



Appeal Decision

Site visit made on 21 January 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Appeal Ref: APP/M2372/W/19/3239476

63 Whalley Banks, Blackburn BB2 1TN

- 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 Mr P Khan against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/19/0635, dated 21 June 2019, was refused by notice dated 27 August 2019.
 - The development proposed is proposed metal storage container for tyre business.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the development on the character and appearance of the area, and the effect of the development on highway safety.

Reasons

Character and appearance

3. The appeal site is a commercial premises that operates a number of uses, including tyre fitting. The appeal proposal seeks to locate a container for housing tyres in the corner of the site, opposite the existing site building, and next to the commercial building on an adjacent site which sits on the boundary.
4. The container measures approximately 12m x 2.4m, which from the evidence provided is described as an industry standard shipping container. Externally it is metal clad, with a ribbed finish.
5. The appeal site is prominent within the Whalley Banks street scene, and although the container would be set back toward the rear of the site, it would appear incongruous, even within a predominantly commercial area. The temporary nature and appearance of the container would be at odds with the commercial nature of the locality and the functional buildings that form an intrinsic part of the local character, and as such, even in a commercial area, the container would cause harm to the character and appearance of the area, and be visually intrusive within the street scene.
6. As a result, I find that the proposal would be in clear conflict with Policy 11 of the Blackburn with Darwin Local Plan Part 2 (2015)(the LP), which amongst other matters, expect development to present a good standard of design, demonstrate an understanding of the wider context and make a positive

contribution to the local area, contribute to the character of streets and complement local character.

Highway Safety

7. I note the concerns of the Council in relation to the relocation of the car parking spaces, and the effect on the safe operation of the site. I find that the vehicles that utilise the car wash and tyre fitting uses on the site would not be significantly affected by the revised siting of the parking spaces. From my site visit, it is apparent that the site works in a relatively well-ordered manner in terms of accommodating vehicles on site, and I am not concerned that there would be any significant issues in relation to traffic being displaced onto the public highway, even during the manoeuvring of vehicles from the revised parking spaces.
8. As a result, on this issue, I am satisfied that the proposals are consistent with Policy 10 of the LP, where amongst other matters, issues of road safety and vehicle access must be taken into consideration. However, this does not overcome the significant harm I have identified in relation to the character and appearance of the area.

Other Matters

9. I have noted the comments of the appellant in relation to the requirement of the container in order to ensure that the business is economically viable, but I am not in possession of any evidence to demonstrate that storage space is at a premium, or that other solutions have been taken into consideration, and how such solutions could offset the clear harm that I have identified. As such, I can only attach limited weight to that argument.

Conclusion

10. For the above reasons, the appeal is dismissed.

Paul Cooper

INSPECTOR