



Appeal Decision

Site visit made on 5 November 2024

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2024

Appeal Ref: APP/K0235/W/24/3344499

3 Natterjack Road, Wixams, Bedford MK42 6FT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Stacey Matthews against the decision of Bedford Borough Council.
 - The application Ref is 23/02128/S73A.
 - The development proposed is retrospective change of use of external outbuilding from Class C3 (dwelling house) to Sui Generis to accommodate a Small Hairdresser's Salon with minor external fenestration alterations.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of external outbuilding from Class C3 (dwelling house) to Sui Generis to accommodate a Small Hairdresser's Salon with minor external fenestration alterations at 3 Natterjack Road, Wixams, Bedford MK42 6FT in accordance with the terms of the application, Ref 23/02128/S73A, subject to the following conditions:
 - 1) This permission relates to plan numbers PL02 Rev A and PL04.
 - 2) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only as a hairdressing salon and for no other purpose including any other use falling within Class E of the said Order. It shall revert back to C3 (dwellinghouse) on cessation of the hairdresser's salon use.
 - 3) The hairdresser's salon shall only operate with one client at a time and within the hours of Monday to Friday 09:00 to 18:00 and Saturday 09:00 to 13:00. Only one member of staff may occupy and operate the hairdresser's salon at any time.

Preliminary Matters

2. The application form nominated the description of development as being 'retrospective'. However, as this is not an act of development I have excluded this reference from my formal decision here.

Main Issues

3. The main issues are:
 - 1) Whether the use of the building as a hairdresser's salon is suitable in this location, and

- 2) The effect of the development on the living conditions of the occupants of neighbouring properties.

Reasons

Suitability of location

4. The appeal site is located within a residential area and is set outside of any designated District, Local or Neighbourhood Centre. As a form of retail use, falling with Use Class E of the Town and Country Planning (Use Classes) Order 1987, to comply with policy 77S of the Bedford Local Plan 2030 (adopted 2020) (BLP), this form of development should be directed to these types of shopping and service centres.
5. However, the proposed use occupies a very small area which is formed in a detached single garage. The business is operated by the appellant only, who also lives at the same address. To all intents and purposes, it amounts to a small home-based business which is of an insufficient size and scale to have a meaningful effect on the hierarchy of town centres as set out in the BLP. Whilst retail uses are listed as being one of the Main Town Centre Uses in policy 77S of the BLP, there is no floorspace requirement that defines this threshold. In any case, policy 77S contains no provisions which preclude small proposals such as this from occurring in residential areas. Moreover, the suggestion that this proposal should be located in a designated centre is unduly restrictive upon the appellant as the Wixams service centre is not yet complete.
6. I have noted the comparison between this proposal and the appeal at 96 Mile Road, Bedford¹. However, that scheme was significantly larger in scale than this proposal as it related to three rooms, had a higher number of cutting chairs and with independent facilities including its own kitchenette unit and reception area. This difference in scale is pivotal in this context.
7. Accordingly, due to the small size of the business, its operation solely by the appellant and lack of other locally available premises, I conclude that it is within a suitable location for the scale of the development and does not conflict with policy 77S of the BLP.

Living conditions

8. The operating hours for the premises would be between 09:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 on Saturdays with no more than one customer per hour. The appellant has indicated that these hours are the maximum ranges and that, in practice, the hours of operation would be significantly less with no business occurring on Fridays or Sundays, half days on Saturdays and only on alternate Tuesdays, Thursdays and Saturdays. Clients would visit with an appointment only.
9. The nature of the business is such that it must operate indoors. One client arriving and leaving per hour is unlikely to generate a significant amount of external noise, traffic and disturbance. Whilst I appreciate that this is a quiet cul-de-sac, it remains a pedestrian through-route and passers-by in excess of the number of visitors to the premises would not be unusual.

¹ APP/K0235/W/21/3269460

10. I conclude that the proposal, with conditions to restrict hours of use and client numbers, complies with policy 32 of the BLP insofar as development must minimise and take account of the effects of disturbance on nearby residents and would not affect their living conditions.

Other Matters

11. I appreciate the concerns of neighbours regarding the levels of parking provision, especially when the remainder of the cul-de-sac is built out. However, the proposal would only result in one additional vehicle being parked per appointment, with a worst case scenario of two were appointments to cross over, and this would be minimal in the context of the overall estate and surrounding roads.

Conditions

12. I have imposed the conditions recommended by the Council with modifications to ensure compliance with the Planning Practice Guidance. I have imposed a condition relating to the approved plans for certainty and a restriction on the hours of use and number of staff. I have further imposed a condition restricting the use of the premises to a hairdresser's salon only and requiring its reversion to residential use upon cessation.

Conclusion

13. For the reasons given above, I conclude that the proposal would be in a suitable location for the scale of the use and would not affect neighbours living conditions. The material considerations do not indicate that the proposal should be decided other than in accordance with the development plan and therefore the appeal should be allowed.

N Bowden

INSPECTOR