

## Appeal Decision

Site visit made on 25 April 2016

**by G J Fort BA PGDip LLM MCD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 12 May 2017**

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**Appeal Ref: APP/M2372/W/17/3167660**  
**521 Bolton Road, Blackburn BB2 4JP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Maria Holroyd against the decision of Blackburn with Darwen Borough Council.
  - The application Ref 10/16/0577, dated 26 May 2016, was refused by notice dated 20 July 2016.
  - The development proposed is the conversion from a dwelling house into a flat and barber's A1 use.
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### Decision

1. The appeal is allowed and planning permission is granted for the conversion from a dwelling house into a flat and barber's A1 use at 521 Bolton Road, Blackburn BB2 4JP in accordance with the terms of the application, Ref 10/16/0577, dated 26 May 2016, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: DWG No PCE-Holroyd-March-16-Planning.
  - 3) The barber's use hereby permitted shall only take place between the following hours:  
0830-1730 Mondays-Saturdays  
and at no time at all on Sundays or Bank and Public Holidays.
  - 4) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the shop front hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.

### Main Issues

2. I consider the main issues in this appeal to be firstly, whether the appeal property would be a suitable location for commercial development; and secondly, whether the proposed development would make adequate arrangements for parking.
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## Reasons

### *Site, surroundings and proposed development*

3. The appeal property is a corner building of two storeys, rendered, and with a pitched roof, its principal elevation facing Bolton Road. Whilst the current use of the appeal property is residential, and indeed buildings within its immediate environs are also of that character, commercial uses are dotted within the terraces that line the road close to the appeal property. Moreover, Ewood Park, the home of Blackburn Rovers Football Club, and one of its car parks, are a stone's throw away from the appeal property. In the other direction is the substantial building of the Fernhurst Hotel and its large car-park. The appeal property is close to, but outside of, the Ewood District Centre for the purposes of the Blackburn with Darwen Local Plan Part 2: Site Allocations and Development Management Policies (adopted December 2015) (the Local Plan Part 2).
4. The proposed development would introduce a commercial use on the ground floor to accommodate a barber's shop, with related internal and elevational alterations to facilitate this. The upper floor would provide a two bedroom flat.

### *Location*

5. The local approach to managing the development of local and convenience stores is set out in Policy 32 of the Local Plan Part 2. Amongst other things, this policy sets out three criteria for new developments outside of existing defined centres.
6. The appeal property is outside of an existing defined centre for the purposes of the local plan, and is within a reasonable walking distance of Ewood, the nearest centre so defined, which includes the barber's business that the proposed development seeks to relocate. Moreover, although I note that there are some commercial premises located sporadically through the terraces on the opposite side of the road, the appeal property is not within or adjacent to a defined or consolidated group of shops.
7. For these reasons the proposed development would conflict with both limbs of criterion (iii) of Policy 32. However, given the nature of the appeal property's immediate surroundings, which include commercial and residential elements lining a busy main road and bus route, I consider that the proposed development would not be out of character with the prevailing development pattern, wherein commercial units in corner properties are far from unusual, and other non-residential uses of considerable size, including Ewood Park, and the Fernhurst Hotel are present. Thus these unique locational characteristics of the appeal property justify a departure from this aspect of Policy 32 in this instance.
8. At my site visit, I saw that Ewood appeared to be a thriving local centre, with few visibly empty units. In relocating the existing barber's enterprise from within this centre the proposed development would provide an opportunity for expansion to cater for the occupants of anticipated housing growth in the area<sup>1</sup>, and thus could help to meet current and future local needs in this respect. I note that there are other hairdressers in the area, however, the

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<sup>1</sup> Including, but not limited to the 35 houses granted permission by virtue of the Council's decision ref: 10/16/1139

business that would relocate into the proposed development is the only barber's shop, and thus the presence of these other businesses does not alter my conclusions in this respect. Moreover, the proposed commercial space would comprise considerably less than 250 SqM of internal area, and taken together with my findings on local need I am thus satisfied that criterion (i) of Policy 32 would be met.

9. In order to meet current and projected future local needs, the proposed development would provide extra space and a more convenient layout, which currently cannot be achieved within the business's existing premises. The appellant has supplied evidence that whilst the proposed development would only provide a modest increase in overall floorspace, the opportunity for a more convenient layout could enable additional employment within the business. This is a matter which weighs in favour of the proposed development to a moderate degree, and is also indicative of the limited ability of the business's existing premises to accommodate its proposed expansion.
10. My attention has been drawn by both parties to an empty unit just outside of the defined centre, but within walking distance of it and the appeal property. Whilst I observed that this alternative property was shuttered up, and appeared to be empty, no marketing board was present, and I have been supplied with no evidence to suggest that the premises are being actively marketed at this juncture. I note too the appellant's comment that the unit has been vacant for a number of years, and the Council has not challenged this position. These matters, taken together, lead me to the view that the availability of the alternative unit or its suitability for commercial uses such as the proposed development has not been demonstrated in this case.
11. Moreover, the appellant supplied evidence of a former allegedly criminal use and the current repair of the alternative premises<sup>2</sup>, which taken together undermine both the reputation of the property and its ability to accommodate the proposed use, and serve to limit its attractiveness as an alternative location. As a result, and taken together with my findings relating to the business's existing premises, I consider that the proposed development would meet criterion (ii) of Policy 32 in that it has not been demonstrated that vacant existing shops within reasonable walking distance of the appeal property would be demonstrably capable of accommodating the development and providing for the proposed need to be served.
12. Thus I consider that whilst the proposed development does not meet criterion (iii) of Policy 32 of the Local Plan- Part 2, its position on a main road, within an area with a mix of commercial and residential uses, including some large and significant non-residential uses are locational factors that justify a departure from this aspect of Policy 32 in this instance. Moreover, for the reasons given above, I consider that it would meet criteria (i) and (ii) of Policy 32. As a result, whilst the proposed development would conflict with Policy 32, I find that the appeal property would nevertheless comprise a suitable location for commercial development.

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<sup>2</sup> Screenshots from

[http://www.lancashiretelegraph.co.uk/news/15126727.IN\\_PICTURES\\_\\_Suspected\\_Blackburn\\_cannabis\\_farmer\\_ju\\_mps\\_from\\_burning\\_building\\_to\\_avoid\\_arrest/](http://www.lancashiretelegraph.co.uk/news/15126727.IN_PICTURES__Suspected_Blackburn_cannabis_farmer_ju_mps_from_burning_building_to_avoid_arrest/) dated 2 March 2017

### *Parking*

13. The proposed development makes no provision for off-street parking spaces. The Highway Authority's objection to the planning application states that the proposed use would generate a requirement of 5 spaces, 3 for the commercial element of the scheme and 2 in association with the residential part of the scheme. The appeal property as existing includes two bedrooms, as a consequence I consider its current parking requirement to be for 2 spaces. The proposed development would thus lead to an additional parking requirement of 3 spaces.
14. Traffic restrictions on Bolton Road adjacent to the appeal property mean that there are no spaces available on that thoroughfare immediately to the front; however, I am mindful of the parking surveys submitted by the appellant that demonstrate adequate amounts of space on Top o' the Croft, near the corner of the appeal property, particularly during business hours. Moreover, at the time of my site visit, admittedly only a snapshot, I saw several spaces available on Top o' the Croft, and these observations lend some further weight to the material submitted by the appellant.
15. Furthermore, I am mindful that bus stops close to the appeal property, coupled with the propensity for the proposed use's customers to arrive on foot would all serve to reduce the requirement for parking at the site, and in arriving at this view I am cognisant of the survey undertaken at the current business that demonstrates only a small proportion of its customers travel there by car. Whilst I note the comment regarding existing parking adjacent to the junction of Ashville Terrace, due to the above matters I consider that this situation would not be exacerbated to a material degree by the proposed development, and moreover, I saw that a considerable proportion of Ashville Terrace is subject to permit-holder parking restrictions.
16. Thus for the reasons given above, I consider that the proposed development would not be detrimental to road safety and the safe, efficient and convenient movement of all highway users, and as a result would make adequate arrangements for parking. The proposed development would thus not conflict with Policy 10 of the Local Plan-Part 2 insofar as it seeks to ensure that new development makes appropriate provision for parking and avoids prejudicing the safe, efficient and convenient movement of all highway users.

### **Other Matter**

17. Whilst I am aware of comments regarding the accessibility of the proposed use, I have been supplied with no substantive evidence to suggest that the width of the pavement in front of the appeal property, or the mooted elevational changes would inconvenience pedestrians, or be inaccessible to people with disabilities. As a consequence these matters do not weigh heavily against the scheme in the overall planning balance.

### **Conditions**

18. I have assessed the list of suggested conditions supplied by the Council against the tests given in paragraph 206 of the National Planning Policy Framework. These are that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted; enforceable, precise and reasonable in all other respects.

19. In the interests of certainty I have attached a condition specifying the approved plans, although in a modified form of wording to that suggested by the Council to enhance precision and allow for minor material amendment should that become necessary.
20. In order that the proposed development is sensitive to the residential uses of its surroundings, I have attached a condition restricting its hours of operation. As I have detected no harm to highway safety arising from the proposed use's operation I consider it reasonable in this case to restrict the hours to those sought on the application form, namely 0830 to 1730 Monday to Saturday; with no opening permitted on Sundays, Bank or Public Holidays.
21. In order that the elevational alterations are as sensitive as possible to the character and appearance of their host building I have attached a condition requiring the submission of samples of external facing materials to the Council for its approval prior to the commencement of the development. This is of necessity a pre-commencement condition to ensure that the development is carried out in a manner sensitive to the character and appearance of its host building.

### **Conclusion**

22. Whilst I have detected a conflict with criterion (iii) of Policy 32 of the Local Plan-Part 2, the locational characteristics of the appeal property justify a departure from this aspect of the development plan. In other respects the proposed development would meet with the development plan requirements insofar as the policies that have been drawn to my attention are concerned.
23. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

*G J Fort*

INSPECTOR