
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: 16 July 2025

Appeal Ref: APP/B2355/W/25/3359818

2 Peter Street, Bacup BB4 7NR

- 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 The Pakistan Islamic Centre against the decision of Rossendale Borough Council.
 - The application Ref is 2024/0351.
 - The development proposed is change of use from bus company rest facility to funeral preparation facility and community room. Single storey extension to rear and access door added to side elevation.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - whether the character or appearance of the Rawtenstall Conservation Area would be preserved or enhanced; and
 - the effect of the proposal on highway and pedestrian safety.

Reasons

Conservation Area

3. The appeal site comprises an end terraced property. Whilst it has previously been used as a rest facility for a former bus company, it is domestic in scale and appearance. Peter Street is a narrow road with rows of terraced properties either side. These are mostly dwellings but a Mosque is located in the end properties Nos 16 and 18. No 2 is on the corner of Markross Street which runs off Bacup Road. Access to a supermarket is from Markross Street and Bacup Road. There is also a Job Centre opposite the appeal site on Markup Road and various commercial uses on Bacup Road. A former mill building that has been converted to residential properties lies to the eastern end of Peter Street (Illex Mill).
4. The properties in Peter Street are mid – 19th century two-storey terraced houses constructed in stone with slate roofs, stone cills and stone surrounds to the front doors. No 2 has a rear projection and a small yard area. Its gable wall adjoins

the pavement on Markross Street. The terrace appears to have originally been associated with the adjacent Ilex Mill to the east and reflects the development of Rawtenstall as a centre for the textile industry in the 19th and 20th centuries. The town was mostly constructed in local sandstone and developed along the river valleys, initially Limy Water and later the Irwell, particularly after the arrival of the railway in the 1840's. The busy network of streets today reflect this industrial heritage with buildings close to the pavements, such as along Bacup Street and rows of terraced houses, such as Peter Street, behind the principal streets.

5. This historical context characterises the significance of the appeal site and its place within the designated Rawtenstall Conservation Area. Therefore, I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
6. The proposal would extend the property to the rear. This would remove any external yard space but the appellant states that refuse bins would be stored in a ventilated cupboard adjacent to the new rear door. Specialist waste would be collected as at present from the Mosque. The proposal would utilise part of the building as a community facility for ladies preparing the deceased for burial. A new door would be inserted in the side gable to provide access to the proposed preparation room.
7. The end gable is prominent in the street scene due to its large expanse and location. Inserting a door into this gable would destroy the simple unaltered stonework. I note that doors have been inserted in the gable at the other end of the terrace, No 18, but due to the proximity of the Mill building, that gable is less prominent than the one on Markross Street. Although relatively modest, the proposed door would detract from the simple and uncluttered appearance of the gable. Consequently therefore, the proposal would fail to enhance or preserve the character or appearance of the Conservation Area.
8. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the scale of the development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
9. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The proposal would enable the appeal site to be used in conjunction with the existing Mosque at 16 and 18 Peter Street. I am told that this is very well attended and extremely important to the local community. It has been established for over 30 years. The proposal would enable No 2 to be used for the preparation for burial of the deceased and a community room for the ladies of the community. The proposal would provide an important facility to enable the

deceased to be delivered to the property and prepared by a washing process carried out by a small number of people from within the community.

10. Although the washing process is currently carried out at the existing Mosque, the appellant states that the facilities there are not designed for this purpose and so are not suitable. I am satisfied that the proposal carries significant benefits to the local community.
11. However, whilst the proposed facility would clearly benefit the local community and the appellant has acquired the appeal site, other than its proximity to the Mosque, there is no evidence to justify why the facility needs to be located here. The requirements appear to be modest in terms of the scale of the preparation room and community facility and any specific requirements for the washing procedure but no evidence has been submitted to demonstrate that alternatives have been pursued.
12. Consequently, despite the benefits outlined, I am not convinced that these could not be met in a property nearby without causing harm to the building and its surroundings and in particular, its failure to preserve or enhance the character or appearance of the Conservation Area. The proposal would not meet the heritage aims of the Framework and would conflict with Local Plan¹ Policies ENV1 and ENV2 which amongst other things, seek to safeguard and enhance the historic environment whilst taking into account public benefits.

Highway and Pedestrian Safety

13. Due to the mixed uses in the area, Markcross Street is a busy road and cars park along most of the length of Peter Street. There are double yellow lines adjacent to the pavement alongside the gable end of the appeal site. The pavement is used for bin storage although presumably this is only on collection days.
14. As outlined above, I have no doubt about the benefits of the proposal and the appellant states that most visitors to the Mosque travel on foot or use a nearby public car park. Notwithstanding this, there is already a substantial amount of vehicular activity on Markcross Street and the double yellow lines prohibit parking at all times. Lancashire County Highways state that this is to maintain access for delivery vehicles to the supermarket.
15. The practical use of the proposed access would mean contravening the traffic regulation order on Markcross Street and potentially block the use of the footpath. Although this may only be for limited periods of time, Markcross Street is well used for various vehicles including service vehicles to the supermarket and these would be adversely affected by the proposed use of 2 Peter Street.
16. Paragraph 115 of 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. Consequently, it would cause a hinderance to vehicular movements and the safe movement of traffic and pedestrians which would be harmful to vehicular and pedestrian safety.

¹ Rossendale Borough Council – Rossendale Local Plan 2019 to 2036 Adopted 15 December 2021.

Conclusion

17. 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. The proposal would also conflict with the Framework. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR