

Development Management Delegated Decision Report

B/21/0357



SUMMARY OF APPLICATION

Application Reference	B/21/0357		
Application Type	Full Planning Permission		
Proposal	Proposed detached beauty studio		
Location	7, Hipper Lane, Wigtoft, Boston, PE20 2PY		
Applicant	Miss Melissa Grimwood		
Agent			
Received Date:	26-Jul-2021	Consultation Expiry Date:	21-Sep-2021
Valid Date:	11-Aug-2021	Statutory Expiry Date:	06-Oct-2021
Date of Site Visit:	30-Sept-2021	Extension of Time Date:	---
Objections received?	None		
5 day notification record: Not applicable			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	REFUSE Planning Permission		
Report by:	Simon Eldred		
Date:	4 th October 2021		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site is located on the southern side of Hipper Lane, Wigtoft and contains (from north to south) a gravel-surfaced parking area, a semi-detached, two-storey dwelling (with attached single-storey elements at its rear), and a rear domestic garden containing various outbuildings.

The immediate area contains four other dwellings, but the site's surroundings are generally rural in character – farmland, an agricultural yard, and commercial glasshouses. Hipper Lane is a relatively narrow highway, is not street-lit, has no footpaths, and is subject to a 60MPH speed limit. The Lane widens in front of the application site and the neighbouring dwellings, providing opportunities for on-street parking.

DETAILS OF PROPOSAL:

Planning permission is sought for the erection of a single-storey building approximately 6m to the south of the dwelling's rear wall, and for its use as a beauty studio. The proposed building will measure 3.6m x 2.5m in plan, and will stand 2.14m-high at the higher end of its mono-pitch roof. It will have wooden walls, a roof of wood/felt, and a pair of glazed uPVC doors in its front (western elevation). The beauty studio is proposed to operate between 09.00 and 17.00 on Mondays to



Saturdays and between 10.00 and 17.00 on Sundays and Bank Holidays, and will provide full-time employment for the applicant.

RELEVANT HISTORY:

No recent, relevant planning history.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The **South East Lincolnshire Local Plan 2011-2036** shows the site as being within the Countryside, approximately 430m from the nearest Settlement Boundary (Wigtoft). No other allocations or designations apply. The relevant Policies of the Local Plan are:

- Policy 1 – Spatial Strategy;
- Policy 2 – Development Management;
- Policy 3 – Design of New Development;
- Policy 24 – The Retail Hierarchy; and
- Policy 36 – Vehicle and Cycle Parking

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2021)

At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 4 – Decision-making;
- Section 6 – Building a strong, competitive economy;
- Section 7 – Ensuring the vitality of town centres;
- Section 9 – Promoting sustainable transport; and
- Section 12 – Achieving well-designed places.

CONSULTATION RESPONSES:

Wigtoft Parish Council indicates that it has no comments.

Lincolnshire County Council (the Local Highway and Lead Local Flood Authority) comments that the site is remote from the village but, provided the beauty studio would employ no one other than residents of the host dwelling, the proposed use would not be expected to have an unacceptable impact upon highway safety. It therefore concludes that the proposed development is acceptable and indicates that it has no objections.

Boston Borough Council's Environmental Health department indicates that it has no objections, subject to the hours being restricted to those identified on the application form.

THIRD PARTY REPRESENTATIONS RECEIVED:

The occupants of a neighbouring dwelling (8 Hipper Lane) indicated that the property boundaries shown on Site Plan 1234 were incorrect. A new Site Plan was subsequently submitted which identified revised property boundaries.

EVALUATION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the Plan unless material considerations indicate otherwise. The key considerations with regard to this application are: issues of principle; impact on the character and appearance of the area; impact on the amenity of neighbouring land users; and highway safety.

Principle

Policy 1 of the Local Plan seeks to concentrate development and activity into the area's existing towns and villages and identifies that, in locations such as the application site which is in the countryside (i.e. not within a town or village), *"development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."* The Policy's justification identifies agriculture, forestry, recreation, tourism, plant and equipment of public utility providers, flood mitigation infrastructure, and certain types of housing as uses that would be appropriate in the countryside.

The Policy essentially identifies two tests for whether a proposed development is appropriate in the countryside. The first test is whether or not the development is 'necessary to such a location'. It is considered that a beauty studio does not need a countryside location – i.e. it is not a use that **must** be located in the countryside (and the application is not accompanied by any specific information or evidence to demonstrate that it must), but could equally well be accommodated within an existing town or village. Thus, it is considered that Policy 1's first test is not passed.

The second test is whether the development 'meets the sustainable development needs of the area in terms of economic, community or environmental benefits'. Whilst it is accepted that the proposal will bring economic benefits (in that it will provide full-time employment for one person), such benefits could equally well be realised within a town or village. The proposal will also bring some community benefits (in that it will provide a service to its customers), but it is considered that this service would be more accessible to all if it were provided in a location within a town or village, where visits would also be more likely to be made on foot or by bicycle (with potential benefits regarding traffic congestion and community health). Equally, environmental benefits would be greater if the use was located within a town or village, where visits would be more likely to be made on foot, by bicycle or by bus with beneficial impact on air quality and the mitigation of climate change. Thus, it is considered that Policy 1's second test is not passed.

In overall terms, Policy 1 seeks to ensure that a sustainable pattern of development is created, and it is considered that the establishment of a beauty salon in the countryside would not contribute to this aim.

Policy 24 of the Local Plan seeks to focus main town centre uses (such as a beauty salon) within town centres and district/local centres, but also accepts that an individual town centre use (or clusters of them) would be appropriate elsewhere within a town or village. However, the Policy does not provide for the establishment of a main town centre use in a countryside location, such as the application site. It is not considered that the establishment of a beauty salon in a countryside location would contribute to Policy 24's aim of focusing activities into the most accessible locations, where environmental and community benefits will be the greatest.

In all, it is considered that the proposal does not accord with the provisions of Policies 1 and 24 of the Local Plan, in that the establishment of a beauty salon in a countryside location will not contribute towards the creation of: a sustainable pattern of development; nor vital or viable town

and district/local centres. Given the scale of the proposal, the adverse impacts will be modest only but it is nonetheless considered that the principle of the use conflicts with these provisions of the Local Plan. No information has been provided with the application to suggest that a countryside location is essential – i.e. that the beauty salon could not be successfully located in a town/district/local centre or within the Settlement Boundary of a town or village.

Character of the area

Policy 2 of the Local Plan indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area.

The immediate surroundings of the application site are predominantly residential in character, but given that:

- the proposed building is modest in scale;
- the proposed building will have the appearance of a domestic outbuilding;
- the proposed building will be erected to the rear of the two-storey dwelling (where few views from public vantage points will be available);
- the site will remain predominantly in residential use; and
- the proposed new ancillary use is of such a limited scale,

it is considered that the proposal will not appear incongruous or otherwise harm the area's character or appearance. As a consequence, it is considered that the proposal meets these requirements of Policy 2.

Neighbours' amenity

Policies 2, 3 and 30 of the Local Plan require the amenity of neighbouring land users to be protected.

The proposed building is modest in scale and is sufficiently distant from neighbouring dwellings to ensure that there will be no adverse impacts in terms of over-shadowing, loss of light or harm to outlook. The building will have no windows, and the glazed entrance doors will be located on its western elevation, where they will look towards the rear garden of no. 8, which is approximately 4m away beyond a 1.2m-high close-boarded fence. Given the scale of the proposed activity, it is not considered that activity levels will be high, and that no harmful impacts upon no. 8 will be caused in terms of overlooking or loss of privacy.

Given:

- the scale of the building; and
- that the studio will provide employment for only one person,

it is considered that activity levels will be modest. In these circumstances, it is considered that pedestrian and vehicular comings-and-goings will not increase significantly and will not undermine the amenity of nearby residents. Given the modest scale of the proposed activity and the separation distances from neighbouring dwellings, it is considered that impacts from noise will not be unacceptable. It is noted that the Borough Council's Environmental Health department has raised no concerns.

Subject to a condition to limit the hours during which the business will operate (as sought by the Borough Council's Environmental Health department), it is considered that the proposal will not

significantly harm neighbours' amenity and that it therefore meets these requirements of Policies 2 and 3.

Highway safety

Policy 2 of the Local Plan identifies impacts on the highway network as a sustainable development consideration. Policy 36 indicates that all new development should provide vehicle and cycle parking in accordance with the minimum parking standards set out in Appendix 6.

No additional off-street parking is proposed to be provided, and the existing off-street parking area to the front of the dwelling is estimated to be capable of accommodating two vehicles. Given the above, and

- the scale of the building; and
- that the studio will provide employment for only one person,

it is considered that the proposal will not lead to a significant intensification of the use of the existing vehicular access.

The proposed use is sui generis, and Appendix 6 does not set out a parking standard for such uses. Nonetheless, given:

- the scale of the building;
- the availability of on-street parking opportunities on Hipper Lane; and
- that the studio will provide employment for only one person

it is also considered that parking issues will not undermine highway safety.

It is noted that the Highway Authority has raised no concerns and, in all, it is considered that the proposal will not undermine highway safety and meets these requirements of Policies 2 and 36.

CONCLUSION:

The above evaluation has considered: potential impacts on the character and appearance of the area; potential impacts on neighbours' amenity; and potential impacts on highway safety. With respect to all these issues, the evaluation concludes that the proposal is acceptable, and that it meets the requirements of the relevant Policies of the South East Lincolnshire Local Plan 2021-2036.

However, Policy 1 of the Local Plan seeks to create a sustainable pattern of development, by concentrating new development and activity into existing towns and villages. Furthermore, Policy 24 of the Local Plan seeks to concentrate main town centre uses (such as a beauty studio) into existing towns and villages, with the aim of securing viable and vital town centres, and focusing such activities into the most accessible locations where environmental and community benefits will be the greatest. The application site is not located in a town or village, and it is considered that the establishment of a beauty studio in this location would not contribute to the aims of these Policies. No information has been provided with the application to suggest that a countryside location is essential – i.e. that the salon could not be successfully located in a town, district or local centre, or elsewhere within the Settlement Boundary of a town or village.

Given the small size of the proposed salon, it is considered that the adverse effects will be modest in scale, but nonetheless it is considered that the proposal conflicts with these provisions of the

Local Plan. Given that the National Planning Policy Framework also gives great emphasis to these principles, it is considered appropriate for planning permission to be refused.

RECOMMENDATION:

REFUSE Planning Permission for the following reason:-

CONDITIONS / REASONS			
Pre-commencement conditions?		Agreed with applicant/agent - Date:	
<p>1. The application site is located in the countryside where the establishment of a beauty studio will not contribute towards the creation of a sustainable pattern of development or securing viable and vital town centres. The application contains no evidence to demonstrate that there is a justification for this use in this location. As such, the proposal is contrary to the provisions of Policies 1 and 24 of the South East Lincolnshire Local Plan 2011-2036.</p>			
<p>Informative Note:</p> <p>The application has been duly considered and determined on the basis of the following plans and other information:</p> <ul style="list-style-type: none"> • Site Plan 1234; • Location Plan 5678; • Un-numbered drawing: Proposed timber construction plan; • Drawing Number 212109/001: Proposed Timber Construction; • Proposed beauty studio photograph; and • Flood Risk Assessment. 			

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE
<p><u>STATEMENT OF PROACTIVE WORKING:</u></p> <p>In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>