NPPF is specifically relevant to this submission in which it states,

"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport)."

- 5.7 Therefore, the NPPF is clear in that rural businesses can be located beyond existing settlements and in locations that are not served well by public transport. In this instance there is a bus stop which is located within 250 metres of the site which ensures that there is ample public transport options in relation to the proposed use.
- 5.8 The proposal will have no impact on local roads as only 36 car journeys will be created per day from the site with these trips being staggered to avoid impact.
- 5.9 The proposal is sensitive to its surroundings in which the hours of operation have been drastically restricted to ensure that the amenity of neighbours is not impacted. The commercial operations have been carefully considered to ensure that no impacts are created.
- 5.10 Therefore, the proposal is compliant with the aims of the NPPF to provide and retain suitable rural businesses. This business utilises an existing building which is underutilised during the week, in accordance with chapter 11 of the NPPF, whilst the proposed use has been carefully considered to ensure that there is no impact.
- 5.11 Policy P3 of the Solihull Local Plan (2013) states that *"The Council will encourage the retention of small and medium sized enterprises, and the creation of new ones, both in urban and rural areas as a key*

economic driver and to help facilitate growth subject to the following criteria:

- i. Form, use and scale are appropriate to the character of the particular location*
- ii. There is no significant harm to the local environment, including landscape quality and character.*
- iii. Proposals for home-working are compatible with the character of the local environment and are consistent with the amenity policies of the Local Plan.*
- iv. The land or premises are not in the Green Belt or are compliant with Green Belt policy.*
- v. In the case of development in rural areas, it is consistent with the Council's countryside policies and does not undermine the quality and character of the natural environment."*

5.12 Therefore, Policy P3 reinforces the NPPF in stating that new and existing rural businesses should be encouraged subject to the five above points.

5.13 In regard to i), the building has already been erected and is deemed to be of an appropriate size as it is retrospective proposal. In regard to ii) no physical built form is changing ensuring there is no impact on the character of the area, this is expanded on further below evidencing that there is no impact. In regard to iii) there is no adverse impact on amenity due to the restriction of opening hours and the number of customers on site at once, this is expanded on further below. In regard to iv) and v) the proposed is compliant with Green Belt and Countryside policy, as further discussed below.

5.14 Therefore, the proposal is compliant with all of the five requirements of Policy P3 ensuring that it is suitable in principle.

5.15 In addition, as alluded to within section 2 of this report, the surrounding area contains multiple commercial businesses ensuring that it is within the character of the area for mixed use sites/commercial sites to be operational.

5.16 The below screenshot highlights that the adjacent property Apple Tree Barn has been paying business rates from 2018 until the present date.

Apple Tree Barn, Back Lane, Meriden, Coventry, CV7 7LD

Valuation
[Help with current valuation](#)
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Valuation

Current rateable value (1 April 2023 to present)

£12,250

This is the rateable value for the property. It is not what you pay in business rates or rent. Your local council uses the rateable value to calculate the business rates bill.

[Estimate your business rates bill](#)

Valuations for this property

Valuations ?	Effective date ?	Rateable value
CURRENT 1 April 2023 to present	1 April 2023	£12,250
PREVIOUS 24 April 2019 to 31 March 2023	24 August 2018	£11,000

5.17 This is evidence to the fact that the neighbouring plot has been used commercially for circa 6 years. If the neighbouring plot can be used in this manner, it is strongly argued that the proposed mixed use

should be deemed as suitable in relation to this application site, Four Oaks.

Compliance with Green Belt Policy

- 5.18 The application site is located within the Green Belt, as such it must comply with national and local Green Belt policy.
- 5.19 Paragraph 150d) of the NPPF states that the “*re-use of buildings provided that the buildings are of permanent and substantial construction*” is not inappropriate development within the Green Belt.
- 5.20 In regard to this proposal the existing swimming pool outbuilding is being reused to provide a suitable use which is encouraged within the framework.
- 5.21 In addition, paragraph 150e) of the NPPF states that “*material changes in the use of land (**such as** changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)*” is also not considered to be inappropriate development within the Green Belt
- 5.22 As defined in case law, the examples in this policy are not a definite list. As highlighted by the ample number of mixed-use sites in the surrounding vernacular, alongside the nature of the proposed commercial activity (recreational swimming lessons), it is clear that the proposed change of use to a mixed use site is acceptable, with the specific proposed swimming use being deemed to be suitable within the Green Belt.
- 5.23 The proposal does comply with the five purposes of the Green Belt in which no sprawl, merging, or encroachment being created. In addition, the special character of historic towns is not impacted due to the application sites location.

5.24 Policy P17 of the Solihull Local Plan (2013) states that local policy complies with the national policy specified within the NPPF. However, Policy P17 also states that the expansion of businesses will be allowed where the proposal would contribute to local employment. This proposal is not an expansion of a business, but if permission is not granted a valuable community asset will be lost whilst employment of the swimming teachers may be drastically impacted.

5.25 Therefore, the proposal is in compliance with Green Belt Policy.

Community Value

5.26 Policy P18 of Solihull Local Plan (2013) also states that support will be given to proposals which “*provide opportunities for formal and informal physical activity, exercise opportunities, recreation, and play*”.

5.27 The proposed use of the building ensures that multiple children and adult swimming lessons can take place in a smaller, secure, and private location. This ensures that SEND children and adults that are uncomfortable with swimming in front of others have a suitable location to learn and undertake physical activities/exercise/recreation.

5.28 If this facility is not retained, it will impact these minority groups which currently utilise this facility.

5.29 **Character and Appearance of the Area:** There are no physical changes proposed in relation to the retrospective use as a commercial swimming pool as the building will remain the same. Therefore, there is no impact on the character and appearance of the area.

5.30 The parking area has already been crated and provides ample space for visitors to park safely within the site. The parking area created is smaller than the hardstanding that is located in relation to Apple Tree

Barn and Four Oaks Barn. Therefore, it is deemed to be in character with the surrounding area.

- 5.31 The access will be widened; however, this is deemed to have no impact on the character of the area and will result in a positive change with the access road being more suitable in regard to safety.
- 5.32 Crucially, the hours of operation for the commercial activity are proposed to be restricted between 09:00 and 17:45 on weekdays, this ensures that the commercial activity is not functioning outside of the working hours of the week. Therefore, the character and appearance of the site is not altered at key times.
- 5.33 **Residential Amenity:** There are no physical changes proposed as part of this application, as such there would be no loss of amenity with respect to loss of light, overlooking or overbearing.
- 5.34 Only 6 children/adults are taught per 45-minute session, thus, due to the small class sizes the loss of amenity with respect to noise would not be adverse. Even when the swimming pool is utilised by the occupiers of Four Oaks, the family have (number) children and often the children would have friends over to utilise the space. Therefore, the noise generated by the swimming lessons is not dissimilar to what would be created by the residential ancillary use.
- 5.35 The number of children does not exceed that of what is commonly accepted for childminders in homes without the requirement of planning permission. In this regard, it is generally accepted that 6 children being looked after by a childminder at the childminder's home does not amount to a material change of use of a dwellinghouse. This situation would therefore allow for 6 children within the dwellinghouse and residential garden of a dwelling, making appropriate levels of 'noise' and undertaking 'activities' without a

material change of use occurring that would require planning permission.

- 5.36 Therefore, it would be lawful and possible for 6 children to utilise the swimming pool facilities with no adverse impact. Therefore, the commercial use of the site for the same number of children must not be viewed to have more impact. Especially when the commercial use ensures that SEND children and potentially vulnerable adults can utilise these community facilities safely.
- 5.37 As stated above, the opening hours for the commercial activity are proposed to be restricted between 09:00 and 17:45 on weekdays, this ensures that the commercial activity is not functioning outside of the working hours of the week. This ensures that any noise that is created is limited to the working week.
- 5.38 Therefore, any adverse noise that is created (which it is strongly argued is not the case) is created at suitable times in the day. By granting this planning permission, the Council now has the option to impose conditions limiting the number of clients per session and the opening hours of the commercial operations.
- 5.39 The client is happy to accept conditions in relation to the proposed numbers and the hours of operation to ensure that the activity is suitable and functions without impact on neighbours.
- 5.40 A similar scenario to this appeal proposal was recently allowed at appeal in Wokingham Borough. The appeal was in regard to the use of an existing C3 residential swimming pool for baby and toddler classes and residential use (Sui Generis). The timings of the classes were very similar to this appeal situation, and it limited each class to a maximum of 6 babies/toddlers per session as per this submission. The Inspector states in their decision (**Appendix 1**) the following:

21. *Undoubtedly, the swimming classes would generate an increase in traffic and associated noise and disturbance within this residential area. The additional activity created by the use of the residential swimming pool by parents/guardians bringing their children to use the facility is likely to be additional to what would normally be the case if the property were occupied as a single household. Noise would generate from additional car movements, the closing of car doors, and chatter as people move between the front of the property to the rear of the site. However, this noise is likely to be intermittent as classes begin and end.*

22. *It is proposed that use of the building for these swimming classes would not be permitted outside the hours of 10.00am to 2.00pm when surrounding residents might be more sensitive to any noise from additional comings and goings. **Whilst some limited additional noise is likely to result from comings and goings, the evidence does not lead me to consider that it would be particularly perceptible or disturbing to the extent that the use of the pool would have a detrimental effect upon the living conditions of the occupiers of nearby properties.** Furthermore, the building appears well-insulated and noise from inside the building would be contained and unlikely to be audible outside.*

23. ***Consequently, I do not consider that the use of the facility on this level would have an unduly harmful effect on the living conditions of neighbouring residents with particular regard to noise and activity. [Our emphasis]***

5.41 It is acknowledged that such a use would increase the number of visits to the property, however quite rightly, this Inspector has come to the conclusion that such an activity in a residential area will have no harmful effect on neighbouring residents. This is an entirely

comparable situation in terms of use and the Inspector found this as acceptable.

- 5.42 Another example is highlighted in Horsham in which the Council approved an application for the retrospective change of use of swimming pool to mixed commercial and residential use (**Appendix 2**).
- 5.43 This application was granted for opening hours that finished at 18:15 in the evening on weekdays whilst a condition was also placed limiting individuals to a maximum of 6 at once.
- 5.44 This similar location was deemed to have no impact on neighbouring amenity and was determined to be a suitable use.
- 5.45 Therefore, suitable conditions are proposed in this instance to ensure that the proposed mixed use has no adverse impact.
- 5.46 **Transport and Parking:** A transport statement (**Appendix 3**) has been prepared by Motion in relation to this submission. The statement itself highlights claims made within this statement that, due to the widening of the access, the proposal is safe in regard to highways.
- 5.47 A swept path analysis is provided within the transport statement which highlights the above statement.
- 5.48 The transport consultant also confirms that suitable visibility is provided via the proposed access.
- 5.49 Solihull parking standards state that 1 parking space is required per 10m², this equates to 9 parking spaces for the development. It is proposed to have 12 parking spaces for the development to allow for any overlap between sessions. Each session will have a maximum of

6 people and, therefore, 12 parking spaces provides sufficient capacity to avoid any overspill on the local highway network.

5.50 In addition, the swimming lessons have been staggered, as per the below table, to ensure that there is no overlap between comings and goings, however, even if there is some overlap the proposed parking area can accommodate this.

Time	Trip Generation	
	Arrivals	Departures
10:00 – 10:45	6	6
11:00 – 11:45	6	6
12:00 – 12:45	6	6
15:00 – 15:45	6	6
16:00 – 16:45	6	6
17:00 – 17:45	6	6
5.51 Total	36	36

5.52 In summary, advice from the highways team within previous submissions has been adhered to within this submission. The application will have no adverse impact on highways and is deemed to be safe. Parking requirements are also met.

5.53 Paragraph 111 of the NPPF states that development should only be prevented on highway grounds if “*the residual cumulative impacts on the road network would be severe*”. In this instance the impacts are not severe.

6. Conclusion

- 6.1 This statement has demonstrated that the proposed development is acceptable in principle and makes an efficient use of land.
- 6.2 Material planning considerations have been carefully considered and analysed, as evidenced in section 5 of this statement and the supporting plans and documents. It is considered the proposed development would provide a community facility without adverse impact on the character of the area, neighbouring amenity, or the Green Belt.
- 6.3 Therefore, it is considered that the proposed scheme complies with relevant Development Plan Policies and is further supported by National Guidance. Therefore, it is respectfully requested that planning permission is granted.

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