Planning Appeals Commission

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Appeal Decision

Appeal Reference:	2026/L0001
Appeal by:	Mr David Cross
Appeal against:	The refusal to certify a Certificate of Lawfulness of Existing Use or Development
Subject:	Garden room for homeworking (office and part-time hairdressing) and ancillary amenity use
Location:	41 Springhill Meadows, Ballyclare, BT39 9LD
Planning Authority:	Antrim and Newtownabbey Borough Council
Application Reference:	LA03/2026/0062/CLEUD
Procedure:	Written representations with Commissioner's site visit on 22 July 2026
Decision by:	Commissioner McShane, dated 12 October 2026.

Decision

1. The appeal is allowed and a Certificate of Lawfulness of Existing Use or Development (CLEUD) in respect of home working (office and part-time hairdressing) and ancillary amenity use is attached.

Reason

2. A CLEUD is a certificate specifying whether any operations that have been carried out on land and any existing use of buildings or other land is lawful on the date that the application was made to the planning authority.

3. The application for a CLEUD for a detached garden room for homeworking (office and part-time hairdressing) and ancillary amenity use was made to the Council on 29 January 2026, in accordance with Section 169 of the Planning Act (Northern Ireland) 2011 (the Act).

4. Section 169 (2) of the Act states that for the purposes of this Act, uses and operations are lawful at any time if no enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason).

5. Section 169 (4) states that if on an application under this section, the Council is provided with information satisfying it of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the council or a description substituted by it, the Council must issue a certificate to that effect, and in any other case it must refuse the application.

6. The Appellant argues that the development, specified within the First Schedule and shown within LPA Drawing Numbers: 01, 02, and 03, constitutes permitted development.

7. The Council does not dispute that the use of the garden room as a home office and for ancillary amenity use is incidental to the enjoyment of the property. However, it argues that the use of the garden room for part-time hairdressing represents a material change of use that would require planning permission. For this appeal to succeed, the onus is on the Appellant to demonstrate the lawfulness of the use.

8. The Antrim and Newtownabbey Local Development Plan 2039 Plan Strategy (PS) was adopted in July 2025. Strategic Policy 2.16 – Homeworking, states that the Council will support homeworking where the nature of the activity proposed has minimal impact on neighbours and remains ancillary to the residential use of the property and as such does not result in a material change of use to business premises. Notwithstanding that Planning Policy Statement 4 Planning and Economic Development (PPS 4) was published in 2010, policy states that the Council will retain Annex A – Homeworking, as supplementary planning guidance.

9. Annex A states that planning permission is not normally required where the use of part of a dwellinghouse for business purposes does not change the overall character of the property's use as a single dwelling, for example, the use by a householder of a room as an office or the provision of a childminding service.

10. Paragraph A4 of Annex A states that homeworking is likely to be ancillary to the residential use of the dwelling if work is carried out primarily by persons living in the residential unit; the business use is clearly secondary to the main use of the property as a dwelling house; the use is carried out totally within the building; there will be no loss of amenity for neighbouring residents, for example, from noise, advertising, impact on visual amenity or traffic generation; and the use is not one which by its nature would attract more than occasional visitors.

11. Paragraph A5 of Annex A states that where the business activity increases and the non-residential use of the property ceases to be ancillary to its use as a single dwelling, a material change of use for which planning permission is required is likely to have taken place.

12. The likelihood of a material change of use having occurred may be indicated where: there has been a significant alteration to the appearance of the dwelling; a significant increase in the volume of visitors or traffic; a significant increase in noises, fumes or smell; the installation of special machinery or equipment not normally found in a dwelling; and the laying out of rooms in such a way that they could not easily revert to residential use at the end of the working day.

13. No.41 is a semi-detached dwelling in a residential housing development within the settlement development limit of Ballyclare. Dedicated parking for two vehicles is available at the front of the dwelling. There are residential properties located directly north, south, and west. A central area of green space stands to the east.

14. The 2.5m high, 9sqm detached garden room, which is comprised of natural timber, black felt roof and black PVC windows, stands in the rear garden of the dwelling. It is accessed via a side gate and path.

15. As of the date of my site visit, the garden room contains a desk with monitor, WIFI connection, sofa, darts board, plastic storage box containing games, such as Lego and Monopoly, open shelving displaying ornaments, and a unit comprising a sink with storage underneath with tea and coffee making facilities on the countertop. There is also a hairdressing salon backwash sink unit; a separate hairdressing station comprising a wall mounted mirror; salon chair; a rack for hairdryer and curling iron.

16. The internal layout described by the Council and shown in its photographs, which are dated September 2025, differs from the current layout. Previously, in addition to the hairdressing salon backwash sink unit there were two hairdressing stations each comprising a wall mounted mirror; salon chair; rack for dryer and curling iron. The desk replaces the second hairdressing station.

17. Annex A of PPS 4 specifically refers to the use by a householder of a room as an office. Notwithstanding that the garden room is separate from the dwelling house, its use by the Appellant as a "work from home" space, which has become normal practice in recent years, constitutes homeworking and is in accordance with Strategic Policy 2.16. Furthermore, the use of the garden room by the Appellant's children as a play space / den is also ancillary to the residential use of the property. The garden room and its use as a home office and playroom/den comply with Part 1, Class D of the Planning (General Permitted Development) Order (NI) 2015.

18. The evidence submitted to demonstrate that the part-time hairdressing use is ancillary to the residential use of the property comprises the following:

- The Appellant, who works for the Department for Communities, works from home 4 days per week and due to the sensitive nature of his work no-one else is permitted to be in the garden room while he is working;
- The space is utilized for hairdressing 8-12 hours per week, no earlier than 9am and no later than 8pm, Monday through Saturday;
- Only one client can be accommodated at a time within the space with each client's colour appointment taking approximately 4 hours;
- The number of visitors and traffic generated is minimal (approximately 2-3 clients per week);
- The garden room is in use for hairdressing 10% of the time, 90% of the time it is used as a home office and playroom/den;
- Mrs Cross' tax return last year shows earnings of £5,530, commensurate with part-time work; and
- Signed letters of support from two neighbouring properties (Nos.37 and 43) stating that there is no negative impact on amenity arising from the hairdressing use at its current scale.

19. Annex A of PPS 4 provides useful guidance, however the materiality of whether a change of use has occurred or is permitted development must be assessed on its own merits.

20. As of the critical date, 29 January 2026, the salient facts are as follows. The part-time hairdressing is undertaken by Mrs Cross, the Appellant's wife; the hairdressing use is clearly secondary to the main use of the property as a dwelling house; neighbours have confirmed that the scale of operation is such that there is no negative impact on amenity; and that the number of visitors is low, 2-3 visitors per week.

21. A material change of use having occurred is not indicated given the following factors. There has not been a significant alteration to the appearance of the dwelling, the small garden room stands in the rear garden and it has no physical presence in views of the property; there is a low level of visitors / traffic; there are no concerns about noise, fumes or smell; notwithstanding the salon back wash unit and single styling station, the layout of the garden room is such that it could easily revert to residential use at the end of the working day.

22. These considerations, taken cumulatively outweigh the fact that the part-time hairdressing use is taking place in a detached garden room rather than within the dwelling itself. On balance, the Appellant has proved that it is more likely than not that the part-time hairdressing use in the garden room is commensurate with homeworking and is ancillary to the residential use of the property. As such, it does not result in a material change of use to business premises that would require planning permission.

23. The Council refers to other appeals to justify its refusal (Appeals 2024/L0009, 2014/E009 and 2025/A0008). However, the circumstances in those appeals are not directly comparable to the case before me. Specifically, in terms of the number of visitors, the significant volumes of traffic, the extensive opening hours, the purpose-built nature of those hairdressing salons, the presence of employees, and no apparent residential or domestic use of the garden rooms / garage.

24. The Council has not presented persuasive evidence to contradict or otherwise make the Appellant's version of events less than probable. The Appellant's evidence is sufficiently precise and unambiguous to justify the grant of a CLEUD on the balance of probability.

25. The Council's reason for refusal is not well founded and the appeal succeeds. A Certificate of Lawfulness of Existing Use or Development for a garden room for homeworking (office and part-time hairdressing) and ancillary amenity use is attached.

26. If the part-time hairdressing use increases and the non-residential use of the property ceases to be ancillary to its use as a single dwelling, a material change of use would take place for which planning permission would be required.

This decision is based on the following drawings:

- LPA Drawing No.01: Site Location Plan (Scale 1:1250)
- LPA Drawing No.02: Site Layout (Scale 1:200)
- LPA Drawing No.03: Plans and Elevations (Scale 1:100)

COMMISSIONER MCSHANE

List of Documents

Planning Authority:-	"LPA 1" Statement of Case and Appendices
	"LPA 2" Rebuttal Statement
	(Antrim and Newtownabbey Borough Council)
Appellant:-	"APP 1" Statement of Case and Appendices
	"APP 2" Rebuttal Comments
	(JWM Planning)