



Appeal Decision

Site visit made on 3 December 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2024

Appeal Ref: APP/U2615/W/24/3342777

Tally Ho, Hall Road, Hopton-on-Sea, Norfolk NR31 9AX

- 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 Lisa Leech against the decision of Great Yarmouth Borough Council.
 - The application Ref is 06/23/0907/CU.
 - The development proposed is change of use of existing garden room to beauty salon and all associated works.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of existing garden room to beauty salon and all associated works at Tally Ho, Hall Road, Hopton-on-Sea, Norfolk NR31 9AX in accordance with the terms of the application, Ref 06/23/0907/CU, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: 21/253/04 Rev B.
 - 2) The garden room shall be operated as a beauty salon only and shall not be used for any other commercial purpose. At no time shall it be sold, leased, or operated independently from the main dwelling known as Tally Ho nor shall the common ownership of the beauty salon and the main dwelling be severed.

Preliminary Matters

2. At the time of my visit, I noted that the use of the garden room as a beauty salon had commenced, and I have determined the appeal on that basis.
3. For the avoidance of doubt, where reference is made to the National Planning Policy Framework (the Framework), the paragraph numbers quoted are those that appear in the latest version that came into force on 12 December 2024.

Main Issue

4. The main issue is whether the appeal site is a suitable location for the proposed development, having regard to local and national policy.

Reasons

5. The appeal site lies outside of the defined Development Limits of any settlement where Policy GSP1 of the Great Yarmouth Local Plan Part 2 (LP) and Policy CS2 of the Core Strategy 2013-2030 (CS) restricts development. Policy CS2 indicates that to help achieve sustainable growth the Council will,

amongst other things, ensure that new commercial development for employment, retail and tourism uses is distributed in accordance with Policies CS6, CS7, CS8 and CS16.

6. The Framework, at paragraphs 88 and 89, give support to a prosperous rural economy and indicates that sites to meet local businesses and community needs may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It indicates that in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
7. The beauty salon is a simple, but well-designed new building that is in keeping with its rural setting and provides a place of work for the operator who, in the absence of evidence to the contrary, resides at the site. The beauty salon is, therefore, an employment use, albeit the level of employment is very modest. Whilst there is no evidence to demonstrate that there is a local need for a beauty salon, the business nonetheless, contributes to the rural economy.
8. The beauty salon serves approximately 5-6 customers per day which would generate around 10 to 12 daily vehicle movements. It is located on a rural road, with no footpath and limited space for pedestrians or cyclists to take refuge from moving vehicles. It is therefore unlikely that customers would choose to travel to the premises on foot or bicycle, and as the site does not have access to a bus service, it is probable that customers would be heavily reliant on the private car to access the development. Consequently, whilst the number of journeys generated by the business would be limited and many may be of a short distance, the site, nevertheless, is not in an accessible location and is, as such, contrary to Policy CS16 in this regard.
9. Even so, there is nothing before me to suggest that the level of traffic that would be generated by the proposal would adversely affect local roads. Accordingly, the Framework, offers some support for the proposal despite the issues of accessibility that I have identified and the absence of any known opportunities to improve the sustainability of the site. As the proposal would not contribute towards the delivery of safe, accessible places that promote healthy lifestyles and provide easy access for everyone by walking, cycling and public transport, it would not be supported by CS Policy CS1. Nonetheless, this does not mean that the proposal is contrary to it given that it is a permissive rather than a restrictive policy.
10. The appeal scheme is a small-scale business unit that enables its operator to work from home, a flexible form of working. As such, given that it would not have an adverse impact on residential amenities due to the nature of the use and the distance to neighbouring dwellings, I am satisfied that the proposal is supported by CS Policy CS6. Consequently, due to this support by a specified policy, it would also accord with CS Policy CS2.
11. Paragraphs 91 and 92 of the Framework, in respect of ensuring the vitality and viability of town centres, set out how sequential tests should be applied in relation to proposals for main town centre uses, which are neither in an existing centre nor in accordance with an up-to-date plan. Paragraph 93 subsequently confirms that this sequential approach should not be applied to small scale rural offices and other small scale rural development. I am satisfied that the proposal is such a form of development and therefore, in this

instance, the sequential approach is not required. Moreover, I am not persuaded on the evidence before me, that the business would be detrimental to the vitality and viability of existing centres resulting in conflict with CS Policy CS7. Although a main town centre use, the proposal does not involve the retailing of goods and as such LP Policy R8 is not directly relevant to the determination of this appeal.

12. In conclusion, having regard to the support within the Framework and development plan for a prosperous rural economy and the encouragement of flexible working, and the fact that means of travel other than the car are often limited within the countryside, I find that the appeal site is a suitable location for the proposed development. As such, the proposal accords with CS Policy CS6. For the reasons set out above, and as specific policies indicate that this is a form of development appropriate beyond Development Limits, there is no conflict with LP Policy GSP1 and CS Policies CS1 and CS2. Furthermore, the business would not result in undue harm despite the conflict with CS Policy CS16 that I have identified.

Other Matters

13. Reference has been made to the Grade II listed building, Hopton Hall. I note that Hopton Hall is separated from the appeal site by buildings and substantial mature landscaping. Accordingly, I agree with the Council that the proposed development would not materially affect the way it is experienced.

Conditions

14. The Council has provided a list of suggested conditions, which I have reviewed in line with guidance and best practice.
15. It is not necessary for me to include the standard time limit condition as the use has already commenced. I have however imposed a condition listing the approved plans as this provides certainty and ensures that the development is retained as shown.
16. A condition to restrict the use of the premises to a beauty salon and linking the business to the host property, is also reasonable and necessary as this was the use applied for by the appellant, and this is the use that has been specifically considered to be acceptable having regard to the circumstances of the site location.
17. The floorspace of the garden room is restricted and would not accommodate any additional staff above the existing single operator. This would impose a limitation on the number of clients in any one day. On that basis, and in the absence of any compelling evidence that demonstrates a few additional clients per day would be unacceptable, I do not consider that it is reasonable or necessary to impose the suggested condition that would restrict the number of clients per day.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR