



Appeal Decision

Site visit made on 13 June 2025

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal Ref: APP/P4415/W/24/3357339

9 Birch Green Close, Maltby, Rotherham, South Yorkshire, S66 8RP

- 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 Miss Hill of Kreative Hair Flair against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2024/1313.
 - The development proposed is change of use of garden lodge to business (hair salon).
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Decision

1. The appeal is allowed, and planning permission is granted for change of use of garden lodge to business (hair salon), at 9 Birch Green Close, Maltby, Rotherham, South Yorkshire, S66 8RP, in accordance with the terms of the application, Ref RB2024/1313, subject to the following conditions:
 - 1) The use hereby permitted shall only be operated by a person living at 9 Birch Green Close. No other person shall be employed in the operation of the business nor shall any other chairs or space within the building be rented out.
 - 2) The use hereby permitted shall be limited to a hair and beauty salon only and shall not be used for any other non-domestic purpose.
 - 3) The use hereby permitted shall only be open to customers between the hours of 08:00 – 19:00 on Mondays to Saturdays, and at no times on Sundays or Bank Holidays.
 - 4) The use hereby permitted shall operate on a pre-booked appointment basis only. Appointments shall allow sufficient time to avoid multiple customers waiting or overlapping. Appointment records shall be kept at all times and made available to the Council to inspect upon request.
 - 5) A car parking space for salon customers shall be made available for use, on the private driveway to the front of 9 Birch Green Close, at all times when appointments are booked.

Preliminary Matters

2. The use of the garden lodge as a hair salon has already commenced and as such planning permission is sought retrospectively. The building is not unlawful, only its use as a salon, and as internal and external photographs were submitted by both main parties, it was not necessary for me to view this in person. As the reasons for refusal relate to parking, and comings and goings, an unannounced and unaccompanied site visit was undertaken.

Main Issues

3. The main issues are the effect of the development on the living conditions of occupiers of neighbouring properties with regard to noise and disturbance, and the effect of customer parking on highway and pedestrian safety.

Reasons

Living conditions

4. The garden lodge is a detached outbuilding, in the rear garden of a detached house, in a residential cul-de-sac. There are detached houses to either side of the site, which is screened by high fences and hedges, and to the rear there is a large area of public open space and the main estate road.
5. The appellant works from home, offering hair dressing services and a small number of beauty treatments, which are undertaken from the rear outbuilding. This form of development is not uncommon and is beneficial to small businesses in terms of reducing overheads and balancing work with homelife to accommodate other commitments such as childcare. Provided such businesses are of suitable scale and are well managed, they do not usually result in harm to occupiers of adjacent properties. Planning conditions can be imposed to control this as encouraged by paragraph 56 of the National Planning Policy Framework (the Framework).
6. The photographs I have been provided with show that there are at least three customer seats within the salon. A salon employing three or more staff and dealing with three or more customers at a time, would be better suited to a town centre location. However, the application form and supporting information advise that only the appellant works from the building.
7. The use of the outbuilding as a salon will inevitably generate some additional comings and goings, which will vary based upon customer demand and the availability of the appellant. Hours will also vary, with some customers requiring early morning appointments prior to events and others needing appointments to fit around their work. I acknowledge that there will be some long appointments, such as where a hair colour is applied and needs to be left on to develop, whereby a second customer needing a short appointment may be fitted in. There will no doubt also be occasions where an adult brings a child or children for a haircut, or where a carer brings a customer requiring assistance. In these instances, there would be more than one visitor present. However, the number of people in the building at anyone time would rarely be more than two and would never be at a level that would generate more activity than a domestic outbuilding in use by a family or friends, as for example a home gym, games room or garden room.
8. I accept there would be some noise from talking, short intermittent periods of hair drying, and potentially some low level background music. However, no complaints about noise have been brought to my attention. At the time of my visit, when it was warm outside, I could hear the sound of voices from over the rear garden fence. This was not loud enough for me to hear what was being said and was no different to the noise I could hear from other rear gardens that I walked past in the area. It was also no louder than passing traffic or dogs barking in the adjacent public field.

9. Given the residential location, I do not consider that very early morning, late evening, Sunday or Bank Holiday appointments, would be appropriate as background noise from adjacent gardens, road and public open space is likely to be much lower at those times. Based upon the appellant's submissions these appointment times are in any event required quite rarely. Occasional special requests for out of hours appointments could most likely be dealt with by the appellant going to the customers' homes instead.
10. I therefore conclude that subject to suitable planning conditions, the continued use of the garden outbuilding as a salon operated by a single person on an appointment only basis, would not result in harm to the living conditions of occupiers of adjacent residential properties as a result of increased comings and goings and non-residential activity. It would therefore accord with Policy SP11 of the Rotherham Local Plan Sites and Policies Document 2018 (the local plan), which is supportive of non-residential uses in residential areas where they are of an ancillary nature and would not have unacceptable impacts on neighbouring residents. The use also accords with paragraph 135 of the Framework, which seeks to ensure amongst other things that development does not undermine quality of life.

Highway safety

11. Birch Green Close is a residential cul-de-sac, which has two smaller cul-de-sacs with the same street name branching off it. Number 9 is located at the end of the second branched off cul-de-sac. There are a total of twenty-one detached houses in the street, all of which benefit from their own off-street parking and garages, with most having space for at least two cars.
12. I acknowledge that Birch Green Close is a public road where anyone can park. However, the estate and its roads were designed for residential, not business use. The number of cars visiting the property would be increased by the business use as most households do not have multiple visitors arriving and leaving throughout the day for most days of the week, and delivery drivers are only present for a few minutes at a time. The increase in on-street parking caused by the business use is therefore a material planning consideration.
13. At the time of my visit, late on a Friday morning, there was only one car on the appellant's drive. Two cars were parked partially on the pavement to the side of number 5, one or both of which may or may not have been anything to do with the appellant's business use, neither was moved during the 40 minutes I was present in the area. The cars parked on the footway would have obstructed anyone with a pushchair or wheelchair. However, the road is not busy and there are footpaths on both sides of it. I noted that parking partially on the footway leaves more space for cars manoeuvring on and off the driveways opposite. Two cars were also parked to the side of number 14, one on the road and one partially on the footway. However, the road here is wider, and the parking appeared to be due to a house move being partially underway at number 16.
14. I noted that there are no parking restrictions on Armory's Holt Lane, which is a much wider road serving the wider housing development, and that parking was also available in the neighbouring cul-de-sac, Ash Court, which is linked to Birch Green Close by a short footway. I have not been advised whether any customers live locally and walk or cycle to their appointments or whether any travel by public

transport. However, given that the site is in a built-up area and that there is a bus stop a short walk from the site on Dale Hill Road, the possibility of this is very plausible. Customers that don't drive may also be dropped off and picked up.

15. Number 9 Birch Green Close can accommodate 3 cars on its driveway, in addition to the garage. Whilst customers parking on the end of the driveway would block in the appellant's own cars, the appellant would not need her car whilst working with customers and I am advised that her partner works away much of the time. Where multiple customers arrive by car, such as those with parents or carers, they would be travelling together in a single vehicle. Where appointments overlap, such as where a customer is fitted in between a colour being developed, at least one customer car could be parked on the drive, the one belonging to the customer with the longer appointment, adding only one short stay parked car to the local road network, if both customers have travelled by car.
16. It is therefore reasonable to expect that customers could park on the appellant's driveway at most times. Subject to proactive and considerate business management, by the appellant simply advising customers to park on the driveway when they book an appointment, advising or encouraging them not to obstruct the pavement or other driveways, and asking where they have parked when they arrive, there is no reason why a business of the scale and nature before me should be detrimental to other highway users. Many other similar home businesses operate successfully on this basis. Imposing planning conditions to ensure the business can only be operated by the occupier of number 9, on an appointment only basis, and to ensure parking space on the driveway is available to coincide with appointment times, would ensure any increase in on street parking generated by the use would be negligible.
17. I therefore conclude that subject to suitable planning conditions, the continued use of the garden outbuilding as a salon would not compromise highway or pedestrian safety. It would therefore accord with Policy SP56 of the local plan, which seeks to discourage the obstruction of footways by kerb parking, and parking that compromises the operation of the highway.

Conditions

18. Given the residential estate location of the site, conditions are necessary to control its scale in terms of staff and customer numbers, its hours of operation and customer parking. This is particularly necessary because planning permission runs with the site and not the appellant, and personal circumstances can also change. Changes in the future could result in the business being operated differently or more intensively than it is at present if conditions were not imposed, which could in turn result in harm to the living conditions of neighbours and increase the risk of customer cars obstructing the road, footpaths and driveways. The level of noise generated would not justify a condition requiring the doors and windows to be kept closed and because this is unnecessary plant such as air conditioning is unlikely to be required.

Conclusion

19. For the reasons given above, the appeal is allowed.

R Bartlett
INSPECTOR