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## Appeal Decision

Site visit made on 27 April 2025

**by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

an Inspector appointed by the Secretary of State

**Decision date: 21 May 2025**

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**Appeal Ref: APP/F1040/W/24/3355315**

**Hilton Camper Barbers, Hilton Business Park, Lowman Way, Hilton DE65 5UR**

- 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 Oguz Ucar (Hilton Camper Barbers) against the decision of South Derbyshire District Council.
  - The application reference is DMPA/2023/1298.
  - The development proposed is described on the Application Form as the 'Retention of existing converted and extended/ adapted mobile home, that provides for business use as a Barbers.'
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The use and development as applied for has already occurred in terms of the erection of the caravan and attached building, and the use of these structures as a barbers. On my site visit I noted that the plans are different from the appearance that I saw with some cladding added to the side façade of the caravan (frontage of the use), which is instead shown on the plans as exposed with no cladding in which permission is sought. I have not received any amendments to the plans during this appeal and shall make my judgement upon the plans that have been submitted for assessment and which the Council have also assessed, rather than what I saw on site. For the avoidance of doubt, I will determine the appeal on this basis.

### Main issues

3. The main issues are:
  - Whether the location of the use is the most appropriate when considered in accordance with development plan policy; and
  - The effect of the proposed development upon the site and surrounding locality in terms of its character and appearance.

### Reasons

#### *Site Description*

4. The appeal property is located to the north side of Lowman Way, which lies to the edge of the settlement of Hilton. To the north of Lowman Way is an employment

park with large industrial units which is the predominant character, although one of the units is now a soft play centre. To the south of Lowman Way is a large development of new dwellings. The appeal site is located adjacent to a single storey building which appears to have been a former office which is now being used as a beautician/aesthetics use. The appeal site as erected contains a portacabin-like structure with a caravan located to the front of the portacabin. It would appear that the portacabin and caravan have been attached to each other to form a larger space with small balcony and decking attached to the front along with cladding and signage.

#### *Appropriateness of the location*

5. In assessing the development of new retail uses, the South Derbyshire Local Plan Part 2 (LPP2) Policy RT1 seeks that main town centre uses will be subject to a sequential test, whereby uses are directed to existing centres where the settlement of Hilton is defined as a 'Other centres in key and local service villages.' Whilst the policy predates the current Class E use class (it refers to superseded Class A use), the general thrust of the policy is to ensure new retail development is appropriate to the scale and function of the centre, not lead to unsustainable trip generation, not undermine vitality and viability of existing centres or lead to adverse amenity impacts. Whilst the terminology in terms of the use classes in this policy is out of date, the general aims of the policy are still consistent with the Framework in terms of how to locate retail type uses.
6. A barber shop is a main town centre use so will be subject to LPP2 Policy RT1. No information has been presented within the appeal which demonstrates that the location of the barbers is the most suitable location for this use as per LPP2 Policy RT1. The Council have not specified or defined whether the settlement of Hilton has a core area for town centre uses, but would appear to be located along Main Street where there are uses such as public houses, post office, beauty treatment rooms, barbers, convenience store, church etc. As such, the location of the appeal site to me appears to be outside the main retail core of Hilton and is therefore subject to a sequential assessment to identify whether this is the correct location for such as use.
7. Given the amount of respondents to the application in support of the use it would appear that the business is well regarded within the local community. I also have taken into account the amount of new housing developed in Hilton, particularly adjacent to the appeal site whereby no additional retail facilities have been provided where this use is clearly appealing to a need within the area. However my attention is also drawn to the core retail area of Hilton where I witnessed comments from interested parties in that the retail core has empty units and conversions of properties that were once retail units where such a use as the appeal site could add to the vitality and viability of the centre.
8. The Development Plan is clear in LPP2 Policy RT1 that there is a need to demonstrate the appropriateness of the town centre use in an out-of-centre location. This information has not been submitted so, whilst it would appear that the location would not cause adverse impacts to neighbouring properties; it would be appropriate in scale and location to this particular locality; it has not been demonstrated whether the use would undermine the vitality and viability of the centre. Whilst I can appreciate the benefits in this particular location which appears to appeal to nearby residents due to the convenience of the accessibility, and that the business is well

regarded within the local community, these benefits would also be present if the business were within the main retail area of the centre.

9. Taking the above into account, It has not been demonstrated via a sequential approach that the development would not undermine the vitality and viability of the retail core of the settlement of Hilton. Consequently the development is contrary to LPP2 Policy RT1.

### *Character and Appearance*

10. The South Derbyshire Local Plan Part 1 (LPP1) Policy BNE1 is a design-led policy which seeks that development adhere to a number of design principles such as responding to local context, visual attractiveness, efficient use of resources, safe, and possess a sense of place, amongst others.
11. The design of the development is quite makeshift in that it is not a purpose built unit like those surrounding, but a combination of a caravan that has been attached to a temporary building with additional cladding, and poor quality materials and clutter such as plastic porch, decking, poorly positioned advertisements etc which does not reflect the characteristics of the location. Whilst I can appreciate alterations such as cladding to make the caravan less conspicuous, and decking to facilitate access, and that the caravan has a novelty value that reflects the identity of the business name, the visual attractiveness of the scheme, together with the quality of the development is quite poor and would not reflect the characteristics or local distinctiveness of the area.
12. I can also appreciate the benefits of the scheme, in terms of recycling of materials such as the caravan which has environmental benefits and which planning policy promotes, however this is not enough to override the clear poor makeshift design and appearance of the current scheme which causes adverse detriment to the character and appearance of the locality.
13. As such, the development is not a high quality design and causes detriment to the character and appearance of the area. The scheme is made contrary to LPP1 Policy BNE1 as described previously.

### **Conclusion**

14. For the reasons given above, the appeal is dismissed.

*J Somers*

INSPECTOR