



Appeal Decision

Site visit made on 23 June 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2022

Appeal Ref: APP/E2340/W/21/3288378

Land To The West Of 28 Skipton Road, Earby, Lancashire BB18 6PX

- 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 Imran Ali against the decision of Pendle Borough Council.
 - The application Ref 21/0540/FUL, dated 24 June 2021, was refused by notice dated 6 October 2021.
 - The development proposed is described as: change of use of car park to form hand carwash and valet with associated parking, siting of a site office cabin and canopy and erection of a mesh security fence and sliding gates to south-east and north-east boundary.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant proposed three site layout options (A, B and C) as part of the planning application. The Council determined the application on the basis of Option B as this was the appellant's preference. I have therefore determined the appeal on the basis of Option B, as to do otherwise could be prejudicial to the Council and other interested parties.

Main Issues

3. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Earby Conservation Area (the CA); and
 - the effect of the proposed development on highway safety.

Reasons

Conservation Area

4. Development along Skipton Road comprises of Edwardian villas and rows of terraced properties positioned close to the pavement edge providing a sense of enclosure to the streetscene. Development on the opposite side is more sparsely arranged with a variety of different warehouse buildings, typically of linear proportions that tend to be orientated perpendicular to the road. The space between and alongside them allows for views of the densely wooded old railway embankment that runs roughly parallel to the road here. Boundary features tend to be low adding to the open feel to this side of the road and predominantly consist of stone walls.

5. As is outlined in the Earby Conservation Area Appraisal (2004) (the CAA), the enclosure created by the trees and raised embankment of the former railway line, with the terraced rows opposite directly adjacent to the street, creates a series of interesting vistas. These views in part derive from the spaces between the buildings. The clear definition provided by the wooded embankment set behind consistently arranged buildings and the predominantly open spaces that lie between them, are features of the streetscene that contribute to the significance of the CA insofar as it relates to this appeal.
6. The appeal site forms a reasonably narrow area of predominantly hardsurfaced open space adjacent to the wooded embankment, although it includes an existing dilapidated shed set back into the site and positioned perpendicular to the road. A low stone boundary wall defines the boundary of the site with the road. Given its open nature with a low stone wall boundary and the consistent presence of the trees to the back of the site, the appeal site reinforces the characteristics that contribute to the significance of the CA as set out above. Located adjacent to a main thoroughfare, the site forms part of a key view of the CA when entering from the north, as is set out in the CAA.
7. The appeal proposal would involve the provision of a new 2 metres high mesh fence adjacent to the road edge including two large gates and a 2 metres high screen consisting of glazed panels which would be installed behind the existing stone wall. Together with the proposed 2.8 metres high canopy¹, this would have an oppressive effect on the streetscene, severely restricting views of the wooded embankment and removing the impression of open space to this side of the road. That the framing and various other parts of the development would be painted green would not mitigate this harm.
8. This form of boundary definition would also be at odds with the prevailing character of low stone walls, whilst the proposal would introduce modern construction and materials that would jar with the traditional setting. The proposed timber cabin building, by virtue of its flat roof and orientation parallel with the road would also be at odds with the prevailing character described above.
9. Whilst the appellant has drawn my attention to the mesh fence present at Earby Motors less than 100 feet away, this fence delineates the back of the Earby Motors site, set behind existing structures and buildings and does not front the road edge. The frontage of the site is open, consistent with the character of open spaces between buildings along this side of the road described above. Other fences are referred to but these are some distance from the site and nevertheless the prevailing character is of open, low boundaries as described above. Moreover, the presence of harm nearby does not necessarily justify additional harm.
10. Together the proposal would represent an incongruous form of development at odds with the prevailing character and within a prominent location that has been identified in the CAA as forming part of a key view of the CA. The appeal scheme would therefore have an adverse effect on the CA's significance, leading to less than substantial harm as set out in paragraph 199 of the National Planning Policy Framework (the Framework).

¹ Based on measurements provided by the Council.

11. The proposed development would, with the above in mind, be contrary to Policies ENV1 and ENV2 of the Pendle Local Plan Part 1 (2015) and the provisions of the Framework which seek, amongst other things, to preserve character and appearance and ensure that heritage assets are conserved in a manner appropriate to their significance.
12. Section 72(1) of the Act² requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.
13. The proposal would result in the permanent employment of three people and there would be benefits to the local economy through the establishment of a new business. The proposal would redevelop a redundant site and bring it back into an active use. However, these moderate public benefits would not, when taken together, outweigh the significant harm to the character and appearance of the CA.

Highway Safety

14. Skipton Road (A63) is a busy 30 mph section of a road linking Earby with Colne. The appeal site is located close to a bend in the road. It is limited in size and tapers to one end. This limits the number of vehicles that could be accommodated on the site whilst waiting for the car wash. The Highway Authority has advised that there is likely only space for three vehicles queueing within the site and this is assuming that no part of a vehicle is within the entrance. This was consistent with my impressions on site.
15. In my view, the limited number of vehicles that could be accommodated on the site is likely to lead to vehicles waiting in the highway whilst drivers ascertain the availability of the car wash. This is likely to be difficult to assess as views into the site would be limited by the presence of the screens and fencing around the site. Waiting vehicles would impede the free flow of traffic, at a point close to a bend, to the detriment of the safety of road users. Moreover, as advised by the Highway Authority it is likely that vehicles approaching from the north and stopping to turn right into the site would obstruct the view of vehicles seeking to turn right at the junction of Albion Street.
16. Furthermore, it has not been demonstrated, either through a swept path plan or otherwise, that vehicles moving from the car wash to the valeting area could do so with minimum manoeuvring. Given the constrained nature of the site, vehicles are likely to be required to make a sharp manoeuvre to enter the car wash area. In the absence of the above information, I am of the view that this would likely require several manoeuvres to correctly align, particularly for larger vehicles. This view is supported by the comments of the Highway Authority. Vehicles attempting numerous manoeuvres in this regard could lead to conflict with other vehicles turning into, within or exiting the site, to the detriment of the safety of road users.
17. Furthermore, it may be necessary for vehicles to take a wide approach to the site access in order to be able to complete the sharp manoeuvre into the site. This would potentially cause vehicles to cross the centre line on Skipton Road

² Planning (Listed Buildings and Conservation Areas) Act 1990.

into the opposing traffic lane, causing conflict with vehicles in this lane, to the detriment of road safety.

18. The appellant has stated during the appeal that concerns regarding internal queuing leading to adverse effects on Skipton Road could be overcome through conditions related to pre-booked attendance, limits to the number of vehicles on site and traffic signage. However, the appellant has not provided any detail relating to how a pre-booking system would work in practice, how many vehicles they could accommodate on site or what signage they would seek to provide. Therefore, on the basis of what is before me I am unable to confirm that such a system would address my concerns and therefore imposing a condition would be inappropriate. As such, notwithstanding that I have found harm in relation to the other main issue, I am not convinced that the appellant's suggested planning conditions would make the development acceptable in planning terms.
19. For the above reasons I conclude that the proposal would have an unacceptable impact on highway safety as set out in paragraph 111 of the Framework.

Other Matters

20. Reference has been made by the appellant to other applications at this site. I have not been provided with the full details of these and therefore I cannot be certain that they represent a parallel with the appeal proposal, nonetheless I have determined the appeal on its own merits on the basis of the evidence before me.

Conclusion

21. For the reasons given, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR