



Appeal Decision

Site visit made on 2 July 2025

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th September 2025

Appeal Ref: APP/P2365/W/25/3361935

Unit 2, Burscough Wharf, Liverpool Road North, Burscough, Lancashire L40 5RZ

- 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 Adam Levene of Robert Pinkus Property Management Ltd against the decision of West Lancashire Borough Council.
 - The application reference is 2024/0593/FUL.
 - The development proposed is Installation of a 6m x 3m x 2.5m aluminium pergola with open sides.
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Decision

1. The appeal is allowed and planning permission is granted for Installation of a 6m x 3m x 2.5m aluminium pergola with open sides, at Unit 2, Burscough Wharf, Liverpool Road North, Burscough, Lancashire, L40 5RZ, in accordance with the terms of the application, reference 2024/0593/FUL, and submitted plans: Location Plan, Proposed Plan A1143/PL/11.

Preliminary Matters

2. The pergola is in situ at the appeal site. While reference has been made to the addition of seating and lighting to the pergola, no details of such are included in the description of the development on the application form. I have considered only the development applied for. Any additional works that comprise development would need to be pursued separately to this appeal.

Main Issues

3. The main issues are the effect of the development upon a) the character and appearance of the area, b) access, and c) the viability of businesses within Burscough Wharf.

Reasons

Character and Appearance

4. The appeal site comprises part of a courtyard contained by a range of single, two, and three storey brick buildings, known as Burscough Wharf, with the Leeds Liverpool Canal located to the south. These buildings contain a mix of commercial uses and at the time of my visit, the courtyard was utilised by a number of businesses to provide outdoor seating.
5. A number of the buildings in this courtyard appear to be of some age, and their configuration, design and materials provide an attractive and characterful appearance. While the Council's Officer Report indicates that none of these buildings are nationally or locally listed, the information before me, including the

Burscough Parish Neighbourhood Plan 2017 – 2027, dated May 2019, (NP) suggests that the former canal wharf warehouse fronting onto the canal itself, is locally listed, a point acknowledged by the appellant and subsequently confirmed by the Council. In providing this confirmation, the Council has been given further opportunity to comment on this matter. Consequently, I have considered this building as a non-designated heritage asset, (NDHA).

6. The pergola is not particularly large in scale and takes up only a portion of the existing courtyard. It has a slim frame with open sides and a lightweight flat roof, which sits below the eaves height of the nearest single storey building. As a result, it does not appear overly dominant in scale, and it remains possible to appreciate the surrounding buildings from within this courtyard, even with the pergola in situ. It has an overall simple appearance which does not draw the eye or compete with its surroundings. The dark finish to the pergola compliments the materials used in the openings of the restored historic wharf buildings, which have themselves been altered as part of their modernisation. The pergola sits alongside a range of tables and chairs and other street furniture which do not have any obvious uniformity in style or materials, and so it does not appear particularly out of place in this setting.
7. Allowing the appeal would introduce a fixed structure into the courtyard. While there are presently other fixed structures in this courtyard, I have not been provided with any evidence to suggest that these benefit from planning permission. I note the objection from the Town Council, who reference that the wharf yard was initially intended as a community space for holding public events. However, I have not been provided with any evidence that the courtyard has subsequently been used for such a purpose, which from the available information, appears to be in private ownership. While the pergola is fixed, given the commercial use of surrounding buildings and the extent of associated paraphernalia within the courtyard itself, which must be present for a large part of the day and into the evening, the fixed structure does not appear as an intrusion in this space.
8. While a pergola has no historic association with the former wharf warehouse, the use of these wharf buildings has evolved and their character and appearance, as well as their setting has changed to an extent, as a result. In this changed context, this structure relates appropriately to the functionality of the space. There is little information before me as to how this courtyard would have been used when these wharf buildings operated as warehouses, and so I cannot be certain that this courtyard would have been characterised by openness.
9. For the foregoing reasons, the development does not have a harmful impact on the character and appearance of the area, including the locally listed former wharf warehouse and its setting. Consequently, there would be no conflict with policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document, October 2013, (LP), which requires a high standard of design from development, which has regard to the historic character of the townscape and is sensitive to local distinctiveness through siting, scale and materials. Additionally, I find no conflict with LP policy EN4 and NP policy BPEV2, which have been drawn to my attention by the Council and interested parties, and which seek to protect or enhance non-designated heritage assets. Nor do I find that there would be conflict with advice contained in the Council's Supplementary Planning Document, Design Guide, January 2008.

Access

10. The position of the pergola will restrict some movement across the cobbled area of the courtyard, albeit, it is open sided. Even so, it remains possible to walk around the pergola and across the central courtyard, or to move around the perimeter of the courtyard, where most access points are located to each commercial unit. The stanchions for the pergola are clear of the smooth surface to the periphery of the courtyard and so this smooth surface is no narrower than before the pergola was erected. The Officer Report prepared for the re-development of the wharf¹, indicates that this smooth surface was laid specifically to improve accessibility and so, it would be reasonable to consider it suitable in width, including for wheelchair and pushchair access. In some instances, it may be necessary for people to give way to others when passing, but this is not unreasonable. I have been provided with no specific evidence to suggest that as a result of the development, access provision fails to meet any national requirements or standards, including for emergency services.
11. There may be some potential for tables or chairs associated with the pergola to hinder access along this smooth perimeter surface, or indeed the bags of people using the seating. However, this is no different from any other seating associated with these commercial premises and as these objects would not be fixed, they could be moved where necessary.
12. Consequently, the development does not have a harmful impact on accessibility of the courtyard and so there would be no conflict with LP policy GN3, which requires that development provides safe, convenient and attractive pedestrian access. Nor do I find any conflict with NP policy BPD1, which has been drawn to my attention by interested parties and requires the creation of safe and accessible environments, including the safe and effective movement of pedestrians.

Viability

13. The pergola takes up only part of the available space within the courtyard and sits alongside other tables and chairs provided by neighbouring businesses. In this context, it does not have a particularly dominant impact on the courtyard itself. The submission prepared on behalf of the operator of Unit 2 and landowner confirms that the pergola is available for use by all occupiers of these commercial units, and that it is not for exclusive use by the occupier of Unit 2.
14. Representations indicate that the former occupier of Unit 1 relocated their business as a result of the pergola. The pergola does extend across part of the frontage of Unit 1, as well as Unit 2. While this would have some impact on light and outlook from part of Unit 1 for staff and patrons, the pergola is not a bulky structure and there is some separation resulting from the access path and ramp. Some patrons of this former business indicate that they have experienced noise and disturbance also, however, it appears that the courtyard would be used for outdoor seating provision, with or without the pergola, giving rise to some noise in any event. I am not convinced from the available evidence and my own observations, that any impacts of the pergola itself on Unit 1 are of such significance that the viability of this adjoining commercial unit is unacceptably harmed. Unit 1 was occupied at the time of my visit, and while I appreciate this is

¹ 2009/0583/FUL

only a snapshot in time, there appeared to be a high level of occupancy of the commercial units in Burscough Wharf overall, and the area was vibrant.

15. The available evidence does not lead me to conclude that the development has, or would have, a harmful effect on the viability of businesses within Burscough Wharf, and consequently, I find no conflict with LP policy IF1 which sets the retail hierarchy for the plan area and seeks to maintain vibrant towns and local centres.

Other Matters

16. Reference has been made to the present use of Unit 1 being unauthorised. This is not a matter for this decision. Any approval required under Building Regulations would be a separate process also. While I note that some patrons to the wharf refer to anti-social behaviour, other legislation exists to tackle this issue.

Conclusion

17. For the reasons outlined above, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed.

S Brook

INSPECTOR