

September 2024



PLANNING STATEMENT

388 Bradley Road, Bradley

Use of part of garden building as a hair salon
within the curtilage of a residential dwelling
house to facilitate work-from-home



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1.0 INTRODUCTION

- 1.1 This Planning, Design and Access Statement has been prepared by Urban Future Planning Consultancy Ltd on behalf of the Applicant, to accompany a planning application seeking consent for the use of part of an existing garden outbuilding for a hairdresser within the curtilage of a residential dwelling house to facilitate work-from-home at 388 Bradley Road, Bradley. This Statement should be read in conjunction with the accompanying plans and other supporting documents and information submitted alongside the application.
- 1.2 As of 2023, 44% of the UK workforce work from home at least some of the time, whether that be through a hybrid working model or full-time remote working¹. The Applicant has been a hairdresser serving a local clientele for several years. The Applicant is however looking to scale back the activity and revert to a part-time basis given recent familial commitments. Maintaining a self-contained commercial premises on a part-time basis only however would not be viable and as such, the Applicant seeks to operate a smaller home-based business. There are many examples across the UK of such activity, including within the Kirklees local authority. As demonstrated in Appendix 1, the Applicant sought informal advice regarding the proposed use in 2022 and was told that planning permission would not be required.
- 1.3 This application is a resubmission of a recently refused application (LPA ref no. LPA Ref no. 2024/91977 dated 19th July 2024 and refused consent on 12th September 2024). The Council cited one refusal reason relating to potential noise disturbance. As a result, the proposed operating hours have been modified and the Applicant has instructed a qualified Acoustic Consultant to undertake a Noise Assessment appropriate for the proposed development. This assessment now accompanies the submission.
- 1.4 This application is accompanied by additional justification and a clear explanation of the proposed use and reference is made to relevant appeal case law where applicable. Only a section of the existing garden building would be utilised for occasional hairdressing, more details of the ancillary nature will be set out subsequently.

¹ What is Hybrid Working? A Guide to the Future of the Workplace: <https://www.peoplehr.com/en-gb/resources/blog/what-is-hybrid-working/#:~:text=As%20of%202023%2C%2044%25%20of,to%20drop%20any%20time%20soon.>

1.5 This Statement will show that the proposed conversion is acceptable and complies with local and national planning policy whilst bringing about a number of other benefits. The following sections describe the site and its surroundings and the proposed development. The relevant local and national planning policy context is then set out before an assessment of the proposal. The Statement concludes that planning permission should be granted.

2.0 SITE & SURROUNDINGS

2.1 The application site relates to a detached bungalow sat within a generous plot, with plentiful garden/amenity spaces provided to the rear and off-street parking provided within the multi-vehicle driveway to the front of the property. The application site is located along a main road (the A6107), within a readily accessible and highly sustainable location. The surrounding area is considered 'mixed use' in nature, with residential dwellings to the east and west, Bradley Park Golf Course & Driving Range located to the north and Pennine Business Park to the south. As shown below, there are business premises directly opposite the site. The application site is not located within a Conservation Area or located in close proximity to any Listed Buildings.



Figure 1. The property sits within a large plot, directly opposite commercial premises and along a main road



Figure 2. The detached property sits within a generous sized, spacious plot

Planning History

- 2.2 Planning permission was previously granted at the site for the partial demolition of the existing dwelling and erection of replacement dwelling (LPA ref no. app ref: 2023/92759).
- 2.3 LPA ref no. 2024/62/90817/W sought consent for the change of use of the existing garden building to create a mixed use hair salon to facilitate working from home and residential annex with formation of guest parking spaces. Consent was refused in June 2024.
- 2.4 LPA ref no. LPA Ref no. 2024/91977 sought consent for the change of use of part of outbuilding to hairdressers and was refused consent on 12th September 2024.



Figure 3. The garden building; part of which is to be utilised for a work from home hairdressers

3.0 PROPOSED DEVELOPMENT

- 3.1 Consent is sought for the partial use of a section of the existing garden room as a work from home hairdresser within the residential curtilage of the application site (in conjunction with the owner of the host dwelling). Only one person would be working from the premises (the Applicant) and a maximum of two clients would be on site at any one time (only if there is a crossover between the appointments of two different customers).
- 3.2 The services provided vary but will primarily involve specialist treatment (such as colouring) taking around half a day and therefore only entailing two customer visits per day. Other more regular treatment (such as blow and dry) would result in 3-4 customer visits over the course of a working day.
- 3.3 The accompanying planning application form sets out the earliest start and latest finish time of the proposal – it will not however be in operation across all of these times. The typical hours of operation are listed below but to provide flexibility to customers, the hours set out in the application form represent the earliest and latest finishes:
- Wednesday 10am – 4pm
 - Thursday 11am – 7pm
 - Friday 10am – 6pm
 - Saturday 9am – 3pm
- 3.4 The accompanying proposed site layout plan sets out further on the size and location of the outbuilding as well as the proposed access.

4.0 RELEVANT PLANNING POLICY

4.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). The Kirklees Local Plan was adopted on 27 February 2019. The Local Plan is now the statutory development plan for Kirklees and has superseded the Kirklees Unitary Development Plan. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) sets out the Government's planning agenda and is also of relevance.

Kirklees Local Plan

- 4.2 **Policy LP1** of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. **Policy LP2** sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.
- 4.3 **Policy LP13** of the Kirklees Local Plan states that within Kirklees, main town centre uses shall be located within defined centres (principal centres, town centres, district centres and local centres), as shown on the Policies and Town Centre maps.
- 4.4 Local Plan Policies **LP21 and LP22** seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking.
- 4.5 Local Plan Policy LP24 Design of the Kirklees Local Plan states that the form, scale, layout and details of all development should respect and enhance the character of the townscape, heritage assets and landscape and provide a high standard of amenity for future and neighbouring occupiers.

National Planning Policy Framework (NPPF)

- 4.6 NPPF Paragraph 11 outlines a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.
- 4.7 Chapter 7 of the NPPF relates to ensuring the vitality of town centres. It outlines that planning decision should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. The NPPF goes on to say that Local Planning Authorities should apply a sequential test to planning applications which are for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre locations be considered. It states that if edge of centre or out of centre proposals are to be considered, preference should be given to accessible sites which are well connected to the town centre.
- 4.8 Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.9 The general perspective from the NPPF is that planning should proactively drive growth and support sustainable economic development. It also states that planning should make effective use of land by reusing land that has been previously developed and sets out a presumption in favour of sustainable development. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

National Planning Policy Guidance (NPPG)

- 4.10 According to NPPG, the sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre.

5.0 PLANNING APPRAISAL

5.1 The purpose of this section of the Statement is to identify and assess the main planning considerations raised by the application proposals in the context of relevant national and local planning policy and guidance. The key issues are;

- the principle of the development, having regard to the provisions of the adopted Development Plan and national planning policy and guidance;
- the effect of development on residential amenity
- the effect of development on the local highway network.

5.2 Each of these matters is considered below.

The principle of development

5.3 As set out previously, this application is a resubmission of a recently refused application however it would appear that there was some confusion in understanding the type of development being proposed insofar as the Council made an incorrect reference to the requirement for a sequential test. As shown on the revised plans, only a section of the existing garden building would be used for a work-from-home hairdressers and it would be utilised by the Applicant only i.e. only one member of staff, thus clearly ancillary to the main dwelling. The proposed use is no way akin to a high street beauty salon.

5.4 The LPA recently permitted LPA ref no. 2024/62/91038/E for the change of use of garage to hair salon at 17 Lynfield Drive, Hightown in almost identical circumstances to the application proposal. The Case Officer made the following comments within the Officer's report, which are applicable in this instance:

"The applicant has submitted a planning statement alongside their application which outlines that the proposed development would be operating on an appointment only basis, specifically for friends and family. There would be a 30-minute interval between patients. It also outlines that the reason the applicant has chosen to start up a business in their property is because of the environmental impact of travelling to work and how they believe it will be beneficial to their mental wellbeing. Whilst a sequential test would normally be required for a development of this nature, the

proposed salon is small in scale and is marketed towards friends and family rather than members of the public. The proposed beauty salon is to be erected within the curtilage of the existing domestic dwelling, operated by the occupier and would be small in scale. In turn, creating a mixed-use site where the beauty salon is read in conjunction with the residential dwelling. Furthermore, the scale of development is such that it is unlikely a town centre location would be a viable alternative. It is considered that the submitted detail allows for the Local Planning Authority to determine this case, having regard to Policy LP13.”

- 5.5 Like the above case, only one person would be working from the premises (the Applicant) and a maximum of two clients would be on site at any one time (if there is a crossover between the appointments of two customers). The services provided vary – with some specialist treatment (such as colouring) taking around half a day and therefore only entailing two customer visits per day. Other more regular treatment (such as blow and dry) would result in 3-4 customer visits.
- 5.6 It is noted that the Council permitted LPA ref no. 2024/62/91038/E and cited ‘family and friends’ which is similar to the application proposal notwithstanding customer restrictions cannot be controlled by condition.
- 5.7 In a recent appeal decision (APP/G2245/C/18/3215848) relating to land at Wild Wood, 15 Green Court Road, Crockenhill, Swanley, Kent, BR8 8JG, the Inspector assessed whether there had been a breach of planning control as alleged in the notice as unauthorised operational development, being the erection of an unlawful building for the use as a hair and beauty salon and made the following comments, of relevance also to this proposal:

“This ground of appeal is that the breach of planning control has not occurred as a matter of fact. The onus of proof rests on the Appellant and the test of evidence is the balance of probabilities.

5. The parties disagree as to whether the use of the building for part of the week as a hair and beauty salon comprises a material change of use to a mixed use of residential and use as a hair and beauty salon requiring planning permission. The Appellant’s argument is that this change of use has not occurred because use as a salon remains ancillary to the primary residential use.

6. The lawful use of the planning unit is residential. Whether there is a material change of use of land is a matter of fact and degree to be assessed in relation to the specific circumstances in each case. In considering whether a particular use is ancillary it is necessary to look at the overall nature of the use and determine if there is some significant difference in the character of activities undertaken from what has gone on previously. The test to be applied in determining whether a material change of use to a mixed use of residential and beauty and hair salon has occurred is

whether the overall character of the planning unit has changed as a result of the business.

7. The Appellant says that the outbuilding is used as a hair and beauty salon three days a week (Thursday, Friday, Saturday) for a maximum of 19 hours a week between the hours of 09.00 and 19.00. The salon is operated by the Appellant's daughter and there are no other employees. She says that the business accommodates an average of 6 clients per day. She says that for the rest of the time the outbuilding is used as a home office/crafting/play space incidental to the primary residential use of the main dwellinghouse.

8. I visited the property at a time when it was laid out and being used as a salon. It comprised two salon chairs in front of mirrors and one beside an area for washing hair, a welcome desk, a wc, kitchenette with sink and kettle, a room laid out with a massage bed for beauty treatments and a room being used for storage.

9. The Appellant's evidence does not need to be independently corroborated in order to be relied on. The evidence produced by the Council does not in my view cast serious doubt on the Appellant's version of events. The fact that the online booking system can make appointments outside the stated hours of business and that a customer has identified that services were provided by more than one person is not determinative of the intensity of use of the site and I have no reason to doubt the explanations provided by the Appellant. There is no traffic evidence or neighbour complaints about adverse highway implications before me to suggest that the use has given rise to an increase in traffic and I note that the front driveway can accommodate a number of parked cars. Whilst I note the reference by some neighbours to the potential for cars to park in the rear garden this is not proposed. Hairdressing and beauty services are not unusual in a residential area and I note that the Planning Portal specifically refers to hairdressing as potentially comprising an ancillary use at a residential property. The fact that the salon is a home business does not mean that the use automatically requires planning permission. The test to be applied is whether the use has become a primary use and changed the overall character of the planning unit.

10. Whilst I note the concerns of local people and the Parish Council I am not persuaded on the evidence before me that there is an overall change in the character of the land by virtue of its use for part of the week as a salon. On the evidence before me I conclude that the mixed use cited in the notice has not occurred as a matter of fact."

5.8 The above appeal decision is clearly applicable in this instance. Moreover, as set out earlier, the Applicant seeks to continue her profession but in the form of scaled down home-based-business. Home-based businesses account for a vital proportion of the UK economy and over 60% of new businesses are started at home according to figures released by HMRC. The general perspective from the NPPF is that planning should proactively drive growth and support sustainable

economic development and the application scheme would clearly be supportive of this. Permitting the proposal will not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of its approval. The proposal is clearly ancillary to the dwelling house and therefore a sequential site assessment is not required and there is appeal case law to confirm this.

- 5.7 On this basis, the proposal receives support from the development policies of the adopted development plan and the NPPF advises that proposals which accord with the development plan should be approved without delay. The NPPF instructs that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole or its specific policies indicate development should be restricted. The scheme will clearly deliver beneficial sustainable development that should be granted planning permission and it will not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of its approval. This is confirmed in the following assessment of the detailed material considerations relevant to the scheme.

Residential Amenity

- 5.8 Whilst the Council's previous concerns are noted, there was clearly a misunderstanding in the nature of the proposed use. As set out in Section 2, the application site is located along a main road (the A6107), within a readily accessible and highly sustainable location. The surrounding area is considered 'mixed use' in nature, with residential dwellings to the east and west, Bradley Park Golf Course & Driving Range located to the north and Pennine Business Park to the south. There are business premises directly opposite the site. Given the site located along a main road, there is much traffic at most times of the day. Any activity generated by a sole-trading hairdresser with one customer attending the site any one time would be indistinguishable from the already higher than average levels of activity already seen in the locality i.e. from the business premises adjacent the site. **In fact, the Council's Environmental Health consultee assessed an earlier submission and did not object to the proposals.**
- 5.9 it is acknowledged that when the salon is in use, it would remove an element of privacy within the residential garden for the occupiers of the Applicant's dwelling house, as any customers coming and going from the site would need to access the outbuilding through the rear garden of the applicant's property. Thus, a condition could be attached to ensure that the use of salon is restricted to the outbuilding only and that it is used in connection with the applicant's dwelling house and not to be sold as a separate business. This would prevent the proposed use from expanding / becoming more than a 'home business'. It is considered that given the proposal is for a small-scale nature hair salon, the potential impact upon the amenity levels of neighbouring properties would not be significantly affected, as was the case within LPA ref no. 2024/62/91038/E.
- 5.10 Other restrictions can be attached by condition relating to hours of use to ensure that the proposed use does not operate on Sundays and Bank Holidays. The equipment being used by the Applicant is typical small-scale equipment (such a hairdryer) that is not noise generating.
- 5.11 Furthermore, the Applicant has instructed a qualified Acoustic Consultant to undertake a Noise Assessment appropriate for the proposed development. This assessment now accompanies the submission and concludes there would be no significant impact on residential amenity.

5.12 It is noted that at 7 Lynfield Drive, Hightown, Liversedge as shown below, the Council have enabled the use of the domestic garage for a hairdresser at a semi-detached dwelling sat within a high-density suburban area (LPA ref no. 2024/62/91038/E). This arrangement currently involves clients walking down the driveway (with no boundary treatment separating the property from its neighbour) and as such, customers walk directly past the neighbour's kitchen window at a distance of 1.5m away, yet the LPA did not raise concern. The application property on the other hand is sat within its own plot, completely discreet and would be out of sight and the arrival of customers would not be perceived from neighbouring properties.



Figure 4. At 7 Lynfield Drive, Hightown, Liversedge as shown below, the Council have enabled the use of the domestic garage for a hairdresser at a semi-detached dwelling.

Highways

5.13 At the time of the previous application, the Council's highway officer raised no objections. The property benefits from a large driveway and would not require the use of on-street parking. The proposed home hairdressers would have no employees (other than the self-employed Applicant) and therefore no travel to and from the site from staff. Servicing requirements would also be minimal and undertaken as part of the weekly shop or by visiting suppliers once a month using the Applicant's car. In these respects, the proposal would be no different to many home businesses. As the proposal is offering a personal service, there would be limited customer visits to the site. This service is however on a part-time basis and on a restricted number of days and during normal day time hours. There would usually be a single customer on the site, staying for at least an hour. They would be served by the Applicant and given the nature of the treatment being offered, between 3-4 customer movements would take place in a day. In a residential area, this level of activity across a day would not be noticeable, even if they all used a vehicle to come to the site. Based on the limited floor area and the lack of employees, an intensification of the use would also not occur from a highways perspective.

6.0 CONCLUSION

- 6.1 This Statement has justified the merits and acceptability of the proposed the use of part of an existing garden building as a hair salon within the curtilage of a residential dwelling house to facilitate 'work from home' at 388 Bradley Road, Bradley. It has clearly been demonstrated that the proposal will have a negligible impact on highways and amenity whilst there is relevant Case law and other decisions that illustrate such uses are ancillary.
- 6.2 The NPPF states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and that decision-makers at every level should seek to approve applications for sustainable development where possible.
- 6.3 Should further information be required or to discuss the acceptability of conditions, the LPA is kindly requested to make contact with Urban Future Planning Consultancy.