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VIA PLANNING PORTAL

September 2023

Head of Planning
Babergh Council

Dear Sir/Madam,

**NO. 4 DAWES CLOSE, CAPEL-ST-MARY, IPSWICH IP9 2JQ
CLASS V BUILDING: USE AS A BEAUTY SALON AND/OR RESIDENTIALLY INCIDENTAL
BUILDING.**

We are instructed by our clients, **Mr and Mrs Perrin**, to submit an application for the erection of a single-storey structure to the rear of the above property.

We invoke Class V of the GPDO which reads as follows:

Class V – changes of use permitted under a permission granted on an application Permitted development

V. Development consisting of a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted

The two uses which we seek under the terms of this planning permission are as follows:

- **Use as a beauty salon (sui generis use);**
- **An ancillary structure to no. 4 Dawes Close as the principal dwelling.**

The proposed block plan shows a single-storey structure with a toilet and basin but otherwise open plan. It is proposed to be located to the rear of the garage and south of the house.

In terms of planning history the statutory planning register records an approval pursuant B/14/01553 for a single-storey side extension to the main property. This has been implemented.

Whilst not direct history in relation to the current application site we note that the applicant has recently moved four doors down the street and until recently they lived in Alpha, Dawes Close; see extract below with the current site outlined in red and a red cross to denote the previous site:



On 8th September 2023 they obtained planning permission for development described as follows:

Full Planning Application - Change of use of garage from commercial beauty salon approved under B/17/00156 back to residential for use as home office/hobby room ancillary to the main dwelling

We now track back the history to the establishment of the beauty salon facility at Alpha as essentially it is the same facility that is now proposed at this new address.

This was approved on 24th March 2017 pursuant to **B/17/00156/FUL/NLW** and was for development described as follows:

Conversion of existing garage to beauty salon and associated change of use from domestic to commercial

In terms of the original 2017 planning permission for the change of use the officer's delegated report stated, in part, as follows, **with our emphasis:**

Site and Proposal

Alpha is a detached dwelling, with detached garage, located on Dawes Close (a no-through road), Capel St Mary. The garage will be converted from residential (C3) into a beauty salon (Sui Generis), with minimal external works to the building. The garage door is to be replaced with a windows and door, no fenestration is proposed towards the neighbouring property. The site is screened by existing vegetation and fencing.

No employees, other than the applicant will work from the premises, with only one customer intended to be on site at any one time. The working hours have been restricted to 8am-8pm Monday to Saturday with no working on Sundays or Bank Holidays

In short the beauty salon at Alpha is effectively moving a few doors down the road with the applicants as they have recently moved house.

Whilst planning permission was recently granted in respect of Alpha to change the use of the beauty salon back to a residentially incidental building the local planning authority was reluctant to see it go and the reply from the economic development officer (during the determination of this application) read as follows, see below **with our emphasis**:

Economic Development & Tourism Comments Received - 22/08/2023

This property is a standalone property in commercial use, therefore the policy EM24 which seeks to safeguard employment land and uses remains relevant and other commercial uses should be considered prior to any loss. Whilst this is a small, contained unit it would have been helpful in this case, to explore potential interest through marketing in advance of this application.

I do accept that parking arrangements for the property are limited and there would, therefore, be challenges in this premises being utilised for a commercial use by any person other than the residential occupier, I am also in agreement that the property should be in a use ancillary to the residential to avoid issues of conflicting amenity. Whilst this isn't currently the case, I would strongly recommend that any future use should be ancillary to the dwelling.

Noting that in the event that, permission is achieved for it , there is a stated intention to replicate this service at an adjacent property, I accept that in this case there would not be an overall loss of service to the community, simply that there would be no opportunity for a further offer from this current premises.

Should it be decided that period of marketing is appropriate for this property then this should be agreed with the Economic development team. It would be at an agreed price, with a board and presence on marketing sites, a monthly report on the marketing experience should be provided to the Economic Development team to include detail of any interest and offers

In addition the officer's report went on to state as follows:

Although there is an aspiration stated within the Planning Statement to relocate the business to a purpose-built premise at another nearby residence on the same street to continue to serve the village. This application does not supply any further details of that prospect to consider that a realistic relocation, and there is no mechanism to control by planning the continuation of the employment site elsewhere

Assessment

This application seeks a flexible planning permission under Class V for the two uses as described.

We start with the built form.

The built form is modest and tucked at the back of the garage and we note that the 2014 planning permission did countenance an extension to the property in close proximity to the proposed location of the beauty salon (and residentially incidental building).

The structure is set back from the road (which is private in any event) and tucked in a discreet position alongside the garden fence.

The fence separating the two curtilages is notated on the plans as being 1.8 metres in height and the height of the flat roof structure as proposed is 2.84 metres at its highest point and sloping down to 2.72 at the point closest to the fence yet the structure is set back from the fence by 2 metres.

In addition to this, and as context, we note that Class E permitted development rights do allow residentially incidental buildings of up to 4 metres in height with a dual pitched roof and so the proposal is well within these tolerances as a guide to what can be acceptable within a residential curtilage.

In terms of the use the residential incidental use sought under Part V clearly needs little justification as such buildings are most common and in this case permitted development.

In terms of the beauty salon use we make a number of points.

The original planning permission for the beauty salon at Alpha (**B/17/00156/FUL/NLW** March 2017) was the subject of the following condition:

3. ON GOING REQUIREMENT OF DEVELOPMENT/USE: RESTRICTION ON OPERATION TIMES

The hereby permitted development/use shall only operate between the hours of 08:00 and 20:00 Mondays to Fridays and between the hours of 08:00 and 20:00 on Saturday. There shall be no working on Sundays and Bank Holidays. There shall be no deliveries to the development/use arranged for outside of these hours.

Reason – To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity

We have no objection to a similarly worded condition being added to any consent granted.

In addition the local planning authority is keen to see the employment use reinstated and this was the basis for the long delays in the determination of the most recent application at Alpha as cited.

The local planning authority accepted that it could not condition the re-provision of the facility on another site and went on to determine the application on its merits, however, we did state that the use was to be re-provided and this current application is to facilitate that re-provision.

Without it of course the beauty salon use could not be provided on the new site.

The re-provision is therefore entirely in accordance with the wishes of the local planning authority's economic development team.

With regard to history, the very same use has been established along the street.

It is the same applicant and business owner and to a point, therefore, the same clientele (albeit this will always vary with time).

The business has been shown to be a low-key use and acceptable in terms of residential amenity.

The very nature of the use relies on a quiet and relaxing environment: treatments are by appointment only with one customer at a time and gaps between appointments to prepare the salon.

We cannot see how its new home at no. 4 Dawes Close would give rise to any new issues that were not experienced at Alpha, where the use was permitted, established and there was a reluctance to see it go.

The car parking will be to the front of the building and there is parking provision in the garage and in the gravel drive in front of it.

The available space for car parking is greater than the space previously available at Alpha and the site plans extract shown above illustrates this.

For these reasons and with particular regard to the planning history at Alpha the application is to re-provide an established use which has long since existed along the same street without any issues of residential amenity or any other planning harm arising.

The contribution made to the local economy by this low-key use will be retained via the granting of this permission and its subsequent implementation.

The Class V approach is to give the applicant flexibility at any time in the future.

Ian Coward from these offices is dealing with this matter.

Yours faithfully

Collins & Coward
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