
Appeal Decision

Site visit made on 9 April 2026

by **David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 May 2026

Appeal Ref: 6002591

62 Baydale Road, Darlington, DL3 8JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Helen Dixon against the decision of Darlington Borough Council.
 - The application Ref is 25/01027/FUL.
 - The application sought planning permission for construction of a detached building in the rear garden for use as a Pilates reformer studio without complying with a condition attached to planning permission Ref 23/01123/FUL, dated 18 January 2024.
 - The condition in dispute is No 6 which states that: *The Pilates Studio hereby approved shall not be open for business outside the hours of 9.00am - 2.30pm Monday to Friday with one early morning start (Wednesday 7.00am) and two late evenings (Tuesday and Thursday 8pm) and 8.00am till 12.00pm on a Saturday, with no opening on a Sunday or Bank Holidays. The Studio may however be used for personal use outside of these hours in regard to Pilates or for any other purposes which are incidental to the enjoyment of a dwelling house.*
 - The reason given for the condition is: *In the interest residential amenity.*
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the condition is reasonable or necessary in respect of the living conditions of nearby residents with regards to noise and disturbance.

Reasons

3. The appeal site consists of a semi-detached dwelling with a long garden extending to the rear. It is located on a pleasant residential street with allotments to the rear. Planning permission has previously been granted for a Pilates studio at the far end of the garden, with access provided via a path and gate leading from the highway to the front.
4. The planning permission was granted subject to a number of conditions, including Condition 6 controlling the business opening hours as set out in the heading above. Various hours of operation have been referred to, but the appellant's Appeal Statement states that they are seeking to amend the opening hours to 6.00am to 8.00pm during the week, and 7.30am to 2.00pm on Saturdays.
5. The Council's Environmental Health consultee refers to a 9.00am start time being consistent with other domestic business settings. Given the residential nature of the street, I agree that a 9.00am start time is reasonable to prevent undue disturbance to neighbouring residents from the comings and goings of customers

of the business. That said, the permitted opening hours include an early start 1 day a week, and a later end time 2 days a week, which gives a degree of flexibility for the business even at unsocial hours.

6. The proposed start time of 6.00am on weekdays would introduce activity even earlier in the morning than the single extended start time currently permitted. The proposal would also extend the start time on Saturdays. Even if customers behave in a considerate manner, residents would be aware of activity generated by the business at the proposed times. This would include car movements, the shutting of car doors, people talking and noise from the movement of customers from the front of the site to the detached building to the rear. Although some customers may arrive by cycle or on foot, the movement of customers to the rear of the property would still be apparent to nearby residents.
7. This activity would be particularly intrusive due to the proximity of nearby dwellings and the quiet character of this residential street. Although the detached building is located at the far end of the long rear garden and activity within it may not be noisy, this would not be sufficient to mitigate for the noise and disturbance arising from movements generated by the business at times of day when nearby residents can expect a reasonable level of peace and quiet.
8. Although the extended closing times on weekdays and Saturdays would not be as unsocial as those proposed in the morning, they would nevertheless increase the operating hours of the business at times when nearby residents could reasonably enjoy their properties without undue disturbance.
9. The appellant sets out that the Pilates studio presently operates sporadically and at a very low level of intensity, and that sessions are managed on an appointment-only basis with staggered departure and arrival times. However, even given planning conditions controlling the use of the building and limiting the operation of the business to the appellant, there is reasonable possibility that the use could intensify with a commensurate increase in noise and disturbance. That said, for the reasons given previously, even at the current level of intensity the impact on neighbouring properties at the proposed unsocial hours would be unacceptable.
10. The appellant has also suggested a slightly later proposed start time of 6.30am on weekdays as well as an opening time of 7.30am to 12.00pm on Saturdays. However, these would still enable the business to operate at unsocial hours and would not be suitable mitigation for the living conditions of nearby residents.
11. No objections have been made to the proposal and the Council's Environmental Health team have confirmed that there is no history of complaints since the business was established 2 years ago. I also acknowledge that the identified harm is based on a subjective judgement rather than empirical evidence. However, given the sensitive residential location of the development and the unsocial hours of operation that are proposed, I consider that the Council's concerns are well-founded.
12. Although no highway or parking concerns have been raised, this does not negate the harm I have identified in respect of the living conditions of nearby residents. Reference has been made to other appeal decisions relating to Pilates studios, but I have not been provided with details of these and therefore cannot be certain they represent a direct parallel to the appeal proposal, including the site layout and residential context. In any event, I have determined this appeal on its own merits.

13. I am mindful of the benefits of the proposal. The studio provides a convenient exercise facility and serves customers with a number of specified issues. The proposed hours of operation would also enable greater flexibility for the business. However, these benefits would not outweigh the significant harm I have identified to the living conditions of nearby residents arising from the extended hours of operation.
14. I therefore conclude that the extant condition is reasonable and necessary in respect of the living conditions of nearby residents with regards to noise and disturbance. The proposed condition would conflict with Policy DC4 of the Darlington Local Plan 2022 due to the effect on the amenity of existing users of neighbouring land and buildings in respect of noise and disturbance. The proposal would also be contrary to the National Planning Policy Framework which seeks to achieve a high standard of amenity for existing and future users of places.
15. For the reasons given above the appeal should be dismissed.

David Cross

INSPECTOR