



Appeal Decision

Site visit made on 20 February 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 19 APRIL 2023

Appeal Ref: APP/V0510/W/22/3306300

81 Qua Fen Common, Soham, Ely, Cambridgeshire CB7 5DF

- 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 Claire Collins of CC's Beauty Parlour against the decision of East Cambridgeshire District Council.
 - The application Ref 22/00248/FUL, dated 4 March 2022, was refused by notice dated 18 August 2022.
 - The development proposed is insulated wooden cabin room to use as a beauty therapy room.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The construction of the insulated wooden cabin room has already been completed. Section 73A of the Town and Country Planning Act 1990 makes allowance for the submission of a planning application for development which has been carried out before the date of the application for development and consequently I have considered the appeal on that basis.
3. I have taken the description of development from the application form, removing wording that is not an act of development.

Main Issue

4. The main issue is the effect of the proposal on highway safety, with particular regard to parking provision.

Reasons

5. The appeal site comprises a semi-detached dwelling in a residential area located at the edge of the settlement. The existing parking area to the front of the dwelling is accessed from the adjacent common land where an informal track connects with the road in two places to the front of the group of dwellings within which the appeal dwelling is located. There are no separate footways along the road which provides access to the common land until you reach the cattle grid at the Holmes Lane and Bancroft Lane junction, which is removed from the appeal site.
6. Whilst I recognise that some customers may walk or cycle to the appeal site, the location at the edge of the settlement and the lack of separate footways along the road that leads to the common land that the appeal site is located off, means that it is likely that a significant proportion of customers would

arrive by car. I note that the appellant has confirmed that her husband's vehicle is away from the appeal site during the working week which frees up one space during that time and that the operational hours of the proposed use could reflect this working pattern, however, working patterns could change in the future. The opening hours identified on the application form also extend beyond the normal working day which means that in the evening there would be two vehicles parked at the appeal site, belonging to the occupiers. I therefore find that the need for the provision of three off street parking spaces is reasonable in this case.

7. The beauty therapy room is limited in size and is laid out to accommodate one customer at a time. I note that the appellant has stated that they would be the only person working at the premises and that the hours would be part time and flexible to fit around family life. With regard to the activity related to customers coming and going, I am satisfied that a condition could be imposed, should the appeal be allowed, requiring that the appellant keeps a register identifying the appointment times and duration, that could be inspected by the Council at any reasonable time upon written request, to ensure that sufficient time is provided between appointments. This would limit any overlapping of customers needing to park at the appeal site.
8. The provision of tandem parking with one of the vehicles belonging to the occupiers of the appeal site being located behind a customer's vehicle would not be a significant issue, given the scale of the development. This could be organised and managed by the appellant as and when the situation arises. Reversing out onto the track across the common land from the parking area is not likely to be harmful given the relatively low level of use and the low level boundary fencing that maintains visibility. The access arrangements across the common land mean that vehicles enter and leave the road in a forward gear.
9. However, based on the drawings before me I cannot be certain that three parking spaces of adequate size could be provided. The block plan identifying the parking area does not appear to relate to the position of the side boundary fence that is in situ. The location of the step at the front door is not identified which limits the depth of the parking area in this part of the appeal site. The location of the gate posts and the pedestrian gate are not identified which also limits access into part of the parking area. In addition, during my site visit I was made aware of the footings being dug to the side of the dwelling and I note that the Council have confirmed that an extension to the property has been approved. No details of this extension and how it may affect the parking area have been provided.
10. I note the benefits for the appellant in being able to work flexibly from home and the support that the services provided bring to the health and wellbeing of customers. However, these benefits do not outweigh the harm identified above.
11. During my site visit, I witnessed cars parked on the common land adjacent to neighbouring dwellings and I note that the appellant asserts that occupiers of neighbouring dwellings have offered the use of off street parking spaces if they are needed to support the business. However, the common land and the off street parking spaces associated with neighbouring dwellings are not in the control of the appellant and therefore cannot be relied upon for the purposes of parking.

12. Without clear evidence that three adequately sized parking spaces can be provided within the appeal site I find that sufficient parking provision has not been demonstrated and therefore the development is harmful to highway safety. I therefore conclude that the development is contrary to policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015. These policies seek, amongst other things, to ensure that development proposals provide adequate levels of car parking in order to ensure developments do not lead to on-street parking that create issues of highway safety.

Other Matters

13. Even if I were to agree with the appellant that the business does not cause any noise, distress or nuisance to occupiers of neighbouring dwellings, a lack of harm in this regard does not weigh in favour of the proposal.
14. I note the appellant has asserted that there are other cases where appeals have been allowed with similar circumstances, however, I have no information on these other cases, where they are located or the specific circumstances. In any case, each appeal must be assessed on its individual merits.

Conclusion

15. The proposal is contrary to the development plan as a whole and there are no other considerations which outweigh the harm. The appeal is therefore dismissed.

G Dring

INSPECTOR