KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2025/62/91035/E**
Site Address:	Heather Lodge, Penistone Road, High Flatts, Huddersfield, HD8 8XY
Description:	Change of use of garden room to beauty salon
Recommending Officer:	Elenya Jackson

DECISION – Full Conditional Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 25-Jun-2025

Officer Report.

Reference: 2025/91035

Location: Heather Lodge, Penistone Road, High Flatts, Huddersfield, HD8 8XY

Proposal: Change of use of garden room to beauty salon

Site Description.

The site is a residential dwelling which is located approximately 1 km south of Birds Edge within an area which is allocated as Green Belt in the Kirklees Local Plan.

The area immediately surrounding the site is predominantly agricultural in nature with widely separated residential properties and farmsteads.

The site is located in both a high and low risk coal area.

The site previously had permission for an extension to the host dwelling and the erection of an outbuilding which is the subject of this application.

Description of Proposal.

The proposal is for the change of use of a garden room to a beauty salon with no external alterations. However, the outbuilding has been erected with a different visual appearance to the previously approved scheme as there is an additional door on the western elevation and fewer windows on the principal elevation of the dwelling.

Hours of opening will be 09:00-20:00 Wednesday to Friday. The business will not operate on Monday, Tuesday, Saturday Sundays or on Bank Holidays.

The supporting statement states that the proposal would serve a maximum of four clients a day with a 1 in 1 scenario and no waiting room on site.

Relevant Planning History.

2024/92667 - Demolition of existing porch, side and rear extensions and outbuildings, and erection of two storey rear extension, single storey side extension and detached garden room - Conditional full permission.

History of Negotiations/Amendments Received.

No amendments were sought or submitted.

Representations.

Final publicity date expired: 7th June 2025 -no representations were received.

Consultation Responses.

KC Highways Development Management – Given the small scale of the proposal, and that on average there will be just 4 clients per day, Highways Development Management have no objection.

However, they recommend that a condition be imposed to set out that the beauty salon hereby approved shall be used by the owner/applicant only and shall not be sold or rented out separately.

Policy.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is located within the Green Belt

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP13 – Town Centre Uses
- LP21 – Highway Safety and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity
- LP52 – Protection and Improvement of Environmental Quality
- LP60 – The re-use and conversion of buildings

Supplementary Planning Documents:

Kirklees Council's Highways Design Guide SPD (2019).

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material planning consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 6 – Building a Strong, Competitive Economy
- Chapter 7 – Ensuring the Vitality of Town Centres
- Chapter 12 – Achieving Well-Designed Places
- Chapter 13- Protecting Green Belt Land
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment

Assessment.

The following matters are considered in the assessment below:-

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other Matters
5) Representations
6) Conclusion

1. Principle of Development

Policy LP1 of the Kirklees Local Plan states that when considered development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

The proposal is to change the use of a garden room to a beauty salon. The Use Classes Order has been updated in 2021 and whilst previously, there was some ambiguity over the use as a beauty salon whereby the use was considered to be a sui generis use, the updated Use Classes Order now includes Class E, specifically E(c)(iii), which covers the provision of “other appropriate services in a commercial, business or service locality.”

In this case however it is considered the use would be in connection with the existing dwelling and as such the whole site would constitute a mixed-use site. It is considered separating the residential / beauty salon uses could harm the viability and vitality of Local Centres and may not be in the interests of highway safety. Given this, it is recommended in this specific case, that a condition be imposed restricting the permitted use to that applied for (beauty salon) and that the beauty salon use is undertaken in conjunction with the residential use of the dwelling. This would accord with Policy LP24b, LP13, LP21 and LP52 of the Kirklees Local Plan.

Policy LP13 of the Kirklees Local Plan and Chapters 6 and 7 of the NPPF are of relevance as this would be considered as a main town centre use. LP13 of the Kirklees Local Plan states for small scale proposals in non urban areas, a sequential test will not be required. It is considered that as the development

would have a footprint of less than 150 sqm and would serve a maximum of 12 clients a week, these parameters are applicable in this instance.

Therefore, a sequential test is not considered to be necessary and the LPA is able to determine this application in the absence of a sequential test in this case.

This is concluded on the basis the proposed beauty salon is to be erected in the curtilage of the domestic dwelling, operated by the occupier. In turn, creating a mixed-use site when 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. Therefore, in this instance, it is considered unreasonable for the Local Planning Authority to require a sequential assessment of alternative sites and it is concluded that material considerations are present in this case which allow for the LPA to determine this case, having regard to policy LP13.

Chapter 6 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Therefore, in this case, on a very small scale, the proposed change of use complies with the aims of Paragraph 86 of the NPPF, resulting in the creation of a very small beauty salon business at Heather Lodge, High Flatts.

LP60 of the Kirklees Local Plan refers to the conversion of buildings and states that the structures should be of permanent construction, not introduce incongruous domestic or urban characteristics into the landscape. It is considered that the proposal would meet this criteria as there are no external alterations proposed to facilitate the development.

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF are relevant in terms of the impacts of the proposal on the amenities of neighbouring properties and the street scene.

In this case, the principal of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, regarding supporting businesses, balancing the vitality of local centres whilst preserving amenities of neighbouring residents, as well as highway safety.

1. **Impact on Visual Amenity**

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states: *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:
"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…' The proposal does not, in itself, involve any exterior changes to the existing outbuilding at Heather Lodge, Penistone Road, High Flatts, Huddersfield, HD8 8XY.

There are no external alterations proposed to the building. However, altering the use has potential to affect the character of the area. In this instance though, given the low scale nature of the beauty salon proposed, with the application form confirming that this would have one staff member and one customer at a time, the use is not considered to have any significant implications in terms of the character of the area.

Having taken the above into account, the proposed change of use to beauty salon would not cause any significant harm in terms of visual amenity thereby complying with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the NPPF.

2. Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *"…maintain appropriate distances between buildings'* and *'…minimise impact on residential amenity of future and neighbouring occupiers."* Policy LP52 states that proposals which have the potential to increase pollution from, amongst other things, noise must include suitable and sustainable mitigation measures to protect the quality of life and well-being of people.

Further to this, the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users and that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health by (amongst other things) mitigating and reducing to a minimum potential adverse impact resulting from noise.

The site is located in the Green Belt with no immediately adjoining neighbours., The potential impact on the neighbours as a result of changing the use of the garden room to a beauty salon would be from customers visiting the site and any potential noise disturbance.

Although a beauty salon is not, by its very nature, a noisy use, to protect the amenity of nearby sensitive receptors from noise generated by customers arriving and departing, conditions are recommended to be imposed to restrict the hours of opening and to restrict the number of customers on the site at

any one time. This would prevent noise and disturbance from comings and goings at unsocial hours.

Secondly, as no information was provided regarding any background music that may be used at the proposed beauty salon, and that amplified music at the premises could give rise to loss of amenity to sensitive receptors at neighbouring properties, a condition is recommended to be imposed to ensure inaudibility of any amplified music. However, it is important to note that, the end use as a beauty salon, is not, by its very nature, a noisy use.

Although the proposed use as a beauty salon has the potential to give rise to odours, the scale of the proposed business and the distance of the garden room from neighbouring properties works to ensure that no detriment of odour pollution will be caused for the occupiers of the neighbouring dwellings.

Therefore, with the inclusion of several conditions related to noise pollution and restricting the use to that applied for, the change of use would comply with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 12 and 15 of the NPPF. This is because, the change of use, under the imposed conditions, would cause no detriment to the occupiers of dwellings located in close proximity, most importantly with an application of this nature, cause no detriment in terms of noise disturbance.

3. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highways Design Guide SPD, which seeks to ensure acceptable levels of off-street parking, is also relevant.

The application form confirms that treatments would be on a 1:1 basis. The beauty salon will not have a waiting area to allow more than one permission at any given point. No other areas within the property would be used for the business.

An average of 4 clients per day is anticipated.

There is off-street parking for more than 2 vehicles on the existing driveway to the front of the property.

Upon consultation, KC Highways Development management confirmed that they have no objection to this proposal, given the small-scale of the proposals and that, on average, there will just be 4 clients per day.

In the interests of highway safety a condition is suggested to be imposed so that the business is used only by the owner/applicant and not sold or rented out separately.

Therefore, for these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Paragraph 111 of the NPPF.

4. Other Matters

Climate Change:

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. It would provide a local facility that nearby residents could access without the use of a car and is in an area where there are good public transport links. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

5. Representations

No representations were received.

6. Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve
Decision Authorisation – Delegated Powers
Application Number: 2025/91035
Officer Recommendation: Approve

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
   Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2 of LP13 of the Kirklees Local Planand Chapters 2, 6, 7, 12,13 14 and 15 of the National Planning Policy Framework.

2. The use of the outbuilding as shown outlined in red on the submitted location plan (ref: 311-25-PL01) as a beauty salon shall be undertaken solely by a permanent resident of Heather Lodge, Penistone Road, High Flatts, Huddersfield, HD8 8XY.
   Reason: In the interests of highway safety, residential amenity and the viability of local centres to accord with policies LP13, LP21, LP24 & LP52 of the Kirklees Local Plan and policies within Chapters 7 and 12 of the National Planning Policy Framework.

3. The use of the outbuilding as shown outlined in red on the submitted location plan (ref: 311-25-PL01) shall be used for no purpose other than as a beauty salon and/or incidental use to Heather Lodge, Penistone Road, High Flatts, Huddersfield, HD8 8XY.
   Reason: To ensure the development does not cause noise and disturbance to neighbouring properties in the interest of amenity, to preserve the vitality and viability of town centres, in the interests of highway safety to comply with the aims and objectives of policies LP13, LP21, LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 7, 12 and 15 of the National Planning Policy Framework.

4. Noise from amplified and non-amplified music at the premises shall be controlled so as to be inaudible at nearby residential premises. Inaudibility being defined as:
   - If the LAeq, (1min) (of the music etc. noise) is not greater than the LA90 (of the background with no music etc. noise); and
   - If the L10 (5min) (of the music etc. noise) is not greater than the L90 (of the background with no music etc. noise) in each 1/3rd octave band between 40Hz and 160Hz.

   Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

5. The outbuilding as shown outlined in red with grey hatching on the submitted location plan (ref: TQRQM22319131658142), shall not be

open to customers outside the hours of: 09:00-20:00 Wednesday to Friday and at no time on Mondays, Tuesdays, Saturdays, Sundays or Public Holidays

Reason: To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Inaudibility Footnote:
A simple "sound check" can be carried out outside the nearest noise sensitive property by listening to the music etc. coming from the application premises. If the music etc. is clearly audible, then it is likely that this condition is being breached. Therefore, steps should be taken to reduce the level that the music etc. is being played at.

Contact Note:
It is recommended that prior to development commencing the applicant should contact the Health and Safety Team of Environmental Services to discuss health and safety requirements, including the possible need for Registration. The Health and Safety Team can be contacted on 01484 221000 (ask for the Health and Safety Team) or by email at healthandsafety@kirklees.gov.uk.

Note: The outbuilding hereby approved under planning application 2024/92667 does not appear to align with what has been constructed on site. Any unauthorised works/amendments should be regularised via either a non-material amendment or Section 73 variation application.

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	30.04.25
Location Plan	311-25-PL01		30.04.25

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought or submitted.