
Appeal Decision

Site visit made on 22 June 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2022

Appeal Ref: APP/B2355/W/22/3293134

Unit 4a, Park Mill, Holcombe Road, Helmshore, Rossendale BB4 4NP

- 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 Shaun Evans against the decision of Rossendale Borough Council.
 - The application Ref 2021/0326, dated 24 May 2021, was refused by notice dated 26 January 2022.
 - The development proposed is described as 'siting of 2 x 20ftx10ft shipping containers on land to the rear of the building'.
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Decision

1. The appeal is allowed and planning permission is granted for the siting of 2 x 20ftx10ft shipping containers on land to the rear of the building at Unit 4a, Park Mill, Holcombe Road, Helmshore, Rossendale BB4 4NP in accordance with the terms of the application Ref 2021/0326, dated 24 May 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be in accordance with the following approved plans: Location Plan; Block Plan; Existing Parking Plan; Block Plan Proposed Parking; Proposed Elevations; Delivery Management Statement titled 'Statement from the applicant regarding the 7 points below'.
 - 2) The shipping containers hereby permitted shall be used for storage purposes only.

Preliminary Matters

2. The shipping containers were in situ at the time of my site visit, and I note the description of development in the decision notice refers to the development as retrospective. I have considered the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site comprises an area of hardstanding surrounded on three sides by Park Mill and its associated buildings, and on the other side by Park Street, which is lined by a row of terraced houses. As such, the area has a mixed

industrial and residential character. The appeal site is evidently used to receive deliveries employee parking as well as the siting of the shipping containers subject to this appeal.

5. Park Mill is a commanding red brick building which fronts Holcombe Road and is occupied by a number of businesses. From my observations on the site visit, the host building contributes to the wider industrial heritage of the area, and it was clear that many of the former mill buildings, or elements of them such as chimney stacks, still remain either side of Holcombe Road adjacent the River Ogden. Overall, the host building contributes to a pleasant local vernacular.
6. However, the appeal site is of a more utilitarian character and its function as a parking and unloading area makes a neutral contribution to the local area. Due to their siting in the partially enclosed layout of the appeal site, the containers are not visible from Holcombe Road. When viewed from the upper section of Park Street, the shipping containers do not appear dominant and are set back from the edge of the road. Given their industrial appearance, they do not appear unusual in this setting, and while there is a historic relationship between the mills and the local area, the building has been adapted to a more modern mix of business uses. In this context, the shipping containers are not incongruous, despite their colour.
7. I have had regard to the concerns of local residents in their submitted comments insofar as they are relevant to matters of character and appearance. Views of the containers are possible from the terraced properties along Park Street, although this is no more harmful than the parking of vehicles which already occurs. Moreover, on the site visit I observed vans were parked between the containers and Park Street which largely obscured them from view given they were of a lower height than those vehicles and of a similar width. This would likely be most prevalent during evening and night-time hours when the business is closed.
8. For the foregoing reasons, the development does not unduly harm the character and appearance of the area and accords with Policies SS, ENV1 and ENV2 of the Rossendale Local Plan 2019 to 2036 (adopted December 2021). These seek to ensure consideration will be given to ensure that the significance of those elements of the historic environment which contribute most to the Borough's distinctive identity and sense of place are not harmed. This includes the legacy of mill buildings and their associated infrastructure including engine houses, chimneys and mill lodges, and the relationship to nearby terraced workers' housing. The proposal also accords with the design aims of the National Planning Policy Framework, which advises in paragraph 130 that development should be sympathetic to local character and history, including the surrounding built environment.

Other Matters

9. I have had regard to other concerns of local residents regarding the development. The Council's Highways department has assessed the plans with regards to access, parking and traffic levels and did not offer any objections. Similarly, with regards to harm to the living conditions to local residents, noise levels were not of concern, nor was air pollution given the containers will not increase traffic levels in and of themselves. These matters were found to be acceptable, and I see no reason to disagree with those findings based on the

evidence before me. Questions relating to land ownership are not part of my remit in the assessment of this appeal.

Conditions

10. I have assessed the Council's suggested conditions in light of guidance found in the Planning Practice Guidance (PPG). Where necessary the wording has been amended for clarity, precision and to ensure that the development can be enforced against if the requirements are not met.
11. It is necessary to attach a condition specifying the approved plans as this provides certainty. This also includes the measures proposed in the delivery management statement to ensure disruption to occupiers of neighbouring properties is minimised. A condition relating to the use of the containers is also required.
12. The Council has suggested a further condition regarding the hours of use of the containers to reduce any noise impacts from loading of items and the opening and closing of the doors of the containers. However, I have no evidence as to why such condition would be necessary and need to go beyond controls that already exist within the context of relevant noise nuisance legislation. The opening and closing of the doors of the containers will be occasional and during the usual hours of operation of the business. As such I have not attached this condition.

Conclusion

13. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions as set out.

C McDonagh

INSPECTOR