



Appeal Decision

Site visit made on 7 December 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2021

Appeal Ref: APP/R4408/W/21/3280230

7 Longwall Close, Mapplewell, Barnsley, South Yorkshire 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 Chantelle Jennings against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2021/0199, dated 2 March 2021, was refused by notice dated 23 June 2021.
 - The development proposed is described on the application form as "*Change garage to a room to be used as a home salon. Garage door will be changed to a window to match the other windows of the house*".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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. The external alterations have taken place.

Main Issues

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

Reasons

Living Conditions

4. The property is located within a small cul de sac of detached two storey dwellings.
5. The application form states that the opening hours would be 09:00 – 15:00 Tuesday, Thursday and Friday and 09:00 – 14:00 on Saturday. From the information submitted, there is just one person, the owner of the property, who would provide the treatments. In the light of this level of use, the maximum number of clients on a weekday would be eight, and up to 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 planning permission to be granted. 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. Noise from the use of the garage as a salon would likely be limited. However, the vehicle movements, customer comings and goings and associated noise would be noticeable at the property and in the immediate vicinity. The comings and goings associated with the business, which would be around 16 or so two-way vehicles on the week days with slightly less on Saturdays, would be in addition to the potential movement of vehicles in connection with the occupation of the property as a dwelling house.
7. 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, notwithstanding its proximity to a nearby industrial area.
8. Given the existing low levels of activity on the close, and since the comings and goings associated with the use would likely be consistent and sustained throughout the hours of operation, the increase in traffic movements to the property, with the associated noise and disturbance, would be readily discernible and significant. As such, there would be an unacceptable increase in noise and disturbance to nearby residents, notwithstanding that this would be during the day. The use of the garage as a salon would therefore be 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 presence of a relatively wide area of highway towards the end of the cul de sac, I am satisfied that the traffic would not give 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 proposed development that would weigh in its favour.
11. The appeal decisions identified by the Council are different to the development proposed in this case in terms of nature and scale. I have determined this appeal on its own merits.
12. For the above reasons, the proposed development would conflict 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, the proposal would not conflict with Policy TC1 of the Local Plan or 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 the 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