



Appeal Decision

No Site Visit Made

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2026

Appeal Ref: APP/N3020/X/25/3374147

82 Front Street, Arnold NG5 7EJ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act") against a refusal to grant a certificate of lawful use or development ("LDC").
 - The appeal is made by Mr Hong Nguyen against the decision of Gedling Borough Council.
 - The application ref 2025/0427, dated 21 May 2025, was refused by notice dated 30 July 2025.
 - The application was made under section 192(1)(a) of the 1990 Act.
 - The use for which an LDC is sought is a Nail & Beauty Salon - Class E
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Decision

1. The appeal is allowed and attached to this decision is an LDC describing the proposed use which is found to be lawful.

Preliminary Matters

2. The Council's decision notice refers to the change of use of the premises from a dry cleaner to a nail bar. However, the application form states that the proposed use is a nail and beauty salon. I have therefore included the description of the proposal contained in the application form in the banner heading above and I will determine the appeal on this basis.
3. The planning merits of the proposed development are not relevant to the appeal. As such, a site visit would not help me reach a decision. Consequently, I advised the main appeal parties of my intention to determine the appeal without a site visit.

Main Issue

4. The main issue is whether the Council's decision to refuse to grant an LDC for the use of the building as a proposed nail and beauty salon was well-founded.

Reasons

5. For an LDC to be granted under s192 of the 1990 Act, it is necessary for the appellant to demonstrate, on the balance of probability, that the use described would have been lawful on the date of the application.
6. Section 55(2)(f) of the 1990 Act states that the change of use of buildings or other land does not amount to development if the existing and proposed uses fall within the same class.
7. It is common ground between the main appeal parties that a nail and beauty salon falls within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) ("UCO"). From the evidence before me, I agree. The dispute rests with whether the previous use of the building was as a dry cleaner (which

falls within Use Class E of the UCO) or a laundrette (which is sui generis and therefore does not fall within any Use Class).

8. In 1984, planning permission¹ was granted to change the use of the property to a “*retail dry cleaning shop with professional cleaning on the premises*”. I have not been directed to any other planning applications involving the use of the premises in the intervening years.
9. The evidence before me suggests that the premises were last occupied by “*Arnold Top Clean*” which ceased to trade in April 2024. The appellant asserts that the company was listed in local directories as a dry cleaner, which has not been disputed by the Council.
10. An estate agent’s brochure includes photographs of the property from when it was occupied by Arnold Top Clean. The ground floor interior photographs show an area towards the front of the shop with two rows of washing machines and dryers. Behind these is a small counter that extends part way across the property’s width. Towards the rear of the ground floor are two ironing boards with irons. Clothes are hung up on racks, and some are covered in clear plastic protective covers. The photograph of the first floor shows sewing machines, a large table and changing cubicles, which is consistent with the shop signage stating the business offers garment alterations and repairs.
11. The items shown in the estate agent’s brochure are also consistent with an itinerary of assets that were sold by liquidators acting for Arnold Top Clean which, in addition, lists 1x unspecified garment bagging machine and 1x Bowe P15 dry cleaning machine.
12. The Council assert that one of the photographs within the estate agent’s brochure shows large industrial coin-operated machines for public use and therefore, the use falls within the dictionary definition of a launderette. I agree that the washing machines and dryers are commercial in their appearance. However, it is not possible from the photograph to determine with certainty that they are coin-operated machines.
13. I am also unclear how the Council can assert from the photograph that the machines are for “*public use*”. There is nothing within the photograph to indicate who operates the machines; they are equally capable of being used by members of staff as by members of the public. Furthermore, the presence of a counter situated behind the machines is not in itself determinative that the machines are used as part of a launderette operation, particularly as the counter does not separate them from the remainder of the ground floor.
14. I have been provided with a letter written by the freehold owner of the premises, who asserts that Arnold Top Clean Ltd traded at the property; they ceased trading in April 2024; and throughout their occupation of the premises, they operated primarily as a retail dry cleaner. They also state that while the premises contained commercial washing machines and dryers, these were ancillary to the dry cleaning service and did not constitute a self-service launderette.
15. There is no evidence before me to contradict the freehold owner’s version of events. Furthermore, even if the washing machines and dryers were used by the

¹ Planning Ref 84/1351

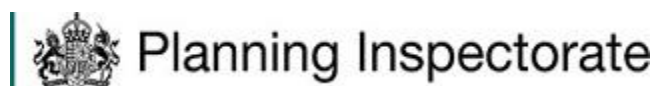
public, I have no evidence before me to indicate that the public's use was more than ancillary to the primary use of the premises as a dry cleaner.

Conclusion

16. Taking these factors together, on the balance of probability, I find that the previous use of the property was as a dry cleaner which falls within Use Class E of the UCO. Consequently, the proposed change of use from a dry cleaner to a nail and beauty salon would be permitted by Use Class E of the UCO and therefore, would not comprise development under s55(2)(f) of the 1990 Act.
17. For the reasons given above, I conclude on the evidence now available that, the Council's refusal to grant an LDC for a nail and beauty salon – Class E is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in s195(2) of the 1990 Act.

A Berry

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 21 May 2025 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"), for the following reason:

On the balance of probability, the previous use of the property was as a dry cleaner. A dry cleaner and a nail and beauty salon both fall within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended). Therefore, the proposed change from a dry cleaner to a nail and beauty salon would not comprise development under s55(2)(f) of the 1990 Act.

A Berry

INSPECTOR

Date: 25 September 2026

Reference: APP/N3020/X/25/3374147

First Schedule

Nail & Beauty Salon - Class E

Second Schedule

82 Front Street, Arnold, NG5 7EJ

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended) (“the 1990 Act”).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 25 September 2026

by A Berry

Land at: 82 Front Street, Arnold NG5 7EJ

Reference: APP/N3020/X/25/3374147

Scale: Not to Scale

