DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H06-0150-21**	**Applicant:**	**Ms M Church**
Proposal:	Change of use of garden room/potting shed into hairdressing room		
Location:	Figaro Stonegate Gedney		
Terminal Date:	13th April 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks full permission for change of use of garden room/potting shed into hairdressing room at Figaro, Stonegate, Gedney, Spalding.

Site Description

The site is within the built-up area of Gedney. The area is purely residential. Stonegate is ribbon development extending to the south-east of the historic core of Gedney.

The properties in the vicinity are individually-designed detached dwellings in spacious plots. There is a certain variety of housing types, designs and appearances on the street scene.

Figaro is a fairly large bungalow built circa late 1990s. The driveway is slab paved and runs in parallel with the southern site boundary. This area is spacious to accommodate several cars.

The garden room/potting subject to this application is a large detached outbuilding with a garage door onto the driveway. There is a similar unit beyond the fence which is positioned side-to-side with the building of this application.

History

None.

Consultation Responses

SHDC Environmental Protection Officer

No objection.

Gedney Parish Council

Supports this application.

LCC Highways/SUDS Authority

No objection.

SHDC Environmental Health

No objection.

Planning Considerations

Principle of development

The site is within the settlement boundaries for Gedney as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The principle of change the use of a domestic outbuilding for a home-based business is acceptable subject to further material planning considerations.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The outbuilding subject to this application is set back approximately 34.20 metres from the highway and slightly separated from the southern site boundary. The land between the public road and the

outbuilding is a slab paved driveway.

The rear part of the outbuilding would be converted into the proposed hairdressing. There is currently a room that amounts to 11.20 square metres approximately. A white UPCV single panel door provides access to it from the garden. A standard sized window is on the rear wall and provide further daylight indoors.

The remainder of the internal floorspace would remain as a garage. This proposal does not entail any external alteration. Internally, a wall would be erected to form a small toilet for business clients. On balance, the proposed change of use would not represent any significant alteration that would harm the fabric of the building, either externally or internally.

Residential amenity

Paragraph 127 of National Planning Policy Framework (2019) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The sought hours of opening for the hairdressing room would be 9am to 6pm Tuesday to Friday, 9am to 4pm on Saturday. The clients would come to the premises on an appointment basis. The scale of the internal floorspace is such that it would not allow numerous clients at one time. The applicant will be self-employed. No additional staff would work for the hairdresser business. SHDC Environment Health Officer has been consulted and no objection has been raised to the proposal in terms of noise pollution.

Overall, the use intensity of this home-based business would not be excessive to the extent which residential amenity of other neighbours in the area would result undermined in unacceptable terms.

Car parking provision

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class.

Class uses in Appendix 6 are based on the Town and Country Planning (Use Classes) Order 1987 (as amended) prior to the last amendment on 1 September 2020.

In accordance to that, a hairdresser would be Class A1 (Shops). As such, the Appendix 6 requires at least 1 car parking space per 14 square metres. The amount of floorspace subject to the change of use falls below this amount. 1 car space can be easily accommodated in the existing driveway.

Planning Balance

The principle of developing a home-based business in a dwellinghouse is acceptable subject to further material consideration in planning terms.

The outbuilding where the hairdressing room is intended appears well separated from the dwellings in the vicinity. The proposal would not represent any significant alteration that would harm the fabric of the building, either externally or internally.

The hours of openings for the business would not lead to any intense use with significant impact upon the residential amenity by reason of noise and disturbance.

The existing drive area within the property can easily accommodate additional cars associated with the proposed small-scale business.

On balance, any adverse impact of granting permission would not significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Taking into account the above, this application accords with Policies 1, 2, 3, 30, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Section 12 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this application via delegated powers.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.