



Appeal Decision

Site visit made on 3 December 2024

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2025

Appeal Ref: APP/E2340/W/24/3346487

226-248 Springbank Buildings, Every Street, Nelson, Lancashire BB9 7BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Amjad Khan of Ambas Foods against the decision of Pendle Borough Council.
 - The application Ref 23/0766/FUL was approved on 1 February 2024 and planning permission was granted subject to conditions.
 - The development permitted is erection of a canopy and the installation of shutters.
 - The condition in dispute is No 3 which states that: Notwithstanding details shown on the approved plans, this planning approval shall not relate to the new length of canopy identified on all drawings.
 - The reason given for the condition is: In the interests of visual amenity and conservation.
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Decision

1. The appeal is allowed and the planning permission Ref 23/0766/FUL for erection of a canopy and the installation of shutters at 226-248 Springbank Building, Every Street, Nelson, Lancashire BB9 7BS granted on 1 February 2024 by Pendle Borough Council is varied by deleting condition 3.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. Whilst some paragraph numbers have changed, the relevant paragraphs identified as directly affecting this case have not been amended. Therefore, in this case it has not been necessary to consult the parties on the revised Framework.

Background and Main Issue

3. Planning permission was granted¹ for the erection of a canopy and the installation of shutters subject to conditions. The appellant is seeking to remove condition 3 which relates to the approved plans. The condition restricts the development to part of the canopy as shown on the approved plans and not the canopy in its entirety, the condition is set out in the banner heading above. The reason for the condition was in the interests of amenity and conservation.
4. The main issue is whether condition 3 is reasonable and necessary having particular regard to the character and appearance of the Whitefield Conservation Area (CA).

¹ Application Ref: 23/0766/FUL

Reasons

5. The appeal site is located on the corner of Every Street and Hargreaves Street. The building is in retail use at ground floor level. The building is described in the Heritage Statement² as a former methodist church and is constructed from stone typical of the vernacular of the surrounding streets. The building has an adjoining flat roof building with three large loading bays. The side of the building is stepped downhill along Hargreaves Street with the main frontage facing Every Street. An existing large canopy frame is located on the front of the building towards the junction with Hargreaves Street. The frame extends onto a small service area which is on the pavement edge and a second canopy which does not protrude as far is located next to it, over the entrance to the retail unit.
6. The site is within the CA which is characterised by the urban legacy of Victorian terraced housing and textile mills as described by the Conservation Area Design and Development Guidance SPD. This can clearly be seen in the buildings around the site, with surrounding streets having uniform rows of Victorian terraces constructed from stone with slate roofs, that in part, contribute towards the appearance of the CA. Whilst the CA is uniform in its design, many of the surrounding dwellings have individual character with painted frontages and changes to fenestration and boundary treatments to front yards. Whilst changes such as these are expected over time, the alterations to the facades of the properties have diluted the traditional repetitive appearance of the Victorian terraces. Notwithstanding this the CA retains its historic and architectural significance due to the strong street patterns and form of the buildings within it.
7. Due to the interesting design and construction of the appeal site together with its prominent position on the corner of Every Street and Hargreaves Street, the appeal site makes a positive contribution to the CA.
8. The planning application scheme¹ sought to modify the existing frontage by amending the canopy, repaint exposed steelwork, replace existing roller shutter doors, locating the shutter box located inside the building, reduce the amount of signage and paint the render grey.
9. The proposed works would see amendments to the frontage which make overall improvements to the appearance of the building. Condition 3, which is in dispute, limits the length of the proposed canopy, specifically the portion to the centre of the building which extends over the main entrance of the retail unit.
10. The amended canopy is set back a significant amount compared to the existing steel frame canopy which according to the evidence has been in situ for some time and is shown to be retained on the approved plans. Due to the small size, design, materials and subservience of the disputed area of canopy, it would not be a prominent feature and would be appropriate to the function of the building as a retail unit, therefore would appear to be consistent with the commercial character of this part of the CA. Therefore, I do not consider that this element of the proposal would harm host building nor the significance of the CA.
11. For the reasons mentioned the extended canopy would not harm the character or appearance of the CA. The proposal would therefore be in accordance with policies ENV1 and ENV2 of the Local Plan for Pendle Core Strategy (2015) which

² Heritage Statement by Stephen Haigh Buildings Archaeologist – dated November 2023

between them seek to ensure that the significance of the heritage asset is not harmed or lost, and developments should be practical, contribute to the sense of place and make a positive contribution to the historic environment and local identity and character, using appropriate materials.

12. Accordingly, I conclude that condition 3 is not reasonable or necessary in the interests of preventing harm to the character and appearance of the CA.

Conclusion

13. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

N Duff

INSPECTOR