



Appeal Decision

Site visit made on 8 July 2025

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

an Inspector appointed by the Secretary of State

Decision date: 16th July 2025

Appeal Ref: APP/B2355/W/25/3360175

Land At Chapel Street, Haslingden BB4 5QR

- 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 C Elcock against the decision of Rossendale Borough Council.
 - The application Ref is 2024/0178.
 - The development proposed is demolition of a car repair building and its replacement with a live-work unit for car repairs (including an MOT testing station) at ground floor level and residential accommodation at first floor level.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. Chapel Street is a long road comprising commercial premises, a vacant chapel and residential properties. The appeal site is located towards the eastern end of the road where, shortly afterwards, the road changes in surface from tarmac to an unmade track. This provides access to a car park to a large mill building and continues to link with an area of open space and Clegg Street to the south. The appeal site is hardsurfaced with a single storey building on it. To the front boundary, there is a stone wall and metal fencing and gates.
4. The proposal would demolish the existing building and erect a detached building with a dual purpose of a car repair workshop on the ground floor with an internal access to the upper floor which would provide two bedroomed living accommodation.
5. The reason for refusal refers to sub-standard visibility from the site but no details of visibility splays are submitted. There is a dispute regarding ownership and access rights at the front of the site. Regardless of this, I note that speed limits are low and due to the nature of this end of Chapel Street, there is little passing traffic. Also, the proposal would involve lowering the height of the front boundary wall and setting the gates back to improve visibility. Vehicles would mostly be associated with the commercial uses immediately close by and so traffic speeds would not be such as to cause undue harm. Vehicles accessing and exiting the appeal site would be unlikely therefore to cause a traffic hazard to road safety, the free flow of traffic or have implications on the surrounding road network.

6. Although I do not consider that visibility from the appeal site would harm highway safety, the space within the site to accommodate the proposal is restricted. The appeal documents include a swept path analysis for an estate car entering and leaving the site. This includes details for accessing parking bays within the building and alongside it to the west. The proposal was amended to reduce the number of bays within the building from two to one and doors would be positioned to maximise manoeuvring space. The swept path analysis shows manoeuvring space for four parked cars. A swept path analysis for a larger vehicle is referred to but has not been submitted. However, the statements submitted indicate that this would not work but the occasions of a larger vehicle visiting the site would be small and any inconvenience caused by such manoeuvring would not be significant. However, the swept path analysis submitted indicates that an estate car could manoeuvre within the site but the arrangement would be very restricted and does not take into account any potential obstructions within the site.
7. Whilst the two uses would be connected, the appeal site is restricted in size and there would likely be conflict between the residential requirements for the dwelling and those associated with the commercial operation of the proposed car repairs and MOT station. Whilst a condition could be imposed requiring parking spaces to be provided in accordance with the Council's standards, I am not convinced that it would be possible to ensure that these spaces would be kept free for their intended use. Furthermore, notwithstanding that the swept path analysis demonstrates that vehicles could manoeuvre within the site, the demands for parking and manoeuvring would be challenging in such a restrictive space. This would lead to vehicles overflowing onto Chapel Street.
8. I accept that Chapel Street is not heavily used by vehicles for through traffic and there is a 20 MPH speed limit but the proposal would be likely to lead to on-street parking. Although I am not convinced that visibility from the appeal site would cause undue harm to road safety, I find that any need for additional parking on Chapel Street could. I am especially mindful that there is no footpath at this end of Chapel Street and the track leads through to the adjacent road, Clegg Street and an area of open space.
9. Paragraph 115 of the National Planning Policy Framework (the Framework) seeks to ensure that safe and suitable access can be achieved for all users when considering new development. The proposal would fail to do this. Furthermore, paragraph 116 of the Framework advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. Due to the restrictive size of the appeal site and the two uses proposed, the proposal would lead to conflict within the site and subsequently overflow onto the highway. This would hinder the safe movement of traffic and pedestrians which would be harmful to vehicular and pedestrian safety. Consequently, it would conflict with the Framework.

Other Matters

10. The appellant suggests that the commercial use could be restricted to the proposed use only which would prevent any future changes that could lead to a greater level of intensification of use and vehicular activity. However, a blanket approach to removing permitted development rights is discouraged by the Planning Practice Guidance (PPG) and I am not convinced that a general

restriction would satisfy the necessary tests as set out in the PPG and the Framework.

11. The proposal would have economic benefits in utilising the site for an improved commercial enterprise. No details have been submitted about the amount of jobs created but even one job would be a benefit, albeit a modest one. The proposal would also provide a new dwelling which, although no information is submitted regarding the requirements for housing in the area, would nevertheless create a new home which also would be a modest social benefit. The appeal site is fairly unsightly and although there would be little scope for landscaping, the proposal would improve the appearance of the site. This also would be a modest environmental benefit. However, despite these benefits, these are not sufficient to overcome the harm I have identified.

Conclusion

12. For the reasons given above the appeal should be dismissed.

J D Clark

INSPECTOR