

Delegated Report

Planning Ref: 25/00552/FUL
Applicant: Mrs Elizabeth Richards
Ward: Burbage, St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: 204 Brookside, Burbage

Proposal: Change of use from beauty salon (sui generis) to return property to residential use (C3)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report

2. Planning application description

2.1. This application seeks full planning permission for the change of use of a room from a beauty salon (sui generis) to a residential use (Class C3). This would return the whole of the existing dwelling and application site to a Class C3 use.

2.2. The application room is an existing beauty salon that was formerly ancillary accommodation space and prior to that a garage space. The use of the room as a beauty salon was permitted under 21/00173/FUL and was operated by one resident of the dwelling to serve one customer at a time, Monday to Saturday.

2.3. This change of use application seeks to return the room to residential use (Class C3). No internal or external alterations are proposed to the existing room.

3. Description of the site and surrounding area

3.1. The application site is located within the settlement boundary of Burbage, north of the village centre and close to the settlement boundary of Hinckley.

3.2. The application site comprises a two storey three-bedroom detached dwelling of brick construction with mixed brick and render on the principal elevation. The former garage space to the north of the principal elevation has previously been converted into a habitable room and therefore was granted planning permission for use as a beauty salon.

3.3. The site gains access from Brookside which is an adopted and unclassified road subject to a 30mph speed limit. The existing driveway from Brookside provides two off-street car parking spaces forward of the dwelling.

3.4. The immediately surrounding area is typically residential in character. The dwellings along Brookside are typically detached, a mix of two storey dwellings and bungalows.

4. Relevant planning history

• 21/00173/FUL

Change of use from ancillary domestic accommodation (Use C3) to beauty salon (sui generis)

Planning Permission

11.05.2021

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. No responses were received.

6. Consultation

- 6.1. Burbage Parish Council have no objections.

7. Policy

- 7.1. Core Strategy (2009)

- Policy 4: Development in Burbage

- 7.2. Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- Burbage Neighbourhood Plan (2021)

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout
- Policy 4: Parking

- 7.4 National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

- 7.5 Other relevant guidance

- Good Design Guide (2020)
- Technical Housing Standards – Nationally Described Space Standard (2015)

8. Appraisal

- 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

- 8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 232 of the NPPF, due weight

should be given to existing policies according to their degree of consistency with the NPPF.

- 8.4 Paragraph 11 of the NPPF and Policy DM1 of the SADMP set out a presumption in favour of sustainable development. Policy DM17(b) of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised.
- 8.5 The application site is located in a sustainable location within the identified settlement boundary of Burbage and the development involves a room within an existing dwelling. Therefore, the development is acceptable in principle, subject to the assessment of all other material considerations.

Design and impact upon the character of the area

- 8.6 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.7 There are no alterations or additions proposed to the application room nor the existing dwelling. The presentation of the dwelling to the street scene is therefore unchanged.
- 8.8 The proposal would change the use of the room from a sui generis use as a beauty salon to residential (Use Class C3). The remainder of the application site is already in residential use. It is considered that the change of use would reduce impacts to the residential character of the area by returning the dwelling to a single family home.
- 8.9 It is therefore considered that the development would complement the character of the surrounding area and have a neutral impact on the appearance of the application site, complying with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.10 Policies DM10(a) and (b) of the SADMP state that development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents or occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by the activities within the vicinity of the site.
- 8.11 The Council's Good Design Guide requires the way buildings relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.12 The proposal does not involve any alteration to the external appearance or outlook of the existing dwelling. The development therefore does not increase any potential impacts of overlooking, loss of light, loss of privacy, or any overbearing impacts on neighbouring residential occupiers.
- 8.13 The Applicant has not clarified whether the room would be used as a bedroom. Notwithstanding this, the room satisfies the Technical Housing Standards – Nationally Described Space Standards for a single bedroom. Furthermore, it is noted that a habitable living room within a Class 3 dwelling can be used as a bedroom without seeking planning permission.

8.14 No objections to the proposal have been received from neighbouring properties.

8.15 It is therefore considered that the proposal would not result in significant adverse impacts to the residential amenity of neighbouring residents, nor the future occupiers of the application dwelling in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

8.16 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority. This is currently this is the Leicestershire Highway Design Guide (LHDG) (2024)

8.17 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.

8.18 The application site has existing access from Brookside. There are two off-street parking spaces forward of the dwelling on the paved driveway.

8.19 Condition 4 of 21/00173/FUL required that an additional parking space be created to accommodate customers. It is noted that it appears this was never implemented and the site continued to operate with only two parking spaces.

8.20 The LHDG seeks that a Class C3 dwelling with up to three bedrooms provide 2 off-street parking spaces and a dwelling with four or more bedrooms provide 3 off-street parking spaces.

8.21 The site would be short by one off-street parking space should the room be used as a bedroom. Notwithstanding the shortfall, this was the existing situation when the room was previously used as habitable space prior to the change of use to a beauty salon. The requirement for the additional parking space under 21/00173/FUL was due to the Local Highway Authority's concerns regarding the overlap of residents and customers, a conflict which this application would remove.

8.22 It is therefore considered that the proposal would not create an unacceptable impact upon highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, and the requirements of the LHDG

9. Equality implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

11. Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions detailed at the end of this report

11.2 Conditions and Reasons

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Application Form (submitted: 12.06.2025)
- Site Location Plan (submitted: 12.06.2025)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@blaby.gov.uk or call 0116 272 7533.