
Appeal Decision

Site visit made on 24 January 2017

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31st May 2017

Appeal Ref: APP/P1045/W/16/3156818

Ley Hill House, Brocksford, Doveridge, Ashbourne, Derbyshire DE6 5PA

- 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 Teresa Waterfall against the decision of Derbyshire Dales District Council.
 - The application Ref 16/00066/FUL, dated 25 January 2016, was refused by notice dated 4 May 2016.
 - The development proposed is the change of use of 4 rooms from residential (C3) to hairdressing salon (A1).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of 4 rooms from residential (C3) to hairdressing salon (A1) at Ley Hill House, Brocksford, Doveridge, Ashbourne, Derbyshire DE6 5PA, in accordance with the terms of the application, Ref 16/00066/FUL, dated 25 January 2016.

Preliminary Matters

2. The proposal originally included using the premises as a hairdressing salon and training academy. The appellant confirmed in the appeal submissions that the academy element has been deleted from the proposal and consent is now sought only for a hairdressing salon as described in the heading above. I have dealt with the appeal on this basis. The use has commenced.
3. Since the Council's determination of the planning application, the emerging Local Plan 2015-17 (ELP), has further advanced in the process towards adoption and is now at local plan examination level. Its policies can therefore be given more weight than when the appeal application was determined.

Main Issues

4. The main issues in this appeal are the effect of the hairdressing salon use on its countryside location, including its sustainability and whether it harms the viability and vitality of town and local district centres.

Reasons

5. Ley Hill House is a large house in the countryside, some 1 mile east of Doveridge, a small village which contains a shop, school and village hall. There are other commercial uses nearby, including a beauty and holistic therapy salon at Brocksford Farm and an agricultural merchant at Ley Hill Farm.
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6. The appellant's son is the hairdressing salon manager and lives at Ley Hill House. Four ground floor rooms are in use as a hairdressing salon. There are 2 full time and 1 part time members of staff. Clients arrive by appointment only.

Effect on the Countryside

7. In considering whether the scheme is contrary to the aims of saved Policy SF4 of the Adopted Derbyshire Dales Local Plan (2005)(LP); it is agreed that the salon use does not serve the essential requirements of agriculture, forestry, outdoor sport or recreation nor assist the growth of tourism. Furthermore, the use is not part of a farm-based diversification scheme, nor does the scheme provide for other needs which can only be met in a rural area. The proposal therefore conflicts with those aspects of Policy SF4 which deal with the types of development permitted in the countryside. However, I conclude that in principle the proposal represents the acceptable reuse or adaptation of the existing rural building, is appropriate in scale to the rural area and would have no adverse impact on the local environment. It therefore complies with these aspects of Policy SF4.
8. It is also necessary to consider whether Policy SF4 is consistent with the guidance within the National Planning Policy Framework (the Framework). The Framework states in Paragraph 28 that *'Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should...support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings'*.
9. In my judgement saved Policy SF4 is more restrictive than the national guidance as it does not support all types of business and enterprise in rural areas as the Framework states. The hairdressing use encourages economic growth in a rural area, including by providing employment. The appeal proposal would amount to the sustainable growth of a business in a rural area and includes the conversion of part of the listed Ley Hill House, as supported by the Framework and local policies. I therefore conclude that the proposal complies with national guidance which is more up to date than the saved policy and can therefore be given significant weight in this decision.
10. Furthermore, emerging Policy S5 *Development in the Countryside* of the ELP indicates that outside defined settlement boundaries, the Council will seek to ensure that new development is strictly controlled to protect and enhance the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park, whilst also facilitating sustainable rural community needs, tourism and economic development. Among other things, the policy indicates that planning permission will be granted for the conversion of existing buildings for employment use, provided it is appropriate to its location and does not have an adverse impact on the character and appearance of the rural area. The emerging policy also states that appropriate rural employment development comprises home working, commercial enterprises and live-work units, where a rural location can be justified.
11. I find that LP Policy S5 encourages rural employment and homeworking to a degree that more closely aligns with national guidance than saved Policy SF4. The emerging policy can therefore be given some weight in this decision. I note

that this policy only supports relevant development where a rural location can be justified and where homeworking is incidental to the residential occupation of the dwellinghouse. However in my judgement the proposal can be considered to be a small scale commercial enterprise to which the emerging policy also applies. Among other things, ELP Policy EC1 supports the reuse of rural buildings for development which supports the rural economy, subject to environmental and locational considerations addressed elsewhere in this decision. This emerging policy therefore provides further support for the appeal proposal.

Effect on Town Centres

12. The Council refers to ELP Policy EC1, stating that it must be afforded the same weight as ELP Policy S5. This policy deals with new employment development, focusing retail uses in town centres to support their vitality. It cites the support for this objective in the Framework.
13. Among other uses, Paragraph 28 of the Framework promotes *'the retention and development of local services and community facilities in villages'*, continuing in Paragraph 24 that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. However Paragraph 25 states that *'this sequential approach should not be applied to applications for small scale rural offices or other small scale rural development'*. The proposed use comes under the latter category and is not therefore subject to the sequential approach.
14. Furthermore, there is no convincing evidence that the use of part of the appeal property as a hairdressing salon is detrimental to the vitality and viability of town and local service centres. Hairdressing could be considered important to a thriving rural community and in this case is of a small scale which would not draw people away from town or local service centres to the detriment of their viability and vitality. Whilst I note that it supports town centres, the Framework should be read as a whole and I consider that in this appeal the Framework's support for rural enterprise as set out above carries more weight in this decision.
15. I note the Council's views on the use as a training academy but this matter is not now before me.

Locational Sustainability

16. Ley Hill House is set back from Derby Road which is National Cycle Route 549 and there are 2 bus stops located approximately 100 m and 300 m from the site, although there is no dedicated footway to reach them. I note the evidence of the bus service. However, due to its rural location there is limited access to the appeal site by foot, cycle and public transport. It is more likely to be reached by car by both clients and staff, with the exception of the on-site manager.
17. Paragraph 29 of the Framework states that *'transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives.... The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government*

recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas'.

18. Within this context and having had regard to the small scale of the salon use, the guidance within the Framework and the rural surroundings, it is important to recognise that people living in rural locations are often dependent on cars and other means of travel are limited. I do not consider that the proposal is unsustainable in locational terms to a degree that would warrant dismissing the appeal. Under these circumstances there is no conflict with ELP Policy EC1 which, in addressing new employment development, can be summarised as seeking to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

Other Matters

19. The main house is a late 18th century Grade II listed property. No structural or other changes affecting the character and appearance of the listed building are proposed and the Council has not therefore required the submission of an application for listed building consent. There are no reasons to disagree with this approach.
20. ELP Policy PD2 seeks to prevent the loss of buildings and features which make a positive contribution to the character or heritage of an area through preservation or appropriate re-use and sensitive development. Furthermore, saved LP Policies NBE16 and NBE18 support development that involves the conversion and change of use of listed buildings, where the original use is no longer viable and, if the proposed use is not the original use, it is appropriate to the status of the listed building. These policies require that development should not have an adverse impact on the special character of the listed building. The development has not affected the structure or fabric of Ley Hill House and accordingly there is no effect on the special character and appearance of the listed building. I agree with the Council that there is no conflict with saved Policies NBE 16 and NBE18.
21. ELP Policy S5 also supports proposals for enabling development that is required in order to maintain a heritage asset of acknowledged importance in accordance with ELP Policy PD2. Whilst the salon use could not be strictly described as enabling development, it has led to the continued occupation of all of Ley Hill House where the appellant's family have lived for many years. However, it is large and has become difficult to maintain. I am informed that the commercial use of part of the ground floor enables the family to continue to live in the property.
22. Furthermore, the salon use would enable the public to see and appreciate the interior of the listed wing and the building's surroundings. Whilst these factors are not determinative matters in this appeal, they add positive weight.

Conclusion

23. I have determined this appeal against the Framework's Core Principle relating to rural areas. The Framework requires recognition of the '*intrinsic character and beauty of the countryside*' and supports thriving communities within it.
24. The hairdressing salon use is not fully consistent with the policies of the development plan and emerging development plan in respect of their

requirements for a rural location to be justified for proposed uses. However, greater weight is given to the Framework in this appeal than to these relevant LP or ELP policies. On this basis I conclude that the hair salon use is acceptable and a sustainable form of development in the countryside. It does not harm the intrinsic character and beauty of the countryside or the viability or vitality of nearby town or district centres.

25. The appeal proposal has resulted in the re-use of part of an existing listed building whilst having no negative impact on its character, appearance or surroundings which are preserved. The use has no detrimental impact on the local community or the character of the area. I further conclude that within its rural context the appeal site is adequately accessible and does not constitute an unsustainable form of development in this regard. The adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. Accordingly the appeal should be allowed.

Conditions

26. The Council has suggested imposing the standard time limit condition which is not required as the use has already commenced. A condition is recommended by the Council which requires applications for planning permission or listed building consent to be sought in the event of any building works being proposed. There is a statutory requirement for consent to be sought for such works; therefore there is no need to apply the suggested condition. No other conditions have been identified and none are necessary.

Elaine Benson

INSPECTOR