
Appeal Decision

Site visit made on 10 September 2025

by **A Oyebade MSc FCILT**

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Appeal Ref: APP/V1505/W/25/3366049

34 Montague Street, Basildon, Essex SS14 3JG

- 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 Perry Moss against the decision of Basildon Borough Council.
 - The application Ref is 24/00964/FULL.
 - The development proposed is change of use of existing domestic garage into mixed use A1 commercial (barber room) and domestic garage.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use of existing domestic garage into mixed use A1 commercial (barber room) and domestic garage at 34 Montague Street, Basildon, Essex SS14 3JG, in accordance with the terms of the application, Ref 24/00964/FULL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be permanently retained in complete accordance with the following approved plans: 'Block Plan' (26321407114242MQRQT) dated 28 August 2024 and 'Existing and Proposed Plans' (34MONT-001) dated August 2024.
 - 2) The use hereby permitted shall not be open to members of the public except between the hours of 09:00 and 18:00 Tuesday and Wednesday, 09:00 and 20:00 Thursdays, 07:30 and 20:30 Fridays, and 08:00 and 14:30 Saturdays, and there shall be no related business activities on site beyond the permitted hours of operation.
 - 3) The use hereby permitted shall function on a single-customer appointment only basis, with no more than one customer attending an appointment at the premises at any given time.

Procedural Matter

2. The Council has confirmed that the change of use at the site has already been implemented. Accordingly, I consider this appeal proposal to be retrospective in nature.

Main issues

3. The main issues are:
 - the effect on the living conditions of the occupiers of neighbouring dwellings; and

- the effect on highway safety and car parking in the area.

Reasons

Effect on the living conditions of the occupiers of neighbouring dwellings

4. The appeal site is situated on a modern residential street characterised predominantly by detached and semi-detached houses, with a smaller number of terraced properties. As the street is not a principal through-route, local traffic levels remain relatively modest, contributing to a quieter residential environment.
5. Policy BAS BE12 of the Basildon District Local Plan (Adopted September 2007) stipulates that planning permission for new residential development, or for the alteration and extension of existing dwellings, will be refused where such proposals would result in noise or disturbance to neighbouring occupiers, or give rise to traffic danger or congestion.
6. Policy DM1 of the Essex County Council Development Management (Adopted February 2011) requires the Highway Authority to safeguard the highway network, ensuring the safe and efficient movement of people and goods across all modes of travel. Proposals must not introduce significant risks or compromise highway safety. Policy DM8 further stipulates that development proposals must comply with Essex County Council's current Parking Standards: Design and Good Practice document, or any subsequent replacement.
7. The internal configuration of the appeal premises provides one barber chair seating for three waiting customers. The forecourt accommodates a single vehicle in addition to the space observed in use during the site visit. This arrangement indicates a limited capacity and is consistent with low-intensity operational activity.
8. I note the Council's statement that the appeal site is located approximately 8.4 metres from the host property, with access provided through an existing side door into the rear garden of the application site. However, as there is direct access from Montague Street, customers can be appropriately directed via the online booking system. It is also reasonable to expect that the appellant would monitor for the scheduled customer at the appointed time.
9. The Council has indicated that, although the appeal proposal would operate on a single customer booking system, the level of daily activity would nonetheless adversely affect the living conditions of neighbouring residents, particularly through noise and disturbance from vehicle manoeuvring, parking, and general customer movements. However, no substantive evidence has been provided to demonstrate such impacts, either in relation to this proposal or comparable barber shops. During my site visit, I observed only limited pedestrian and vehicular activity along this road.
10. The Council contends that restricting the use to one customer at a time by appointment would be difficult to enforce or monitor and does not guarantee that only a single customer would be present in the barber facility at any given time. The Council's proposed Condition 3 would restrict appointments and ultimately the shop's operation to one customer at any given time. I consider that a condition along those lines and subject to a slight amendment as set out below would be readily enforceable. Such a restriction would be reasonable in that it reflects the way in which the appellant states the business currently operates and would serve

to mitigate against potential noise and disturbance being experienced by the adjoining residents. Consequently, with the attachment of Condition 3, I am content that the appeal proposal would not adversely affect the living conditions of neighbouring occupiers and would not conflict with Policy BAS BE12 of the Basildon District Local Plan.

Effect on highway safety and car parking in the area.

11. It is acknowledged, based on the appellant's statement, that the barber shop currently operates strictly by appointment, with walk-in customers not permitted. Each appointment is scheduled with buffer periods to prevent overlap between clients. As indicated above, I am satisfied that the Council's proposed Condition 3 as amended would provide an appropriate mechanism to satisfactorily control the mode of operation of the business going forward and to limit the degree of activity associated with it.
12. The appeal proposal would result in the loss of existing garage parking provision, with only one space on the associated forecourt available for customer and domestic use and this would result in a shortfall in on-site parking provision compared to the current parking standards. However, I observed during my site visit that the unmarked section of Montague Street adjacent to the site had sufficient capacity to accommodate several vehicles at that time. The Council has estimated that the proposal would generate approximately 106 two-way vehicle movements per week. I note that the Council's Highway Team objected because of these additional movements. However, it is not clear whether the estimate takes account of factors such as cancelled appointments, customers being dropped off and collected, or those opting for alternative modes of travel, including walking and cycling. In addition, it is reasonable to expect that the proposal would attract a proportion of customers from the immediate locality who would travel on foot or by bicycle.
13. It seems to me that subject to the imposition of appropriate conditions designed to secure single customer attendance by appointment and hours of operation, the number of additional vehicles parking on Montague Street at any one time would be effectively minimised and would not exacerbate any existing parking problems in the locality.
14. I therefore conclude that, subject to the proposed conditions and the applied modification, the development would not result in any material adverse effect on highway safety or local parking provision. Accordingly, the appeal proposal would be consistent with Policy BAS BE12 of the Basildon District Local Plan, together with Policies DM1 and DM8 of the Essex County Council Development Management Policies (Adopted February 2011), and the associated design guidance contained within the Supplementary Planning Guidance. It would not also materially conflict with the aims of paragraph 135(f) of the Framework.

Conditions

15. The Council has provided a list of suggested planning conditions, which I have considered in light of paragraph 57 of the Framework and the guidance contained within the Planning Practice Guidance. Condition 3 has been modified to ensure that it would be easier to monitor and enforce. The revised wording of the condition is as follows:

- The use hereby permitted shall function on a single-customer appointment only basis, with no more than one customer attending an appointment at the premises at any given time.

Other Matters

16. The proposal would deliver positive social and economic benefits to the local community.

Conclusion

17. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A Oyebade

INSPECTOR