The Planning Inspectorate

Appeal Decision

Site visit made on 23 August 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/R4408/W/22/3298552
7 Longwall Close, Mapplewell, Barnsley S75 6NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs C Jennings against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2022/0159, dated 15 February 2022, was refused by notice dated 12 April 2022.
- The development proposed is Change of use of part of house (garage) to beauty salon with external changes.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the name of the appellant from the appeal form as the application form only included a surname.

3. I noted at my site visit that the external changes have taken place. Comments submitted by interested parties also suggest that the change of use has commenced. Notwithstanding, I have considered the appeal on the basis of the plans and evidence before me.

Main Issue

4. The main issue is the effect of the development on the living conditions of surrounding residents with particular regard to noise and disturbance.

Reasons

5. The appeal site is a detached property located on a residential cul-de-sac and it is proposed to use part of the dwelling as a beauty salon. This would operate with opening hours of 10am to 2pm Tuesday to Friday and 9am to 1pm on Saturday, with the owner of the property being the only person providing treatments and customers arriving by appointment.

6. At the time of my site visit, I observed low levels of vehicle and pedestrian movements. Noise and activity levels, other than those from a development project to a property opposite, were low. Whilst the appellant identifies that Mapplewell Business Park is approximately 50m from the appeal site, it is not readily apparent from the front of the appeal site that it is in such proximity as there was no discernible noise arising from the business park.

7. While the proposed use in and of itself would not give rise to excessive noise and disturbance, there would be activity associated with customers arriving and departing. This would be in the form of additional vehicle movements, the noise associated with manoeuvring, and opening and closing car doors. This would be noticeably different from, and in addition to, the typical activity associated with a residential property. The effect would be exacerbated by the low levels of activity in the surrounding area. The increase in noise and disturbance would be detrimental to the living conditions of surrounding residents.

8. The evidence submitted by the appellant states that the average appointment time is an hour and that a booking system would be implemented. However, there is an uncontested representation from a neighbour which included evidence that many of the offered treatments take less than an hour. Appointment times can reasonably be expected to vary, and it therefore is not accurate to say that there would be a maximum of four clients per day.

9. The Council has suggested conditions limiting the hours of operation and the use to one client at any time. It would be possible to control the hours of opening in this way. However, this would not overcome, and in fact could aggravate, the identified issues of noise and disturbance as it would likely result in clients waiting outside for their appointment time, potentially in cars with engines running. The proposed condition therefore would fail to make the development acceptable.

10. This appeal proposes a reduction in the overall number of opening hours from the previous appeal decision. However this reduction is small, from 23 hours to 20, as there would be more days of operation. The amended opening times would not overcome the issue of the unacceptable increase in noise and disturbance to the surrounding residents.

11. In relation to the main issue, I find that the proposed change of use would have a significant adverse effect on the living conditions and residential amenity of residents contrary to Barnsley Local Plan adopted January 2019 Policy GD1 which seeks to protect those interests.

Other Matters

12. The Council has not raised any issues with regard to the external changes, the effect of the development on the vitality and viability of any surrounding centres or on highway safety. I have no reason to disagree with this.

Conclusion

13. For the reasons given above, the appeal proposal would conflict with the development plan. There are no material considerations of sufficient weight to indicate that a decision should be taken otherwise. Therefore, the appeal is dismissed.

J Downs

INSPECTOR