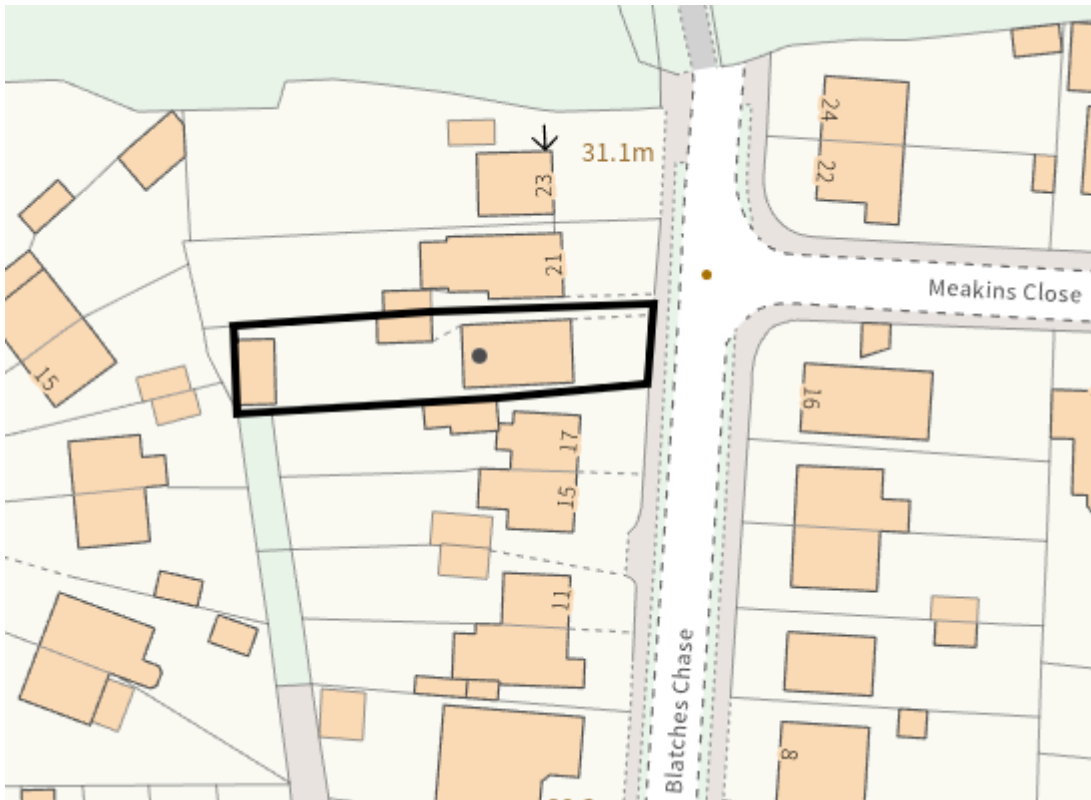


<b>Reference:</b>	25/00002/UNAU_B	
<b>Report Type:</b>	Enforcement	
<b>Ward:</b>	Eastwood Park	
<b>Breach of Planning Control:</b>	Use of outbuilding as hair salon	
<b>Address:</b>	19 Blatches Chase, Eastwood, Essex, SS9 5SY	
<b>Case Opened Date:</b>	26 December 2024	
<b>Case Officer</b>	James Benn	
<b>Recommendation:</b>	<b>AUTHORISE ENFORCEMENT ACTION</b>	



## **1 Site and Surroundings**

- 1.1 The application site contains a two-storey, detached dwelling on the western side of Blatches Chase. To the rear of the dwelling is a patio, swimming pool, detached garage and two outbuildings. One outbuilding is used as a pool room, store and shower room. The second outbuilding, located to the rear of the site was formerly arranged as ancillary space for the main house and is currently being used as a hairdressing salon. The surrounding area is predominantly residential in nature. Scotts Park is to the north of the site. Land levels rise from south to north.
- 1.2 The site is not within a conservation area or subject to any site-specific planning policy designations. Scotts Park to the north of the site is designated as Protected Green Space within the Development Management Document's Policies Map.

## **2 Lawful Planning Use**

- 2.1 The lawful planning use of the site is a dwellinghouse (Use Class C3).

## **3 Relevant Planning History**

- 3.1 24/01866/FUL ("the 2024 application"). Use outbuilding as hair salon (Use Class E) (retrospective). Refused. Reasons for refusal:
  - 01 The development introduces types and levels of non-domestic activity which are materially out of keeping with and significantly harmful to the residential character of the dwelling and its relationship to the residential character of the immediately surrounding area. This is unacceptable and contrary to the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).
  - 02 The development, by reason of the frequency, repetition and regularity of comings and goings introduces types and levels of activity, noise and disturbance which are incompatible with a residential setting and harmful to the amenity of neighbouring occupiers. This is unacceptable and contrary to the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

## **4 Planning Policy and Legislation Summary**

- 4.1 The National Planning Policy Framework (NPPF) (2024)
- 4.2 Planning Practice Guidance (PPG) (2024)
- 4.3 National Design Guide (NDG) (2021)
- 4.4 Core Strategy (2007): Policies KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance).
- 4.5
- 4.6 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM11 (Employment Areas), DM15 (Sustainable Transport Management).
- 4.7 The Southend-on-Sea Design and Townscape Guide (2009)

- 4.8 Waste Storage, Collection and Management Guide for New Developments (2019)
- 4.9 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 4.10 Town and Country Planning Act 1990 (as amended): Sections 55, 56, 171A, 171B, 172, 173, 336.

## **5 Procedural Matters**

- 5.1 This case is presented to the Planning Committee because it is considered expedient to issue an Enforcement Notice.

## **6 The alleged planning breach**

- 6.1 The identified breach of planning control is:
  - The use of an outbuilding in the rear garden as an unauthorised hair salon (Use Class E).

## **7 Efforts to resolve the breach to date**

- 7.1 In December 2024, the enforcement case which is the subject of this report was opened following the submission of the 2024 Application which was retrospective in nature. The 2024 application was refused by the Planning Committee on 29 January 2025. The Decision Notice to refuse the 2024 application was issued to the owner's agent on 30 January 2025. Following that decision, further complaints have been received that the unauthorised use has continued. The case officer has notified the owner's agent that the unauthorised use must cease.

## **8 Appraisal**

### **Impact on Character of the Area**

- 8.1 The outbuilding is in a residential garden. The site and the immediate surrounding area is residential in character. The development, namely the use of the outbuilding as a hair salon with visiting staff and customers, introduces types and levels of non-domestic activity which the Local Planning Authority, through the determination of the 2024 Application found to be materially out of keeping with and significantly harmful to the residential character of the dwelling and its relationship to the residential character of the immediately surrounding area. This is unacceptable and contrary to policy.

### **Residential Amenity Impacts**

- 8.2 The development, namely the use of the outbuilding as a hair salon with visiting staff and customers, by reason of the frequency, repetition and regularity of comings and goings has introduced types and levels of activity, noise and disturbance which the Local Planning Authority, through the determination of the 2024 Application, has found to be incompatible with a residential setting and harmful to the amenity of neighbouring occupiers. This is unacceptable and contrary to policy.

### **Enforcement and Legal Action**

- 8.3 Given the harm identified above, it is reasonable, expedient and in the public interest to pursue enforcement action in the circumstances of this case. Enforcement action in this

case will reasonably aim to secure the cessation of the unauthorised use and restore the internal layout of the outbuilding to its condition before the breach took place. It is considered that there are no lesser steps that could reasonably remedy the identified breach or associated harm in this instance.

- 8.4 When serving Enforcement Notices the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of one (1) calendar month is considered reasonable for compliance with the above requirements.
- 8.5 Staff consider that taking enforcement action is proportionate and justified in the circumstances of the case and that an enforcement notice should be served on the responsible parties as this will bring further focus to the need for the breach to be regularised and the identified harm to be remedied. Service of an enforcement notice carries its own right of appeal and does not fetter the owners in seeking to gain planning permission for a different proposal which remedies the identified harm.
- 8.6 Taking enforcement action in this case may amount to an interference with the owners'/occupiers' human rights. However, it is necessary for the Council to balance the rights of the owners/occupiers against the legitimate aims of the Council to regulate and control land within its area in the public interest.

### **Equality and Diversity Issues**

- 8.7 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment, and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this planning enforcement case and preparing this report had careful regard to the requirements of the Equality Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

## **9 Recommendation**

- 9.1 **AUTHORISE ENFORCEMENT ACTION [to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice] to require those issued with a copy of the Enforcement Notice to:**

- a) **Cease the use of the outbuilding at the site as a hair salon (Use Class E) and restore the outbuilding to its condition and ancillary residential use to the dwellinghouse at No 19 Blatches Chase (Use Class C3) before the breach took place;**

**AND**

- b) **Remove from the site all items associated with the unauthorised use, including, but not limited to, the hair salon chairs, the reclining chairs and sinks used for hair washing, and trolleys used for storage of hair salon related items.**

**AND**

- c) **Remove from site all materials resulting from compliance with both a) and b) above.**

9.2 **With time for compliance of:**

- **One (1) calendar month.**

9.3 **For the following reason(s):**

- 01 The development introduces types and levels of non-domestic activity which are materially out of keeping with and significantly harmful to the residential character of the dwelling and its relationship to the residential character of the immediately surrounding area. This is unacceptable and contrary to the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**
- 02 The development, by reason of the frequency, repetition and regularity of comings and goings introduces types and levels of activity, noise and disturbance which are incompatible with a residential setting and harmful to the amenity of neighbouring occupiers. This is unacceptable and contrary to the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**