



Appeal Decision

Site visit made on 1 March 2023

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2023

Appeal Ref: APP/Z2260/W/22/3295992

Dugdale Plastics Ltd, 55 Hopes Lane, Ramsgate, CT12 6UW

- 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 Dugdale Plastics Ltd against the decision of Thanet District Council.
 - The application Ref F/TH/20/1250, dated 13 August 2020, was refused by notice dated 22 October 2021.
 - The development proposed is change of use - conversion of existing store room within business premises to a nail bar.
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Decision

1. The appeal is allowed and planning permission is granted for change of use - conversion of existing store room within business premises to a nail bar at Dugdale Plastics Ltd, 55 Hopes Lane, Ramsgate, CT12 6UW in accordance with the terms of the application, Ref F/TH/20/1250, dated 13 August 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The premises shall be used solely as a nail bar or for other purposes within Class E (c) (iii), Part A, Schedule 2 of 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) and for no other purpose, including any other purpose within Class E, Part A, Schedule 2 of the Order.
 - 2) The premises shall only be open to customers from 0800 hours to 1800 hours on Mondays to Fridays and 0800 hours to 1700 hours on Saturdays and shall be closed on Sundays and Public Holidays.

Main Issue

2. Whether the nail bar would be in a suitable location having regard to relevant policies concerning housing development and the sequential test for main town centre uses.

Reasons

3. The proposal is retrospective. A nail bar is currently operating within a plastic injection moulding factory and production facility. It complements the products manufactured and supplied by the factory and occupies an area of 12 sq m.
4. The site is part of the Pysons Road Industrial Estate and was an employment site within the previous Local Plan. However, together with adjoining units on the southwestern edge of the estate, it is allocated for housing development in

the Thanet Local Plan of 2020. Policy HO1 also provides that alternative development on non-strategic sites such as this will not be permitted. The supporting text explains that land allocated for residential use will be safeguarded for that purpose in the interests of maintaining a suitable, sustainable and sufficient land supply.

5. However, it is difficult to see how permitting the introduction of a small commercial use into industrial premises would hinder the provision of new housing and so increase the need to find alternative sites. Indeed, if redevelopment were on the cards, then a small nail bar within one of the units would be most unlikely to impede delivery. Furthermore, the proposal does not represent an alternative development of the allocated site but rather an additional use. In this way, there would be no conflict with Policy HO1.
6. Local Plan Policy E05 establishes that proposals for main town centre uses should be located within the designated town centres and refers to a sequential test in line with the National Planning Policy Framework. The definition of "main town centre uses" in the Framework does not include nail bars but does include retail development. The Council believes that a nail bar should be considered as a retail use under Class E of the Use Classes Order.
7. Neither party has sought to explain what a nail bar is or provided any detail about what takes place within the unit. However, my understanding is that the use primarily involves manicure or pedicure treatments of various kinds. In that event, the use comprises a service which it is appropriate to provide in a commercial, business or service locality. It therefore falls within Class E (c) (iii) of the Use Classes Order. For the purposes of the sequential test, a nail bar should not, therefore, be regarded as "retail development".
8. The appellant is adamant that the room will only be used as a nail bar but there is reference to sales, particularly the nail polish holder manufactured at the site. However, it is unclear where this takes place and to what extent. Moreover, the proposal is for a nail bar and if a suitable condition were imposed this would ensure that the main activities permitted would be for nail polishing of hands and feet and related services and not for retail use. Accordingly, there is no requirement for a sequential test to be undertaken as the proposal is not for a main town centre use and there is no conflict with Policy E05.

Other Matters

9. The Framework indicates that significant weight should be placed on the need to support economic growth. This small-scale use provides employment for one person and makes use of what was previously an under-utilised area. These considerations favour the proposal.
10. There is some local concern about increasing traffic, especially lorries, along Hopes Lane. However, the use is extremely low key and any changes in vehicle flow, including heavy vehicles, are likely to be negligible. There is scope for on-street parking for customers along the road.

Conditions

11. As indicated a condition should be imposed to limit use to a nail bar. There is also no reason to prevent the introduction of similar types of service use in the future, but sole retail use should be precluded to safeguard the role of the

District's town centres. Given the proximity of residential properties, the hours of opening should be restricted.

Conclusion

12. The proposed use accords with the development plan and so would be in a suitable location. There are no other material considerations to outweigh that finding. Therefore, for the reasons given, the appeal should succeed.

David Smith

INSPECTOR