



Appeal Decision

Site Visit made on 9 November 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2021

Appeal Ref: APP/R4408/W/21/3279965

11 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 Miss Megan Mountford against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2021/0242, dated 15 February 2021, was refused by notice dated 23 June 2021.
 - The development is described on the application form as “to convert my garage into a beauty room”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development as it is shown on the planning application form includes a large amount of superfluous commentary. For ease of reference, I have taken solely the development for which planning permission is sought. The change of use, including the external alterations, has taken place. I have considered the appeal scheme accordingly. I have taken the National Planning Policy Framework 2021, (the Framework) into account in my decision. The substantive elements of the new Framework have not changed from the previous iteration so far as they relate to the main issues of the case.

Main Issues

3. The main issues are:
 - the effect of the development on the living conditions of neighbouring residents with particular regard to noise and disturbance; and
 - whether the appeal site is a suitable location for the development having regard to its effect on the vitality and viability of Mapplewell Local Centre (MLC).

Reasons

Living Conditions

4. The property lies towards the end of a cul de sac and shares the access road with 15 and 17 Longwall Close which are also detached two storey dwellings.
5. The application form states that the opening hours are 09:00 – 18:00 Monday to Friday and 09:00 – 15:00 on Saturday. The appellant’s appeal statement

indicates that it is 09:00-17:00 Tuesday to Friday and 09:00-15:00 on Saturday. From the information submitted, there is just one person, the owner of the property, that provides the treatments. In the light of this level of use, the maximum number of clients on a weekday is nine and a maximum of six on a Saturday, with customers being limited to one at any one time and by appointment only. Opening hours could be controlled by condition were I minded to allow the appeal. However, conditioning the number of customers would be difficult to enforce and therefore such a condition would be unlikely to meet the tests for conditions set out in the Framework.

6. Longwall Close is a quiet residential cul de sac which is subject to limited existing pedestrian and vehicular activity, with an associated low level of noise and disturbance. Although relatively close to a nearby industrial area, I was not aware of any noise associated with that use at Longwall Close.
7. Noise from the use of the garage as a beauty room is likely to be limited. However, the vehicle movements, customer comings and goings and associated noise will be noticeable at the property and in the immediate vicinity. The comings and goings associated with the business, which would be an average of 18 or so two-way vehicles a day during the week, with slightly less on Saturday, would be in addition to the potential movement of vehicles in connection with the occupation of the property as a dwelling house.
8. Given the existing low levels of activity on the close, and since the comings and goings associated with the use are likely to be consistent and sustained throughout the hours of operation, the increase in traffic movements to the property, with the associated noise and disturbance, will be readily discernible and significant. As such, there will be an unacceptable increase in noise and disturbance to nearby residents, notwithstanding that this is during the day. The use of the garage as a beauty room is therefore harmful to the living conditions of nearby residents, with particular regard to noise and disturbance.
9. Given the on-site availability of parking at the property, and the width of the close in its vicinity, I am satisfied that the traffic is not giving rise to unacceptable safety or congestion concerns.
10. The examples provided by the appellant of business uses located adjacent to residential uses within Mapplewell are within the local centre where there is a much greater level of pedestrian and vehicle activity and therefore a higher level of noise and disturbance. I cannot therefore draw any direct comparison with the development that would weigh in its favour.
11. The appeal decisions identified by the Council are different to the development in this case in terms of nature and scale. I have determined this appeal on its own merits.
12. For the above reasons, the use of the garage as a beauty room conflicts with Policy GD1 of the Barnsley Local Plan, adopted 2019 (the Local Plan) which supports proposals if there is no significant adverse effect on the living conditions and residential amenity of existing and future residents, amongst other matters.

Vitality and Viability

13. Policy TC1 of the Local Plan sets out a hierarchy of centres. Development in local centres is expected to meet the needs of the local area. The policy

establishes that a sequential approach will be used to assess proposals for new retail and town centre development, to focus it on identified centres in the first instance, with edge of centre and out of centre development only being allowed where it meets the requirements of the Framework.

14. Paragraph 87 of the Framework states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
15. A sequential test analysis has been submitted by the appellant as part of the appeal documentation. The analysis considered the availability of premises within Barnsley town centre and the local centres of Mapplewell, Athersley and Darton which would be capable of accommodating the appellant's requirements. It concluded that there were no suitable and available properties that would meet the appellant's requirements due to either insufficient available floorspace, or a level of floorspace significantly in excess of that required. The Council has not made any comments on the analysis.
16. The analysis has demonstrated that there are no suitable sites that are available or expected to become available within a reasonable period within Mapplewell and other nearby centres. The site is within a reasonable walking distance of MLC. Based on the information submitted, the nature of the business is small in scale and in itself, its impact on the vitality and viability of MLC is likely to be limited.
17. Consequently, I am satisfied that the location of the development is suitable. The development therefore accords with Policy TC1 of the Local Plan and paragraph 87 of the Framework which, together, seek to protect the vitality and viability of town centres.

Conclusion

18. Although I have found no harm in respect of the site's location with regard to its effect on the vitality and viability of MLC, this would not outweigh the harm I have found with regard to its effect on the living conditions of neighbouring residents with particular regard to noise and disturbance. This would lead to conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal should therefore be dismissed.

F Wilkinson

INSPECTOR