

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: 18 July 2025

Appeal Ref: APP/B2355/W/24/3357084

7 M R Garage, Ratcliffe Fold, Haslingden, Rossendale, Lancashire BB4 5PZ

- 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 Jamal Iqbal against the decision of Rossendale Borough Council.
 - The application Ref is 2024/0331.
 - The development is proposed change of use from gym to MOT station.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:-
 - whether the character or appearance of the Haslingden Conservation Area would be preserved or enhanced;
 - the effect of the proposal on highway and pedestrian safety; and
 - whether the location is suitable taking into account the development plan policies for Town and District Centres;

Reasons

Conservation Area

3. The appeal site comprises a detached building and a yard area enclosed by a wall and fencing. The building is constructed partly in stone, part render and part brick. Parts of the external surfaces have been painted and a two-storey flat roofed extension added. Visually, the building is in a poor state. The yard area is used for parking vehicles but the building appears to be no longer in use as a gym.
4. Although no information is submitted about the Conservation Area, it covers a substantial area and the appeal building is identified on the Conservation Area map as one that makes a positive contribution to it. I have no information about the building's heritage and whilst it appears neglected, its significance lies in its position within the Conservation Area and its recognition as making a positive contribution to it.

5. The alterations to the building mainly relate to new openings which includes the installation of the proposed roller shuttered doors to the workshop. This would be a fairly large opening and would break up the elevation. However, given the location of this opening in relation to the building itself, the yard and boundary treatments, it would not affect the more visible and prominent elevation on Bell Street or its appearance on the corner of Bell Street and Ratcliffe Fold. Specific details of this opening and that on the elevation directly adjoining Ratcliffe Fold could be secured through a suitably worded condition. As could details of boundary treatments. As such, the proposal could provide an opportunity to improve the building. This being the case, the proposal would have a neutral effect on the character and appearance of the Conservation Area and therefore, its character and appearance would be preserved.
6. In reaching this view, 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). This is reflected in the National Planning Policy Framework (the Framework).
7. I conclude that the proposal would not conflict with the heritage aims of the Framework nor would it conflict with Local Plan¹ Policies ENV1 and ENV2 which amongst other things seek to safeguard and enhance the historic environment.

Highway and Pedestrian Safety

8. Although the Council are concerned about visibility from the site's access, Lancashire County Highways has indicated that this could be improved to make it acceptable. Therefore, I am satisfied that this matter could be addressed by a suitably worded condition.
9. However, whilst adequate parking provision is shown, in accordance with the Council's standards, the proposal does not indicate details of manoeuvring of vehicles within the site and it is not clear that vehicles could manoeuvre without causing any overflow onto Ratcliffe Fold. I observed that the area is well used by pedestrians cutting through the District Centre to the nearby car park which is accessed directly opposite the appeal building on the corner of Ratcliffe Fold and Bell Street. The market is also accessed from Ratcliffe Fold and I note that improvements are planned to this area. In the absence of a clear indication that vehicles could park and manoeuvre within the appeal site, the proposal would lead to conflict between vehicles and between vehicles and pedestrians and cyclists and therefore be detrimental to safety.
10. The Council refer to Local Plan Policy TR4 but this relates specifically to the provision of parking and the Council's parking standards. Lancashire County Highways confirm that the parking spaces comply with the standard and so there would be no conflict with this policy. However, paragraph 115 of the Framework seeks to ensure that safe and suitable access can be achieved for all users when considering new development. For the reasons set out above, the proposal would fail to do this. Consequently, it would cause a hinderance to

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

vehicular movements and the safe movement of traffic and pedestrians which would be harmful to vehicular and pedestrian safety.

Location

11. The appeal site is located within the Haslingden District Centre with the surrounding area being predominantly commercial. Nearby uses include Haslingden Market, a petrol filling station, a car repair and car sales garage and a public car park.
12. In order to support the vitality and viability of Town and District Centres, the Local Plan discourages non-Town Centre uses. Policy R1 identifies the role and function of the District Centre as being to provide for the shopping needs of residents in the locality, primarily to provide convenience and food shopping. The focus of other Town Centre uses include professional and financial services; offices; entertainment (including food and drink); tourism; sport; leisure; arts; culture; and health. Although the existing gym would be an appropriate Town Centre use, the proposed MOT station would not.
13. Policy R1 will only support the loss of acknowledged Town Centre uses where, amongst other things the use would make a positive contribution to the vitality and viability of the relevant centre. Furthermore, amongst other criteria, Policy R1 supports proposals only where there would be no adverse impact on road safety or traffic flows. Local Plan Policy R3 also sets out criteria where non-retail uses could be permitted in Town, District or Local Centres. One such exception would be where it has been demonstrated that there is no demand for a retail or commercial use.
14. There is limited information about the proposed MOT station and so I have no evidence that would convince me that the proposal would contribute to the vitality and viability of the District Centre. Also, I have found that the proposal would be harmful to highway and pedestrian safety and so the criteria in Policy R1 would not be met. In demonstrating any lack of demand for a commercial use, Policy R3 advises that this should include a marketing exercise. No evidence has been submitted that this has been carried out. Thus, the proposal would conflict with Local Plan Policies R1 and R3.
15. Furthermore, Policies EMP4 and EMP5 support economic growth. However, whilst the MOT station would generate jobs, given that the proposal would not contribute to the vitality and viability of the District Centre, as required by Policy R1, the number of jobs created would not be sufficient to justify its District Centre location or overcome the highway concerns I have identified. It would also exceed the size accepted as small scale development permitted under Policy EMP5. Consequently, the proposal would conflict with Policies EMP4 and EMP5.
16. The proposal would not therefore be suitable taking into account the development plan policies for Town and District Centres. It would conflict with Local Plan Policies R1, R3, EMP4 and EMP5.

Planning Balance and Conclusion

17. Whilst I have found that the proposal would have a neutral effect on the Haslingden Conservation Area and therefore preserve its character and appearance, I have found the proposal would have a harmful effect on highway and pedestrian safety and would not be suitably located taking into account the relevant development plan policies.
18. 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