



Appeal Decision

Site visit made on 5 February 2026

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

an Inspector appointed by the Secretary of State

Decision date: 15th May 2026

Appeal Ref: APP/P2365/W/25/3375584

Rear of 99 Blackgate Lane, Tarleton, Lancashire PR4 6UT

- 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 Bella Homes NW Limited against the decision of West Lancashire Borough Council.
 - The application Ref is 2025/0353/FUL.
 - The development proposed is Change of use of storage building to Class E commercial.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the Council's Officer Report, reference is made to the appellant accepting a condition that would allow for uses within Class B8 and Class E. However, I have not been provided with evidence of any formal amendment to the description of development applied for, nor can I be certain that the proposal was publicised as such. I have therefore considered the proposal as originally applied for, as set out in the banner heading above.
3. The Council states that part of the building was being used as a nursery under Class E, until the Council served a temporary stop notice on 1 May 2025. The building was vacant at the time of my visit. I have considered the proposal based on the submitted plans.

Main Issues

4. The main issues are (a) whether there are sequentially preferable sites for locating the proposed development with regards to town centre vitality, (b) the effect of the proposed development on the provision of employment sites, and (c) whether the proposal can provide satisfactory arrangements for parking provision.

Reasons

Whether there are sequentially preferable sites

5. The appeal proposal seeks the change of use of an existing building approved for storage purposes (Class B8) to commercial, business and service use (Class E). Class E includes a number of main town centre uses, as defined in the National Planning Policy Framework (the Framework). The application form indicates that the appeal building has an internal tradeable floorspace of 622sqm and that there are 15 car parking spaces associated with it, with a total site area indicated at 0.36ha. However, the submitted plans show that 27 car parking spaces are located

within the application red line boundary, along with the access road and a further area which is annotated on the landscaping plan provided as 'outdoor space for staff use'. The appeal building lies to the east of the village of Tarleton, adjacent to a complex of small commercial units. These units lie to the rear of housing which fronts onto Blackgate Lane.

6. LP¹ Policy IF1 provides a hierarchy of town centres and identifies Tarleton centre in the second tier, as a Large Village Centre. In order to maintain vibrant town and local centres, this policy encourages retail and other town centre development within the town and local centres, followed by edge of centre locations, in line with national policy. It goes on that main town centre uses will only be considered in out of centre locations, if a specific need is proven for the development and there are no suitable sites available within a town, village or local centre. LP policy GN5 requires a sequential test for retail and other town centre uses on sites outside town centres, in line with national policy.
7. Paragraph 90 of the Framework states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Framework paragraph 91 requires a sequential test for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Framework paragraph 93 does not require the sequential approach to be applied to proposals for small scale offices or other small scale rural development.
8. The Council acknowledges that there is a need for Class E development within the northern parishes of the Borough, albeit the issue of need does not form part of the sequential test in the Framework. There is no dispute between the main parties that the appeal site holds an out of centre location.
9. The appellant considers the proposal to be small scale and has referenced LP policy GN1 in support, which defines 'small scale rural employment' as up to 1000sqm. However, this policy sets the approach to development within and outside settlement boundaries and is concerned with retaining and enhancing the rural character of Protected Land. While the appeal site is designated as Protected Land and the policy has been considered by the Council in its broader assessment of the proposal, I have not been referred to any part of the LP which suggests that it was intended for this definition to be applied in respect to other LP policies, or paragraph 93 of the Framework.
10. The Framework does not define small scale rural development in the context of paragraph 93. LP policy IF1, which is specific to maintaining vibrant town and local centres, does not provide a definition of small scale for the purpose of excluding such development from sequential assessment, nor does LP policy GN5, insofar as it refers to sequential assessment of main town centre uses. Consequently, it is a matter of planning judgement. The Council considers that in the context of the designated centres of Tarleton, Hesketh Bank and Banks, the proposal would not be small scale. The available evidence does not provide me with any substantive

¹ West Lancashire Local Plan 2012 – 2027 Development Plan Document, October 2013.

reason to reach a contrary view to the Council, and the appellant has provided a sequential assessment.

11. The dispute between the main parties relates only to whether an alternative site, which the parties agree is sequentially preferable, is both suitable and available. This site is referred to as the Mark Square site, and comprises a grassed area to the rear of 109-113 Church Road and a car park, within the village centre. This alternative site extends to approximately 0.691ha, with the undeveloped grassed area extending to approximately 0.15ha.
12. Taking suitability of this alternative site first, it lies adjacent to a range of shops and services comprising Mark Square to the west. There are further commercial uses to the south, and housing and a fire station to the east and north. The broad range of Class E uses would be compatible with these surrounding uses.
13. The privately owned car park is presently operational, providing free public parking in the village. I am provided with extracts of the Council's Strategic Housing and Employment Land Availability Assessment 2020/21 (SHELAA), within which it is stated that the car park should be retained. If this is the case, then the developable area of this site would relate only to the 0.15ha grassed area.
14. The appellant's sequential assessment indicates that any alternative sites need to be approximately 0.35 ha and of a regular shape, sufficient to accommodate the proposed building, and associated car parking and servicing arrangements. The selected site size is similar to the 0.36ha area of the appeal site. However, the appeal site also includes the existing access road, which serves the wider commercial site, and the area annotated for outdoor amenity space for staff, which is generously sized. The building subject of the change of use and the associated parking and servicing arrangements, take up a notably smaller area. This suggests that a greater level of flexibility could be achieved in terms of site area requirements, taking into account the differing physical circumstances of the alternative site and its surroundings.
15. Further, the plans provided with the appeal proposal do not contain any defined servicing arrangements, other than a small cycle store and bin store. The remainder of the site contains the building itself and parking provision. It appears to me that the alternative site at only 0.15ha could comfortably accommodate a building of equivalent size to the appeal building, with approximately 850sqm remaining of surplus land. I have not been provided with any analysis of parking requirements for a village centre site, and the available evidence does not demonstrate that the remaining 850sqm would not be capable of accommodating a suitable level of parking or servicing provision.
16. Even if this had been demonstrated, the alternative site at Mark Square includes an existing car park. There is dispute between the main parties as to whether this car park is under-utilised or not. At my site visit, which I appreciate is only a snapshot in time, the car park was well used, but it was not full. While the appellant has provided photographs of the car park on a single day, again these only represent a snapshot in time, and while they show the car park to be well used, again, it does not appear to be full. No detailed parking survey has been undertaken. While the available evidence is limited, it does not rule out the possibility that at least some of the parking requirements of the proposal could be met within this existing car park, were it demonstrated that such requirements

could not be met within the undeveloped 0.15ha part of this site. I am not convinced that this would need a re-configuration of the whole car park, albeit some modification would be required for access to the grassed area.

17. The onus is on the applicant to demonstrate compliance with the sequential test, with due regard to the requirement to demonstrate flexibility. Drawing the above points together, it has not been demonstrated that this sequentially preferable site is only theoretical, or that it would be impractical. While the appellant suggests that this alternative site would be contrived and piecemeal in approach, I am not convinced that its suitability has been genuinely considered, or that this has been done flexibly, particularly with regards to size. From the available evidence, I am unable to conclude that this sequentially preferable site could not accommodate the proposed development, so as to ensure that the opportunity to utilise a suitable village centre site has been fully explored.
18. Turning to availability, while part of the alternative site at Mark Square is currently used for parking, part of it is undeveloped and for the reasons outlined above, it has not been demonstrated that the appeal scheme could not be accommodated on this smaller parcel. Nor has it been demonstrated that this existing car park is at capacity, so as to rule out the possibility of the proposed development utilising this existing car park to meet some of its parking requirements. As such, I am not convinced that this present use of part of the Mark Square site renders it unavailable.
19. While the Mark Square site is not presently being marketed and there are no current proposals for its development, correspondence from those representing the landowners of this site, indicates that they may be willing to sell. This correspondence does not relay any values, or terms or conditions of sale, however, there is no evidence before me to suggest that the appellant has sought this information, or that detailed negotiations have taken place, sufficient to conclude that this represents a stumbling block in terms of availability of this sequentially preferable site to the appellant, or to anyone else wishing to undertake the type of development proposed.
20. The landowners of the Mark Square site consider that it has capacity to accommodate further commercial, business and service uses. They have successively put forward this alternative site for consideration by the Council as part of its housing and employment land availability assessment. While the 2020/21 SHELAA indicates promotion of the site for housing rather than commercial use, this document is now five years old. Even if the site is considered by the Council to be a possible source of housing, it is not allocated as such, and no planning permission for residential development exists, so as to preclude the type of development sought.
21. The present landowners refer to an aspiration to bring this alternative site forward as a single scheme, but they have also expressed a willingness to sell. As such, the available evidence does not support the appellant's assertion that this alternative site is only available to the joint owners, because it does not appear that the purchase of this alternative site has been pursued. As there is no compelling evidence to suggest that the owners of this alternative site are refusing to develop or sell it, I am unable to conclude that this alternative site is not available for the type of uses for which permission is sought.

22. There is disagreement between the main parties as to the likely timeframe for bringing forward this alternative site for commercial, business and service use. I accept that timescales could be influenced by matters relating to site acquisition and the planning phase. However, these are typical matters that would apply to the progression of most developments and there is nothing before me to suggest that either the proposal itself or the Mark Square site would present any particularly complex or lengthy issues, which would render its timescale for coming forward unreasonable.
23. While I note that delivery of development at the Mark Square site within the SHELAA is 6-10 years, I have not been provided with any reasoning for this timescale.
24. I appreciate that the appeal scheme seeks the change of use of an existing building and so comparatively, timescales for bringing the proposed development forward, may be shorter at the appeal site. However, this does not change the fact that the Mark Square site could be progressed in a reasonable period, as required by paragraph 91 of the Framework.
25. I have had regard to the case law² presented by the appellant which considered the application of the sequential test for main town centre uses. In that case, development of the sequentially preferable sites had reached an advanced stage in terms of active negotiations between the landowners/developers, and so the decision maker was considered to be justified in that case, in determining that these alternative sites were not available to the applicant or anyone else for the type of development sought. The facts and circumstances in that case are different to the one before me and so I have reached a different conclusion.
26. Paragraph 95 of the Framework states that where an application fails to satisfy the sequential test it should be refused. For the above reasons, the appeal scheme has failed to demonstrate that there are no sequentially preferable, suitable and available sites for the proposal. As out of centre sites should only be considered when sites in town centres, then edge of centre locations are not available within a reasonable period, the proposal would be harmful to town centre vitality, contrary to LP policies IF1 and GN5 and the Framework, the requirements of which have been set out above.

Provision of employment sites

27. LP policy EC1 seeks to manage the provision of employment land within the Borough. The Council considers the appeal site to be an 'Other Existing Employment Site' for the purposes of this policy, where industrial, business, storage and distribution uses (B1, B2 and B8) will be permitted. The policy states that re-development for other uses will be considered where a viability case can be put forward (policy GN4) and where the provisions of policies EC2 and EC3 are met, where relevant.
28. LP policy EC2 is specific to the rural economy. It recognises that employment opportunities in the rural areas of the Borough are limited and therefore the Council will protect the continued employment use of existing employment sites. This policy states that this could include any type of employment use, and may not be restricted to B1, B2 and B8 land uses. It also states that the re-use of existing

² Tesco Stores Ltd v Stockport MBC, Lidl GB Ltd [2025] EWCA Civ 610

buildings within rural areas will be supported where they would otherwise be left vacant.

29. LP policy GN4 seeks the retention of existing commercial/industrial (B1, B2, or B8) and retail (A1) land/premises, together with agricultural workers dwellings, unless a number of criteria are met. These criteria include that the existing use is shown to be no longer viable, or that the land/premises is no longer suitable for the existing use, or that marketing has been undertaken to demonstrate that there is no demand for the premises in its existing use.
30. If allowed and implemented, the appeal scheme would result in the loss of the permitted B8 use – for storage and distribution, and its replacement with the broad range of commercial, business and service uses contained within Class E.
31. The appeal site holds a rural location, beyond the settlement limit of Tarleton village. As LP policy EC2 is specific to the rural economy, it is of direct relevance to a scheme for commercial, business and service uses in such a location. I have not been directed to any definition of employment use within the LP. The range of commercial, business and service uses falling within Class E are capable of generating employment opportunities in this area. As LP policy EC2 recognises that employment uses are not limited to B1, B2 and B8 land uses, I see no reason to consider that the uses permitted by Class E, which includes the former B1 uses, and which would generate employment opportunities, could not constitute employment uses in the context of this policy. Therefore, the proposal would protect the continued employment use of this existing employment site, and I find no conflict with LP policy EC2.
32. The broad range of uses permitted by Class E would go beyond those contained within use classes B2 and B8, and revoked class B1. Consequently, the proposal could allow re-development for uses other than use classes B2 and B8, and revoked B1, for which LP policy EC1 requires a viability case to be made, in accordance with LP policy GN4. As the appeal building was only recently constructed for B8 use, there is little substantive evidence that would allow me to conclude that the proposal is no longer viable or suitable for this use, or that there is no demand.
33. Thus, if the proposed building were to be used for any of those uses falling within Class E, with the exception of Class E(g) which encompasses the former B1 use class, then there would be an identifiable conflict with LP policies EC1 and GN4.
34. However, there are other policy provisions of direct relevance, namely LP policy EC2, which dictate a less rigid approach to development affecting employment sites in rural areas. This is consistent with paragraph 88 of the Framework, which supports the sustainable growth and expansion of all types of business in rural areas, particularly those that use previously developed land, and on sites that are physically well-related to existing settlements, which would be the case here. I therefore find that the proposed development would have an acceptable effect upon the provision of employment sites in the area.

Parking provision

35. LP policy IF2 considers parking standards for new development. In relation to non-residential development, these are contained within LP Appendix F. Proposals that are above or below the specified provision require justification, having regard to

local circumstances. Such circumstances include those set out in criteria i – vii of LP policy IF2.

36. The proposal seeks planning permission for all uses within Class E, and so the application of the Council's parking standards is not straightforward. While the application form indicates Use Class E (a) for the whole of the floor area, further correspondence suggests any retail element would be restricted below this, so as not to trigger the need for a retail impact assessment. In its Officer Report, the Council considered a scenario whereby the proposal would accommodate a day nursery and retail. I do not consider this to be an unreasonable starting point given the submitted information, and because part of the building had been used as a day nursery, prior to the Council taking enforcement action in 2025. The Council indicate that this scenario would require 38 parking spaces, 6% of which would need to be disabled parking. If used fully for retail, this would generate the highest requirement, increasing to 44 parking spaces, 6% of which would need to be disabled parking.
37. 27 parking spaces are shown on the proposed plans, which would be a notable shortfall on the above scenarios. However, while the proposal lies outside the settlement limit of Tarleton, it is well related to it, and the range of services and facilities therein are within walking or easy cycling distance. Dedicated and lit footway provision exists along Blackgate Lane, and the proposal includes space for cycle parking. While I have not been provided with details of the frequency of public transport, the Council indicates that bus stops are available within 800m, which is not an excessive distance.
38. Further, on street parking is not restricted on Blackgate Lane, which is a reasonably wide and straight carriageway. Most housing along this road benefits from off street parking. Additional parking on Blackgate Lane may require drivers to give way more regularly, but the evidence before me does not demonstrate how this would be obstructive, or detrimental to highway safety. Nor have I been provided with any substantive evidence demonstrating that there are any local parking congestion issues, either within the site itself, within the wider commercial setting, or on Blackgate Lane.
39. Consequently, while the proposal would fall short of the Council's parking standards in respect of these worst-case scenarios and there is dispute between the parties as to the extent to which the wider commercial site could accommodate any shortfall, having considered criteria i – vii of LP policy IF2, local circumstances suggest that some people could access the site on foot, or cycle or public transport, or find parking off site. These local circumstances justify a deviation from these standards. Therefore, the proposal would be capable of providing satisfactory arrangements for parking without detriment to highway safety, and I find no conflict with LP policy IF2, the requirements of which have been set out above.

Other Matters

40. The appeal scheme has attracted support for the increased level of commercial and service uses it would offer the village, including the potential for increased footfall at the existing commercial premises nearby. Particular support is expressed for the re-opening of the nursery. As a nursery did open, this business owner would have already made a financial outlay. Staff employed at the nursery

and parents using the facility for childcare would have faced significant uncertainty, along with the business owner, on its closure. While I have not been provided with any detailed evidence, these public representations point to a shortage of childcare facilities within the wider area for a number of reasons.

41. This suggests that the provision of additional childcare in the area could provide social and economic benefits. However, planning permission is sought for the full range of class E uses and so I cannot be certain that the nursery would re-open, even if the appeal were allowed. This limits the weight I can afford to these benefits in favour of the appeal scheme. Nevertheless, the Council accepts that there is a need for Class E development in the Northern Parishes and the proposal would make a positive contribution to meeting this need, bringing with it associated economic benefits which weigh in favour of the proposal.
42. I have considered whether the imposition of a condition to restrict the extent of Class E uses operated from the building would be appropriate, given that the harm identified relates to those main town centre uses within Class E. However, no agreed wording for such a condition is before me, which would be sufficient to address the above concerns. The appellant has the option to pursue this through a further application for planning permission.
43. The appellant indicates that the proposal would bring with it improvements to the access road and footway, and enhanced landscaping. However, the proposal relates to a change of use of a building that has only recently been constructed, following approval by the Council. As such, it is reasonable to expect that the Council has secured appropriate access arrangements and landscaping details.
44. The appellant suggests that the Council has relied on information that is not directly relevant to the appeal scheme, information that may be out of date, and information that has not been made available to the appellant. Further, it is suggested that some of the Council's assertions are not supported by documented evidence and should be disregarded. I have based my decision on the planning merits of this particular proposal, having regard to the submissions, and the reliability of evidence in support, as well as my own observations.
45. None of these other matters outweigh the harm I have identified relating to conflict with local and national policy for town centre vitality.

Conclusion

46. While I have found that the proposed development would have an acceptable effect upon the provision of employment sites in the area, and that it would provide satisfactory parking arrangements, the appeal scheme has failed to demonstrate that there are no sequentially preferable, suitable and available sites for the proposal, and so it would be harmful to town centre vitality. The proposal would conflict with the development plan when considered as a whole and there are no material considerations of sufficient weight that would indicate a decision should be made, other than in accordance with the development plan.

S Brook

INSPECTOR