



Appeal Decision

Site visit made on 14 September 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2021

Appeal Ref: APP/P1750/W/21/3267182

Land Adjoining The Bungalow, Gold Valley Lakes, Government Road, Aldershot GU11 2PT

- 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 HBH Salons Ltd against the decision of Rushmoor Borough Council.
 - The application Ref 20/00511/FULPP dated 15 July 2020, was refused by notice dated 9 September 2020.
 - The development proposed is minor works to facilitate change of use of building to hair salon (A1 use class), including formalisation of existing parking.
-

Decision

1. The appeal is allowed and permission is granted for minor works to facilitate change of use of building to hair salon (A1 use class), including formalisation of existing parking, at Land Adjoining The Bungalow, Gold Valley Lakes, Government Road, Aldershot GU11 2PT, in accordance with the terms of application Ref 20/00511/FULPP dated 15 July 2020, and the plan submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing no. BBC20207 – sheet 1 rev B.
 - 3) The premises shall be used as a hair salon and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Procedural Matters

2. Since the refusal of the planning application and the submission of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published on 20 July 2021. The main parties were given the opportunity to address this matter, and I have taken this into account where relevant to my decision.
3. On 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (the Regulations) came into force, amending the Town and Country Planning (Use Classes) Order 1987 (the Use

Classes Order). Having regard to regulation 4 of the Regulations, I have considered this appeal on the basis of the use classes specified in the Schedule to the Use Classes Order on 31 August 2020.

Main Issues

4. The main issues are whether the appeal site is a suitable location for a hair salon (A1 use class) having regard to:
 - The impact on the vitality and viability of the Borough's town, district and neighbourhood shopping centres; and
 - The accessibility of the site by means of transport other than the private car.

Reasons

Vitality and Viability

5. The appeal site lies within the Gold Valley Lakes commercial fishery site, which lies outside the development plan Defined Urban Area, within open countryside to the west of the A331 and north of North Town. The appeal site is surrounded by a building to one side whose uses include a tackle and bait shop and café/bar, and a detached bungalow to the other side. The fishing complex car park is in front of the site. Vehicular access is from Government Road via Gold Lane which ends at the Lakes complex.
6. The information before me is that the single storey appeal property was formerly used as an ancillary retail shop, with a bait cutting facility and cold store, before the enlargement of the adjacent clubhouse building to provide retail facilities therein. The property benefits from planning permission¹ for alterations to roof and elevations and conversion into a 2-bedroom dwelling. Both parties are agreed that this consent has been implemented, through the provision of a pitched roof, but that it has not been fully completed. Residential use has not yet taken place within the building, which currently lacks basic amenities and is not currently habitable.
7. The Council's concern is that the proposal would harm the vitality and viability of Aldershot and Farnborough Town Centres and North Camp District Centre, where recent shopping frontage surveys have identified available units that could accommodate the proposal. In this regard, the Council states that the proposal would be contrary to Policy SS2 of the *Rushmoor Local Plan 2014 – 2032* (2019) (the Local Plan) which requires new retail development to protect or enhance the vitality and viability of the town centres, district centre and local neighbourhood facilities. The Policy states that retail development will be focused in Aldershot and Farnborough town centres, within the primary shopping areas, and that if such sites are not suitable, available and viable, locations for retail development will be assessed sequentially, in accordance with national policy.
8. The Council considers that the sequential test has not been passed, having regard to the vacancy rates within the primary and secondary shopping frontages of Aldershot and Farnborough Town Centres and North Camp District Centre.

¹ Ref 17/00870/FULPP

9. The Framework is a material consideration in the determination of the appeal. Paragraphs 87 and 88, in respect of ensuring the vitality and viability of town centres, set out Government policy guidance in respect of how sequential tests should be applied in relation to proposals for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Paragraph 89 subsequently confirms that this sequential approach applied to applications for town centre development should not be applied to small scale rural offices or other small scale rural development.
10. As such, notwithstanding that the appellant has submitted a sequential assessment, I am satisfied that, in this instance, this is not required. There is therefore no need for me to consider the details therein. I have noted the Council's view that the proposal would not serve a rural catchment, due to the proximity of this part of the countryside to major urban areas. However, this factor is not a criterion of Paragraph 89 of the Framework.
11. Moreover, I am not persuaded on the evidence before me, that the proposal is of such a scale that it would draw people away from the town, district or neighbourhood centres, to the detriment of their vitality and viability. In this respect, I have had regard to the proposed floorspace, which falls significantly below that which would require a retail impact assessment in accordance with Paragraph 90 of the Framework. I also note that the business is already existing as a mobile operation, and, as such, already has an established client base. Furthermore, the location of the site at the end of Gold Lane is such that it would not be likely to attract a significant amount of passing trade to the detriment of existing hairdressing facilities within the urban retail centres.
12. In addition, Paragraph 81 of the Framework requires planning decisions to help create the conditions in which businesses can invest, expand and adapt, stating that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraphs 84 and 85 specifically give support to a prosperous rural economy, with the former requiring planning decisions to enable the sustainable growth and expansion of all types of business in rural areas, including through the conversion of existing buildings.
13. The proposal, comprising a change of use of an existing, underutilised building, would encourage economic growth in a rural area through the expansion of the appellant's existing hairdressing business. There are also likely to be benefits to the adjacent existing commercial use as a result of an anticipated synergy between the established fishery enterprise and the hairdressing use, as evidenced by the appellant and third-party letters of support. As such, the proposal accords with the Framework objectives in respect of rural enterprise.
14. For the above reasons, I therefore conclude that the appeal site is a suitable location for a hair salon (A1 use class) having regard to the impact on the vitality and viability of the Borough's town, district and neighbourhood shopping centres. The proposal would not conflict with the objectives of Local Plan Policy SS2, in so far as this policy seeks to protect the vitality and viability of the Borough's town, district and neighbourhood centres, and requires sequential tests to be carried out in accordance with national planning policy guidance, as set out in Chapter 7 of the Framework. The proposal also accords with the objectives of Chapter 6 of the Framework in so far as it gives support to a prosperous rural economy.

Accessibility

15. The Council's second reason for refusal relates to concern that the proposal is in an unsustainable location, which would rely on private car transport, generating increased car journeys over and above those associated with the use of the property as a dwelling. As such, the Council considers that the proposal fails to accord with criterion a) of Local Plan Policy NE5.
16. I have no reason to disagree with the Council's assessment that the site relies on the use of the private motor car for access, having regard to availability of public transport options and a lack of direct access for pedestrians and cyclists from the Basingstoke Canal tow path to the site.
17. Paragraph 105 of the Framework confirms that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. In this instance, the proposal comprises a small-scale rural commercial development. Furthermore, the Framework acknowledges that decision-making should take into account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
18. The existing fishing complex is already a destination in its own right which attracts customers travelling by private car. There would be no requirement for the hair salon to be exclusively connected with the existing commercial use of the site, so that some additional trips by private car would be likely to result from the proposal. However, given the potential synergy between the proposal and the existing commercial activity at the lakes, there is also a strong likelihood that some hairdressing clients would car share with people undertaking fishing activities, and that they would also make use of the existing café/bar facilities whilst visiting.
19. Furthermore, the appellant currently operates a mobile hairdressing service, whose trips would be replaced by those of customers visiting the salon premises. It is also likely, given the nature of the proposed use, that trips by private car to the appeal site by new clients to the appellant's business would replace trips made by these customers to their existing hairdresser elsewhere.
20. With these factors in mind, and having regard to the aforementioned support within the Framework for a prosperous rural economy, and the fact that other means of travel other than the car are often limited within the countryside, I conclude that the appeal site is a suitable location for a hair salon (A1 use class) having regard to the accessibility of the site by means of transport other than the private car. Whilst there is potential for the appeal proposal to generate more car journeys over and above those associated with the existing storage, or the approved residential, use of the building, I am not persuaded that the proposal is so inaccessible by means of transport other than the car, so as to warrant dismissing the appeal. As such, I do not find conflict with the location sustainability objective of Local Plan Policy NE5.

Other Matter

21. The site lies adjacent to the Basingstoke Canal Conservation Area (BCCA). Under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act), I am, as the decision maker, required to consider the effects of the development on the designated heritage asset of the BCCA.

22. In determining the application, the Council concluded that there would be no harm to the significance and setting of the BCCA. I have no reason to disagree with the Council in respect of this matter, having regard to the existing commercial built development around the appeal site, and the minor nature of the proposed external changes to the appeal property.

Conditions

23. I have considered the Council's suggested conditions in accordance with Paragraph 56 of the Framework and the National Planning Practice Guidance. In addition to the standard implementation condition (1), it is necessary to define the plan for certainty (2).
24. A condition is necessary to restrict the use of the premises to that of a hair salon, as this was the use applied for by the appellant, and this is the use that has been specifically considered to be acceptable, having regard to the circumstances of the site location.

Conclusion

25. For the reasons given above, I conclude that the appeal should succeed, and planning permission be granted subject to conditions.

S Leonard

INSPECTOR