



Appeal Decision

Site visit made on 4 January 2023

by A Veevers BA(Hons) PGDip (BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/E2340/W/22/3307998

11A Skipton Road, Colne BB8 0NQ

- 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 A Begum, HDR Property Solutions Limited against the decision of Pendle Borough Council.
 - The application Ref 22/0511/FUL, dated 25 July 2022, was refused by notice dated 16 September 2022.
 - The development proposed is described as 'change of use application - proposed conversion of property into an office (use class E) with flat (use class C3)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.
3. Although the description of development includes the proposed change of use of the existing property to a mixed use of office and dwelling, the application site boundary is tightly drawn around only the single storey part of the building and the rear yard. This is attached to the 'flat' described in the banner heading above, which already exists in the adjoining building. For clarity, I have determined the appeal on the basis of the change of use of only the building identified within the red edge on the site location plan to an office (Use Class E).

Main Issue

4. The main issue is the effect of the development on the vitality and viability of Colne town centre, having regard to the sequential test for main town centre uses set out in the National Planning Policy Framework (the Framework).

Reasons

5. The appeal site is a small single storey flat roof building and a yard area. The building is attached to and internally linked to a three-floor stone property, part of which is currently in use as a store with a flat above. The property is located within a row of commercial properties on Skipton Road that includes shops, takeaways, a hair salon and a dentist.
6. The Framework defines an office as a main town centre use within the Glossary (Annex 2). It advises that local planning authorities should apply a sequential

test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date plan. It states that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Paragraph 91 clearly states that where an application fails to satisfy the sequential test it should be refused.

7. Policy WRK4 of the Pendle Core Strategy 2011-2030 (CS) seeks to focus main town centre uses within town and local shopping centres. The importance of providing an appropriate mix of uses that help to maintain the vitality and viability of these centres is set out within the text of Policy WRK4, which states that 'where a proposal is submitted for a town centre use in an edge-of-centre or out-of-centre location, the applicant will be required to follow the assessment requirements set out in the Framework'. Policy WRK4 requires applicants to identify sites or premises that are suitable, available and viable by following the sequential approach.
8. The Council state that the site is approximately 110m from the town centre boundary. I have not been provided with a plan identifying the town centre boundary, only the legend and key for a plan. At my site visit, I noted a sign along Skipton Road stating 'Colne town centre' opposite the appeal site. However, the area immediately surrounding the site incorporates a mix of residential and commercial properties and regardless of the sign, it is clear from my observations on site, that the main town centre lies a 5 minute walk from the site. Therefore, the appeal site lies on the edge of the town centre.
9. The appellant has not provided any evidence to suggest that the development would meet the sequential test. Although the appeal building is small, and sits within a row of commercial properties, there could be similar sized units available in a retail centre that would be sequentially more preferable than the appeal site. Indeed, although larger in footprint, the Council have put forward a number of vacant office premises currently available in the town centre. By allowing this appeal, a premises in the town centre may remain vacant, thus harming the vitality and viability of the centre.
10. Due to the limited size of the appeal property, the impact of the proposal on the vitality and viability of the town centre may be very low, however the cumulative impact of such incremental changes would have significant effects, and this has not been addressed.
11. The appellant has failed to demonstrate that there would not be more sequentially preferable sites for this office, and it is therefore not possible to assess the effect of the development on the vitality and viability of Colne town centre. Accordingly, the development fails to satisfy the sequential test for town centre uses, set out in the Framework, and conflicts with Policy WRK4 of the CS.

Other Matters

12. I acknowledge that the location has reasonable access to transport links and there are a number of commercial premises close to the appeal site, also outside the town centre. I have no specific evidence before me with regards to their planning history, although many appear to have been in existence for several years and are therefore not directly comparable. In any event, I am

required to reach conclusions based on the individual circumstances of this appeal. Furthermore, although there were no objections to the proposed development, a lack of objection is not a reason to approve unacceptable development.

13. I recognise that the removal of the cowl over the flat roof of the building would enhance the visual appearance of the property. However, this would not outweigh the wider public harm that would be caused by this proposal. I am also unpersuaded that the proposed development provides the only opportunity to upgrade the property to current standards.
14. The appellant raises concerns over the conduct of the Council during the application process. Such concerns should normally be addressed through the Council's own complaints service in the first instance and ultimately this is of no significance to the planning merits of the appeal before me.

Conclusion

15. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

A Veevers

INSPECTOR