



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: 15 April 2025

Appeal Ref: APP/M2372/W/24/3351545

3-17 Wensley Road, Blackburn, Blackburn With Darwen BB2 1PX

- 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 Pervaiz Akhtar against the decision of Blackburn with Darwen Borough Council.
 - The application Ref is 10/24/0121.
 - The development proposed is change of use from mot and car repair garage to mixed use car repair garage and homeware store along with external emergency exit staircase.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In addition to the description of the proposal above, three roller shuttered openings would be replaced with shop fronts. These have been added to the description on the decision notice and although excluded from the description on the application form, clearly form part of the proposed change of use. I have taken these alterations into account accordingly.
3. 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.

Main Issues

4. The main issues are: -
 - whether the appeal site is an appropriate location for the proposed use having regard to the retail policy in the development plan; and
 - the effect of the proposal on highway and pedestrian safety.

Reasons

Location

5. The appeal site comprises a two storey detached building currently in use as a vehicle repair/MOT garage on the ground floor with storage space on the first floor and associated land around it. The proposal is in an area comprising residential

properties and other commercial uses and is described by the Council as being within a secondary employment area within the urban boundary. The proposal would retain one vehicle repair bay and convert the rest of the building to retail with storage on the first floor.

6. Local Plan¹ Policy DM 36 sets out criteria for the provision of retail developments outside the hierarchy of Town or District Centres and specifically refers to local and convenience shops. Where a proposed retail development is not within a defined centre the policy supports developments that (i) caters for local needs and does not exceed a gross floor area of 280 square metres; (ii) there are no vacant existing shops within reasonable walking distance of the proposal which would be capable of accommodating the development and providing the needs proposed to be served; and (iii) either the development is within or immediately adjacent to an existing group of local shops, or there are no other shopping facilities providing for local needs within a reasonable walking distance of the proposal. The Policy suggests a reasonable walking distance is typically 500 metres.
7. The parties are in agreement with point (i) of Policy DM36 as the change of use would amount to 248 square metres. The appellant has therefore looked at whether there are any other vacant units within 500 square metres that would be capable of accommodating the development to satisfy criterion (ii) and whether there are any other shopping facilities that provide for the local needs identified by the appellant as required by criterion (iii). It is accepted that the appeal site is not within or immediately adjacent to an existing group of local shops.
8. The search for other properties has proved negative although the Council questions the appellant's search criteria in terms of size requirements. Whilst the upper floor is described as being for storage, the appellant has described the whole building, apart from one ground floor vehicle repair bay, as being required for the proposed homeware store. On this basis, I am satisfied that the appellant has demonstrated a reasonable search of the area to meet the stated needs. This approach would be consistent with the Framework in its support for the economy of town centres and the application of a sequential test for main town centre uses.
9. Notwithstanding that Criterion (ii) would be satisfied, turning to criteria (iii) the appellant claims the proposal would meet a local need and there are no other shops that provide this. Whilst this may be the case as the proposal is intended to sell homeware items such as bedding, curtains, blinds, rugs, lighting, towels, kitchenware etc., Local Plan Policy DM36 is aimed at providing for the need for local shops that meet the day to day needs of local residents. This is intended to address the needs of older and/or less mobile residents and assist the sustainability of neighbourhoods. It is not intended to cover general retail uses that would be expected to be found in town or district centres. Although people require homeware items, these are not goods generally considered necessary for day to day needs.
10. Therefore, the proposal would conflict with Local Plan Policy DM36. The appeal site is not an appropriate location for the proposed use and cannot be justified having regard to the retail policy in the development plan.

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

Highway and Pedestrian Safety

11. The appellant considers that the Council's decision was issued before there was time to address any highway concerns. However, as part of this appeal details have been submitted including car parking and bicycle provision, pedestrian routes and swept path analysis plans for delivery vehicles. The number of parking spaces is not disputed between the parties and I have no reason to disagree. However, there could be conflict between users of the drop off and MOT bays associated with the retained vehicle repair use, and pedestrians as the vehicular movements would entail manoeuvring across the building's frontage. One of the plans also shows vehicles manoeuvring beyond the site's western boundary.
12. There are double yellow lines on the highway outside the appeal site and therefore any deliveries would have to be accommodated wholly within the site. The existing use includes the provision of tyres and presumably other vehicle parts are delivered to the site. No evidence has been provided as to what takes place now and how deliveries to the proposed use would differ. No details of delivery times, types of vehicles, frequency etc has been submitted to enable any kind of comparison to be assessed. In any event, there is potential for conflict between the uses on the site and a risk to pedestrians, therefore I am not satisfied that adequate provision has been demonstrated to safeguard highway and pedestrian safety.
13. Consequently, the proposal would conflict with Local Plan Policy DM29 which, amongst other things, seeks to ensure that development does not prejudice the safe, efficient and convenient movement of all highway users and appropriate provision is made for off-street servicing.

Conclusion

14. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR