



Appeal Decision

Site visit made on 27 August 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

Appeal Ref: APP/X1355/W/25/3369054

1 Coldstream, Ouston, Durham DH2 1LQ

- 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 Leah Keenan against the decision of Durham County Council.
 - The application Ref is DM/25/00472/FPA.
 - The development proposed is described as conversion of one room in the property to a self-contained beauty salon.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of dwelling to a mixed use of dwelling (Class C3) and self-contained beauty salon (Class E) at 1 Coldstream, Ouston, Durham DH2 1LQ in accordance with the terms of the application, Ref DM/25/00472/FPA, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Miss Leah Keenan against Durham County Council and is the subject of a separate decision.

Preliminary Matters

3. Based on the evidence before me the change of use for which planning permission is being sought commenced in August 2024. I have therefore considered the appeal on this basis.
4. The Council changed the description of development as stated in the application form and as set out in the banner heading above. The revised description is the change of use of dwelling to a mixed use of dwelling (Class C3) and self-contained beauty salon (Class E), and this was used by the Council in advertising the application for the statutory consultation. The appellant has also used this description in the appeal form. The revised description more accurately defines the scheme seeking planning permission and I have therefore determined the appeal on this basis.
5. The appeal is supported by a photograph showing the interior of the beauty salon. This was not before the Council at the time of making their decision. I have considered this additional information taking into consideration the principles established by the Courts in *Holborn Studios Ltd*¹. In this case, the additional information provides further evidence in relation to the Council's reasons for refusal, rather than significant amendments to the proposal. For this reason, I

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

consider that there would be no prejudice to any party, and I have therefore determined the appeal on the basis of this additional information. I will return to this matter later in my decision.

6. My attention was drawn to a recent decision made by the Council for a similar proposal after the determination of this application. Whilst I have had regard to this decision in so far as it relates to similar matters for consideration, I am mindful that each case must be assessed on its own merits.

Main Issues

7. The main issues are:
 - the effect of the development on the living conditions of occupiers of 2 Coldstream, with particular regard to privacy, noise and disturbance; and
 - the effect of the development on living conditions of existing or future occupiers of the host property with particular regard to the reduction in residential floorspace and privacy.

Reasons

8. The appeal site 1 Coldstream, is a semi-detached dwelling, located on the corner of Coldstream and Callander. It is situated in a predominantly residential area within the built-up area of Ouston.
9. The proposal seeks planning permission for the change of use of part of the ground floor of a residential dwelling to a beauty salon. The beauty salon is integrated into the dwelling. However, the majority of the appeal site remains in residential use. There are no external changes proposed, and no signage present to indicate that there is a business operating from the premises. The use has already commenced.
10. The 'Statement of Business' confirms that the appellant is the sole proprietor and employs no staff. Whilst an internal photograph submitted with the appeal indicates that two treatment beds are located within the room, the appellant has confirmed that only one client will be present any one time. The application form indicates that business operates Monday to Saturday between the hours of 09:30 and 18:30 and does not operate on Sundays or bank holidays, with a maximum of five clients per day.

Living Conditions – Neighbouring Occupiers

11. At the time of my visit, I observed that the appeal site is within a quiet, residential area and the typical noise experienced was passing traffic, garden maintenance and other noise typically associated with a residential setting. Therefore, the property most likely to experience noise and disturbance from the beauty salon use is the adjoining semi-detached property at 2 Coldstream (No.2).
12. The arrival and departure of customers may be perceived by occupiers of No.2, but that activity would be mainly concentrated on the front driveway and be limited to a maximum number of five customers per day, with gaps in between appointment times. There is sufficient space for parking to occur within the appeal site itself, and the level of vehicle movements associated with the intended level of use would be no more intrusive than typical comings and goings associated with a

family-sized dwelling. Furthermore, conditions have been suggested which would limit opening hours to between 9:30am and 6:30pm Monday to Saturday, with no opening to be permitted on a Sunday or Bank Holiday.

13. The Council raised concerns about the use of machinery within the premises. However, the appellant has confirmed that no treatments are offered which use machinery likely to result in noise disturbance. Nonetheless, even if other treatments beyond those which are listed in the 'Statement of Business' were carried out, I have no substantive evidence before me that this would cause undue disturbance to the adjoining occupiers.
14. The Council's Environmental Health Officer raised no objection to the proposal. Furthermore, the business has been operating since August 2024, and I am not aware of any noise related complaints. Therefore, whilst I accept that the use of the ground floor room may result in some noise, typically talking or background music, there is no substantive evidence before me that the continued use of the beauty salon would be harmful to the occupiers of No.2 with particular regard to noise and disturbance.
15. With regard to the loss of privacy, the main access to the property is located centrally within the dwelling, away from the boundary with No.2. The window serving the beauty salon is closest to the neighbouring property. However, there are no direct views from this window into the neighbouring property, only towards the driveway and front garden. Furthermore, this is an existing window and so this relationship is largely unchanged.
16. I have had regard to the concerns of the neighbouring occupier in relation to the increased number of comings and goings. However, these would be limited to a maximum number of five customers per day and would access the property in a similar way to visitors or deliveries. On this basis, I find that continued use of the room as a beauty salon would not result in a harmful loss of privacy for the occupiers of No.2.
17. Consequently, I am satisfied that that subject to the imposition of suitably worded planning conditions to control the level of use and opening hours of the business, the continued use of part of the appeal site as a beauty salon would not result in harm to the living of conditions of neighbouring occupiers with particular regard to privacy, noise and disturbance. Thus, it would comply with Policies 6, 29 and 31 of the County Durham Plan (the CDP) which require amongst other things, the development being compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land and require high standards of amenity that ensures that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions.

Living Conditions – Existing and Future Occupiers

18. The change of use relates to a single room on the ground floor of the dwelling, which was previously used as a living room and constitutes approximately 33% of the total ground floor accommodation.
19. It is not uncommon for people to work from home and use part of their dwelling for these purposes and the dwelling would still provide sufficient accommodation on the ground floor, with a kitchen and large living and dining room.

20. The appellant operates a business from her home, and it is her choice to allow customers into her home via the front door and hallway that also serve the rest of the dwelling. I therefore disagree with the Council that this arrangement would adversely affect the privacy of residents of the host property. Furthermore, the Council has suggested a condition which would limit the use of the beauty salon to the appellant and require the use to cease once they no longer live at the property. The accommodation would then revert to a residential use.
21. Therefore, whilst I accept that there would be a reduction in the amount of floorspace remaining in use for residential purposes, there is no substantive evidence before me that this reduction would lead to harm to the living conditions of the existing occupiers of the dwelling. A condition requiring the use to revert to residential use once the current occupier ceases to occupy the property would ensure there is no loss of residential floorspace for any future occupiers.
22. For these reasons, I therefore find that there is no harm to the living conditions of the existing or future occupiers of the appeal property from the loss of residential floorspace or privacy. Thus, it complies with Policy 31 of the CDP which requires amongst other things, a good standard of amenity to be provided.

Other Matters

23. I have had regard to third party concerns regarding parking, particularly within the highway and blocking footpaths. However, the Council concluded that the appeal site can accommodate up to six vehicles and is therefore considered sufficient to accommodate both the household's stated three vehicles and any clients. Based on the evidence before me and my own observations, I see no reason to disagree with this conclusion.
24. Further concerns raised by a third party relate to insurance and mortgage implications relating to commercial activity. However, these are not matters for this appeal.

Conditions

25. The Council has provided a list of suggested conditions, which I have considered against the tests set out in the Framework and Planning Practice Guidance.
26. Since the change of use has already been completed, a condition relating to the standard time limit for implementation is not necessary. However, a condition to specify the approved plans is necessary in the interests of certainty.
27. Further conditions to control the hours of operation, the number of customers visiting at one time and on one day, and to ensure the operation of the business is tied to the occupancy of 1 Coldstream are required in the interests of protecting the living conditions of neighbouring occupiers.

Conclusion

28. For the reasons given above, and taking into account all matters raised, the appeal is allowed.

K Lancaster

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos:
 - Site and Location Plans 01 (received 17 February 2025)
 - Proposed Floor Plans 03 (received 17 February 2025)
- 2) Customers shall only be present at the business between the following times:
 - 09:30 to 18:30 Monday to Saturday and not at all on Sundays or Bank Holidays.
- 3) Customers visiting the approved development shall be by appointment only and there shall be no more than one customer at the property at any one time. A minimum of 30 minutes shall be left between the end of one appointment and the start of the next appointment and there shall be no more than five customers per day.

The operator shall maintain an up-to-date register of the customers to the site and shall make this information available to the Local Planning Authority within 21 days of any request.

- 4) The use hereby permitted shall be operated and treatments carried out only by the occupier of the host dwelling (1 Coldstream) known as Miss Leah Keenan. Upon Miss Kennan ceasing to occupy the property (1 Coldstream) the use hereby permitted shall cease and will revert back to use for residential purposes.

End of Schedule