

Ms Kelly Scott  
Planning Enforcement  
Bromsgrove District Council  
Parkside  
Market Street  
Bromsgrove  
B61 8DA

5th October 2022

Dear Kelly

**7 Redhill Place, Hunnington, Halesowen, Worcestershire, B62 0JR**  
**Planning Contravention Notice**

I refer to the Planning Contravention Notice issued in respect of the above address, dated 3<sup>rd</sup> August 2022 but not served until the latter part of September 2022.

I am the planning consultant retained by the occupiers of 7 Redhill Place and you will recall that we met on site recently to discuss the way in which the outbuilding to the rear of the property is been used. With that in mind, I have been asked to clarify the nature of the business in the context of planning land use and I herewith provide this letter to accompany the completed Planning Contravention Notice (PCN). I would ask you to read this along with the answers contained within the PCN in order to gain a fuller understanding of its nature.

**Background and Nature of the Business**

During October 2021, I was asked by the landowners of 7 Redhill Place about whether they would require planning permission to use their outbuilding to the rear of their property as a homeworking, part-time hairdressing salon business.

I was advised that the outbuilding would be run solely by one of the occupiers of 7 Redhill Place and that any customer visits would be by appointment only. I was advised that appointments would be for, on average, between 2-3 customers per day, although on some days there would be no appointments at all. Most appointments would be Monday – Friday, with occasional appointments on Saturday and Sunday mornings. Most customers would be family/friends, and associated referrals. Appointments would also be within day time hours.

Given that there would only be one customer at a time, and one member of staff, the off-road car parking to the front of 7 Redhill Place would be utilised for any parking in association with this. There would be no noise or other disturbances caused over and above what one would expect with a normal residential property, where people often work from home. That is certainly the case post Covid-19 pandemic, where working from home has become the norm.

Based on the information provided, I did not consider that planning permission was required for the material change of use of the property. I remain of that view and, in doing so, I will set out my rationale as follows:

## Planning Law on Material Changes of Use

As you will be aware, there is no statutory definition of 'material change of use'. Case law has determined that whether a change of use has occurred or otherwise is linked to the significance of the change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is therefore a matter of fact and degree and this will be determined on the individual merits of a case.

Furthermore, the Government has produced useful Planning Practice Guidance (PPG) specifically on the matter of 'home working' and whether such activities require planning permission. PPG Paragraph: **014 Reference ID: 13-014020140306** states:

*"Planning permission will not normally be required to home work or run a business from home, provided that a dwelling house remains a private residence first and business second (or in planning terms, provided that a business does not result in a material change of use of a property so that it is no longer a single dwelling house)".*

**Paragraph 14** goes on to say:

*"Issues which they may consider include whether home working or a business leads to notable increases in traffic, disturbance to neighbours, abnormal noise or smells or the need for any major structural changes or major renovations".*

## Whether a Material Change of Use has occurred at 7 Redhill Place

Having witnessed how the occupier's home working business operates in practice, I must say that I remain strongly of the view that the overall planning unit continues to be a private residence first and foremost, with the business being only a very small-scale element. The use of the outbuilding in the garden as a 'by appointment' hair salon is no more intensive than say an Accountant or Planning Consultant running their business from a home office.

The owner of 7 Redhill Place is the sole person working within the hair dressing business operating from the outbuilding. There are no other employees, and she has been operating this since November 2021.

The questionnaire refers to operating hours. This question is rather misleading as there are no fixed hours of operation per se. The occupier will typically see between 2-3 customers per day on average from Monday to Fridays, and this will normally range from 4-8 visits during this week long period. Weekend appointments are typically 2-3 per day, and there is no working on bank holidays. Over the course of a 1 week period, this is a very limited number of appointments.

As the occupier runs this by 'appointment only', she is able to retain full control over when visits to the property are made. This ensures that there does not need to be a scenario where multiple customers are arriving at the same time.

Whilst most customers will drive to their appointment, the limited number of appointments and the fact that they are controlled by the occupier, ensures that there is no change in the character or nature of car parking at the property. Visitors will park in the front driveway of 7 Redhill Place, where there is plenty of space available for several vehicles. The character would therefore not change and would be no different than if a family or friend was visiting for leisure purposes. There is no scenario whereby customers will be forced to park on the public highways.

Furthermore, the nature of the business does not give rise to undue or abnormal levels of noise, smells or other neighbour disturbances. No mechanical machinery is used for the business, and customer visits do not cause disturbance through arrivals.

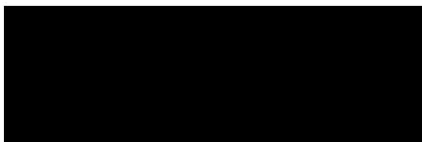
The building has been designed as a typical outbuilding/garden room and could easily revert back to that in the future if the owners so wish. The outbuilding does not have the appearance of a commercial building, rather its size, scale and appearance is incidental to the residential enjoyment of the house. There are no other features that would lead to the conclusion that the building or site has the appearance of a primarily commercial development.

Finally, I would make the point that some case law on this matter refers to the amount of floor space taken up by the business use, in trying to establish whether a material change of use has occurred. In this case, the outbuilding forms part of the overall primary residential use of the property. The use of the outbuilding forms well under 5% of the overall floor space taken up by the residential property. This must be considered 'de-minimus' in the context of the overall property and further points to the fact that no material change of use has taken place.

I trust this letter provides some further clarity to the answers provided on the PCN questionnaire and adequately demonstrates to you that this is nothing more than a typical home working business, and one that does not require planning permission. Rather, the property remains a private residence in the overall context.

I would be happy to discuss the nature and operation of the business further if it would assist. Otherwise, I would respectfully ask that your enforcement case on this matter be closed.

Yours sincerely



**Oliver Rider MSc MRTPI**  
**Director**

