



Appeal Decision

Site visit made on 26 February 2025

by **J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 March 2025

Appeal Ref: APP/M2372/W/24/3349532

Lancashire Edible Oils, Thornber Street, Blackburn BB2 2NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Tareq Momoniat of Lancashire Edible Oils against the decision of Blackburn with Darwen Borough Council.
 - The application Ref is 10/23/0502.
 - The development proposed is creation of vehicle access and installation of two double gates in existing fence.
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Decision

1. The appeal is allowed and planning permission is granted for creation of vehicle access and installation of two double gates in existing fence at Lancashire Edible Oils, Thornber Street, Blackburn BB2 2NG in accordance with the terms of the application, Ref 10/23/0502, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with Drawing Nos. A3.02 – Proposed Location Plan and A1.01 – Floor Plans and Elevations.
 - 3) The access gates hereby permitted shall be inward opening only and shall not open outwards onto the highway.
 - 4) The access points hereby approved shall not be brought into use until works to the adopted highway have been completed to lower the kerb edging in front of the access gates, and to reposition the existing street lamp, to the satisfaction of the Local Planning and Highways Authority.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024 and is a material consideration in this appeal. Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal it is clear to me that there are no material changes in the revised Framework relevant to the substance of this appeal. Therefore, I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework. Any reference to the Framework in this decision is to the most recent version and its new paragraph numbers.

Main Issue

3. The main issue is the effect of the proposal on highway and pedestrian safety.

Reasons

4. Stansfeld Street and Thornber Street are continuous and comprise residential properties, the Stansfeld Centre which is closed and vacant, a car repair business, which has ceased trading, and the appeal site. Thornber Street terminates at the appeal site and the former car repair business.
5. The appeal plans indicate that Lancashire Edible Oils has one access but at the time of my site visit, a brick wall and railings had been removed and an additional two sets of double gates installed. The proposed plans indicate brick pillars and three sets of double gates. The gates would be located at the rear of the pavement and in addition to the original set of gates, there is evidence of a dropped kerb indicating the position of an earlier vehicular access. There is also a lamppost located within the pavement and positioned close to the boundary with the appeal site.
6. At the time of my site visit there were few vehicles on the road in the immediate vicinity of the appeal site. However, the appeal documents, including photographs, indicate substantial parking of a variety of vehicles on the road which the appellant states interfered with the operation of the business. The proposed multiple access points would allow vehicles to enter and leave unhindered.
7. Whilst the proposal would comprise three access points close together, the appeal site is not located on a through road and therefore, any traffic utilising this end of the highway would be visiting either the appeal site or the other commercial property (the former car repair business). The Stansfeld Centre has its own car park and any visitors to this building would utilise that and generally have little need to travel further down the road towards the appeal site. The residential properties are terraced houses with no off-street parking so the occupiers of these would need to park on Stansfeld Street. However, I have no evidence that occupiers of these properties or their visitors would generally need to travel to the end of the road to search for a parking space. Any conflict would therefore mainly be between the two businesses on Thornber Street.
8. Given the location of the appeal site, the lack of passing traffic and that vehicles accessing the end of Stansfeld Street/Thornber Street would be expected to be moving slowly, I do not consider that highway or pedestrian safety would be compromised. Nor would the free flow of pedestrians and vehicles be hampered. Whilst the three access points would prevent on-street parking across the frontage of the appeal site, there is space on the road generally for on-street parking and any loss would be small. Notwithstanding that the site of the former car repair business could be brought back into use, I do not consider that the proposal would cause the displacement of vehicles that would be cause for conflict or harm to safety.
9. Local Plan¹ Policy CP9 sets out the Council's approach to manage the transport implications of development with an emphasis on sustainable locations. Policy DM29 requires development to ensure the safe, efficient and convenient

¹ Blackburn with Darwen Borough Council Local Plan 2021-2037.

movement of all highway users. The Framework also seeks to ensure that safe and suitable access can be achieved for all users (paragraph 115) and development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety (paragraph 116). The proposal would not have an adverse impact on highway or pedestrian safety and therefore would not conflict with policies CP9 or DM29 or the Framework.

Other Matters

10. The proposal would involve installing dropped kerbs in the highway and the re-positioning of a lamppost. The Council indicate that as the Local Highway Authority object to the proposal, then it would very likely not approve works to the highway. However, there is no evidence that this would be the case and I have no reason to believe that these works could not be carried out.
11. The Council doubt the economic benefits associated with this proposal but as I do not find harm in relation to my main issue, there is no need for me to explore this matter further.

Conditions

12. The Council has suggested conditions in the event that this appeal is allowed which I have considered in the light of the Framework and the Planning Practice Guidance (PPG). I have amended some of the suggested wording in the interests of clarity and to meet the six tests.
13. In addition to the standard time limit condition (1) a condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. However, I note that the drawing numbers referred to in the Council's suggested conditions differ from those indicated on the submitted plans. The submitted plans are consistent with various documents within the appeal statements and so I have taken the references from the plans themselves (2).
14. A condition requiring the gates to open inwards is reasonable and necessary in the interests of highway and pedestrian safety (3). A condition requiring the works to the highway to be carried out is necessary as it is reasonable and relevant to this proposal that dropped kerbs are installed in front of the gates and the lamppost will need to be re-positioned to enable one of the gates to be used (4). A condition requiring full details of the design and external appearance of the proposal together with any other external works is suggested. However, I am satisfied that the submitted plans provide enough details to indicate the appearance of the proposed development. A condition therefore is not necessary.

Conclusion

15. For the reasons given above the appeal should be allowed.

J D Clark

INSPECTOR