



Appeal Decision

Site visit made on 15 July 2025

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 August 2025

Appeal Ref: APP/C1055/W/25/3362725

Old Canal Farm, Sinfin Moor Lane, Derby DE73 5BF

- 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 Mr Ian Jones against the decision of Derby City Council.
 - The application Ref is 22/01747/FUL.
 - The development is a change of use of an outbuilding to cosmetic procedure and beauty clinic (sui generis use).
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of an outbuilding to cosmetic procedure and beauty clinic (sui generis use) at Old Canal Farm, Sinfin Moor Lane, Derby DE73 5BF in accordance with the terms of the application, Ref 22/01747/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Block Plan; Floorplan and Elevations.

Procedural Matters

2. For reasons of clarity, the description of development has been adopted from the appeal form and the council's decision notice. The development subject of this appeal has already been undertaken. The postcode of the property has changed since the appeal was submitted.

Main Issues

3. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area and (b) the vitality and viability of local centres.

Reasons

Character and Appearance

4. The appeal property is a single storey outbuilding situated within a group comprising residential and equine buildings, together with external areas for storage and vehicle parking. The property was previously used for equine purposes but has been converted for uses related to cosmetic procedures and beauty treatment. The group of buildings is situated within a Green Wedge as identified by Policy CP18 of the Derby City Local Plan Part 1 – Core Strategy (CS).

This Green Wedge possesses the characteristics of open countryside on the edge of an urban area comprising fields, hedgerows and trees, individual and groups of buildings and recreational routes.

5. CS Policy CP18 sets out various provisions and restrictions related to the consideration of development proposals within Green Wedges. Amongst other matters, this policy seeks to ensure that development is limited to a list of specified uses and development types, and that proposals do not endanger the open and undeveloped character of the Green Wedge.
6. Criterion (d) of CS Policy CS18 refers to the conversion or change of use of existing buildings provided that the building is suitable for its intended use without extensive alteration, rebuilding or extensions. To accommodate the current use of the property has not been extended or re-built. The property is part of a group of established buildings and its reuse does not alter the character and appearance of this group when viewed from other locations within the Green Wedge, including the nearby road and recreational routes.
7. Accordingly, the re-use of the existing property for cosmetic procedures and beauty treatment does not endanger the open and undeveloped character of the Green Wedge. For these reasons, it is concluded that the development does not cause unacceptable harm to the character and appearance of the surrounding area and, as such, it does not conflict with CS Policy CS18.

Vitality and Viability

8. The current cosmetic procedures and beauty treatment use is not one referred to in the list at CS Policy CP18(a). However, unlike criterion (e), within criterion (d) there is no specific reference to such uses having to be those specified by criterion (a).
9. The appellant claims that the use of the property for cosmetic procedures and beauty treatment represents a diversification of the existing equine business and accords with the National Planning Policy Framework's (the Framework) support for the development and diversification of agricultural and other land-based rural businesses. An equine business is not agricultural but is typical of the type of use which is normally be located within a rural area. As already identified, the area within which the property is located possesses the characteristics of open countryside.
10. However, freestanding premises offering cosmetic procedures and beauty treatment are typical of uses that could normally be found within defined local centres. CS Policy CP13 refers to all proposals for retail, entertainment, recreation and leisure development outside defined centres being required to demonstrate that there are no sequentially preferable sites or units within an agreed defined catchment area that could accommodate the proposal. The appellant undertook no sequential test.
11. The Framework also identified circumstances when a sequential test should be undertaken. However, the Framework states that the sequential approach should not be applied to applications for small scale rural offices or other small scale rural development. This current national policy is not fully incorporated into CS Policy CP13. The Framework's approach is given significant weight as a material consideration in the determination of this appeal because it post-dates the adoption of the CS. The council's reference to *Technical Advice Note 6: Planning for*

Sustainable Rural Communities published by the Welsh Government is not of direct relevance to the interpretation of the Framework.

12. Although a use which could be found in a local centre, because of its scale the appeal scheme does not, individually or cumulatively, have a significant adverse impact on the role, vitality, viability or competitiveness of other local centres, including the nearby centre which was observed to be well occupied. For these reasons, it is concluded that the development does not cause unacceptable harm to the vitality and viability of local centres and, as such, it does not conflict with the Framework concerning the approach to sequential testing for small scale rural development.

Other Matters

13. A local resident has raised a number of matters, including access, but they were not included as reasons for refusing the appeal application. There are no reasons to disagree with the council's assessment, including the emissions from the boiler and the draining of surface water not being part of the development.

Conditions

14. The council has not suggested conditions in the event that this appeal succeeds but, for reasons of clarity, a condition is necessary to identify the approved drawings. Accordingly, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR