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# Appeal Decision

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

**an Inspector appointed by the Secretary of State**

**Decision date: 24 June 2020**

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**Appeal Ref: APP/Q5300/W/20/3244881**

**10 Bush Hill Parade, Church Street, Edmonton N9 9JS**

- 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 Mr Kerim Mehmet against the decision of the Council of the London Borough of Enfield.
  - The application Ref 19/02046/FUL, dated 5 June 2019, was refused by notice dated 31 July 2019.
  - The development proposed is change of use of premises from hair and beauty salon (A1) to beauty salon (Sui Generis).
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## Decision

1. The appeal is allowed and planning permission is granted for change of use of premises from hair and beauty salon (A1) to beauty salon (Sui Generis) at 10 Bush Hill Parade, Church Street, Edmonton N9 9JS in accordance with the terms of the application, Ref 19/02046/FUL, dated 5 June 2019, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing and Proposed Ground Floor/Site (May 2019), Site Location Plan (p2buk/355146/482472) and Block Plan.
  - 3) A shop window display shall be maintained in perpetuity.
  - 4) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any amending Order, the premises shall only be used as a beauty salon (Sui Generis), and not for any other purpose.

## Procedural Matters

2. In response to travel restrictions in place due to the COVID-19 pandemic I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the information already available. Both the appellant and the Council were given an opportunity to provide comments on this approach and I have taken any responses into account.

3. The description of the development provided on the planning application form has been replaced by a more concise version on the decision notice and in subsequent appeal documents. I consider that subsequent description to be an accurate description of the proposal and I have therefore used it within this decision.

### **Main Issue**

4. The main issue in this appeal is the effect of the proposal on the vitality and viability of the Bush Hill Parade Small Local Centre.

### **Reasons**

5. The appeal site is located in Bush Hill Parade, which is defined as a Small Local Centre in the Council's Core Strategy 2010 (CS). Policy DMD28 of the Council's Development Management Document (DMD) sets out that the proportion of A1 shop units must be no less than 50% of commercial units within defined centres and must be no less than 50% within any one parade.
6. A survey undertaken by the Council in July 2019 indicates that the proposal, in combination with an extant planning permission at 19A Bush Hill Parade<sup>1</sup>, would reduce the proportion of retail uses to below 50%. The appellant has submitted a more recent survey (October 2019) which sets out that the proposal would retain more than 50% of retail function in the area, although this does not appear to allow for the permission at 19A.
7. However, even if I were to accept the Council's evidence, the appellant emphasises that the proposal would retain a retail element and the retail frontage. In any event, based on the evidence before me, I consider that the proposed beauty salon would share many similarities with the existing use. The proposal would continue to attract customers to this local centre in a similar manner as the existing business. I am also mindful that the appellant refers to wider demand for services such as a nail bar and eyelash care which would support the retention of this business. Whilst the nail bar would be located to the front of the premises, the submitted plans indicate that this would mainly be located behind an existing wall and would not dominate the retail appearance of the site. The proposal would provide a service which is compatible with and appropriate to the nature of this local centre.
8. Drawing the above together, the proposal may reduce the proportion of non-retail uses below the threshold identified in the DMD. However, material considerations indicate that the proposal would comply with the wider aims of policies 2.15, 4.7 and 4.8 of the London Plan 2016, CP17 and CP18 of the CS, and DMD28 of the DMD in respect of maintaining the vitality and viability of the Bush Hill Parade Local Centre as well as providing a service that is compatible and appropriate to this location. The proposal would also not conflict with the National Planning Policy Framework (the Framework) with regards to ensuring the vitality and viability of shopping areas. The proposal would also not conflict with the advice of the Town Centres Supplementary Planning Guidance 2014 in respect of sustaining and enhancing the vitality and viability of the centre.

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<sup>1</sup> Permission Ref: 19/00631/PRC - change of use from A1 to A3

## **Conditions**

9. The Council has suggested a number of conditions, which I have considered in the light of the advice in the Framework and Planning Practice Guidance. In some cases I have edited the suggested condition in the interests of clarity and precision to better reflect the Guidance. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the approved plans in the interests of certainty. The appellant has suggested a condition in relation to the retention of a retail display, and I consider that this would be appropriate in the interests of the vitality and appearance of the area.
10. I have placed a condition limiting the use of the premises to a beauty salon in the interests of certainty and the vitality and viability of this commercial area. However, I have not restricted this to specific areas of floorspace as this would be unnecessary, overly restrictive and difficult to enforce.
11. The Council has suggested a condition in relation to opening hours. However, there is no evidence that the existing business' opening hours are restricted, and due to the similarities between the nature of the existing and proposed businesses as well as the commercial nature of this parade I do not consider that limiting opening hours is justified in this case. Similarly, the submission of details in relation to refuse storage and recycling is not necessary as this would be broadly similar to the existing business and details are shown on the submitted plans.

## **Conclusion**

12. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be allowed.

*David Cross*

INSPECTOR