



Appeal Decision

Site visit made on 7 March 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2023

Appeal Ref: APP/A3010/W/22/3307668

2 Yellowhammer Drive, Worksop S81 8WD

- 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 & Mrs Rose against the decision of Bassetlaw District Council.
 - The application Ref 22/00925/COU, dated 5 July 2022, was refused by notice dated 1 September 2022.
 - The development proposed is change of use of dwelling to a mixed use of dwelling and beauty treatment and conversion of domestic garage to treatment room.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use from residential to mixed use of dwelling and beauty treatment and conversion of domestic garage to treatment room at 2 Yellowhammer Drive, Worksop S81 8WD in accordance with the terms of the application 22/00925/COU dated 5 July 2022, and the plans with it, subject to the conditions in the attached schedule.

Main Issue

2. The main issue in this appeal is the effect of the development on highway safety, with specific reference to on-street parking on Kingfisher Walk and Yellowhammer Drive.

Reasons

3. The host property is a detached dwelling located in a predominately residential area, with a detached garage located to the rear of the property, accessed from Yellowhammer Drive independently of the main dwelling. Part of the garage has been converted to form a beauty parlour.
4. The fencing at the rear of the property has been altered to allow for a gate to be inserted to gain access and egress for pedestrians from Kingfisher Walk.
5. A similar use to that proposed was approved in June 2020 for a temporary period of two years, and I understand from the evidence submitted that no complaints have been received during that time.
6. A number of conditions were imposed with that permission, including hours of operation, limits on customers, and be a permission personal to the occupier of the dwelling.

7. The highways consultee has objected as vehicles were observed being parked on Kingfisher Way near the gated access entrance to the parlour, which was considered to be harmful to highway safety given the proximity to the Yellowhammer Drive junction, and its effect on visibility for users of that junction.
8. There are parking spaces in front of the garage and there are no parking restrictions on Kingfisher Walk. At the time of my site visit, a number of vehicles were parked along the full length of the highway.
9. The appellant, in their statement, has indicated a willingness to continue abiding by the conditions imposed with the previous consent, including the provision of an off-street parking space.
10. The imposition of conditions which are enforceable, as well as the lack of any formal control of parking on Kingfisher Walk, means that I find that the proposal, which has already been operational without complaint, would not cause material harm to highway safety were it to be granted permanent consent.
11. Therefore, I find no conflict with policy DM4 of the Bassetlaw Adopted Core Strategy and Development Management Policies DPD (2011) which, amongst other matters, expects development to not be to the detriment of highway safety. In addition, I find no conflict with the highways guidance set out in the relevant sections of the National Planning Policy Framework (the Framework).

Conditions

12. I have taken into consideration that conditions suggested by the Council if the proposal were to be allowed. In this instance, I consider the imposition of conditions relating to appointment scheduling, hours of operation, maintenance of an appointments log and a restriction to the operation by the property owner to be fair, reasonable, and suitable for the ongoing operation of the business.
13. I do not consider the permanent closing of the access gate to be necessary, but I will add a condition to ensure that an off-street parking space is available during hours of operation to ensure that highway safety is protected as much as possible.

Conclusion

14. The Framework states that development that accords with the development plan should be approved without delay. There are no material considerations, taken individually or cumulatively, that indicate that the appeal should not succeed. Overall, I conclude that planning permission should be granted, subject to conditions.

Paul Cooper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be maintained only in accordance with the details and specifications included on the submitted application form and shown on the submitted drawings.
- 2) At no point shall the beauty treatment room permitted be occupied by any business, or commercial operation, other than by the occupier of 2 Yellowhammer Drive, Worksop, Nottinghamshire, S81 8WD.
- 3) The beauty treatment room permitted shall only operate between the hours of 9:00am - 5:00pm Monday to Friday, 9:00am - 1:00pm on Saturdays and not at all on Sundays or Bank Holidays.
- 4) No more than one client shall be within the beauty treatment room at any one time, and there shall be a minimum of fifteen (15) minutes between the conclusion of one appointment and commencement of the next appointment.
- 5) Clients should attend by appointment only. A register of appointments, including times of appointment, shall be kept and made available for inspection by the Local Planning Authority during the opening hours of the beauty treatment room.
- 6) During the approved opening hours, one car parking space shall be made available to the front of the detached garage of 2 Yellowhammer Drive for the client utilising the beauty treatment room. At the time of making an appointment to use the beauty treatment room, all clients must be advised to utilise the car parking space where necessary.

END OF SCHEDULE