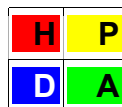


**Appeal against the decision of Ribble Valley Borough Council to refuse permission for a hair studio Class E, Class B8 storage and distribution, and the retention of a mezzanine floor, at unit 7, Mitton Road Business Park,**

**Whalley, Lancs BB7 9YE.**

Application ref: 3/2024/1012

**Appeal Statement**



**November 2025**

**Prepared by Hartley Planning and Development Associates Ltd**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr M. Vickers (Flyin Barber) against the decision of Ribble Valley Borough Council.
- The application ref: 2024/1012 was refused by notice dated 30 May 2025.
- The proposed development is for a hair studio Class E, Class B8 storage and distribution, and the retention of a mezzanine floor

### **The planning history of the site and the proposed development**

The appeal site refers to unit 7 on the Mitton Road Business Park.

The Business Park has been constructed following two planning approvals

The first part, for starter units 1 to 21 inclusive with each initially about 70m<sup>2</sup>, was approved under application 3/2015/0235 and subject to various conditions of which the following are especially pertinent to the appeal: -

*21. The use of the units hereby permitted shall be used for light industrial uses falling within Use Class B1(c) of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision, including permitted changes, equivalent to that Class in any statutory instrument revoking and re-enacting that Order).*

*REASON: In accordance with Policies DMG1 and DME2 of the Ribble Valley Core Strategy (Adopted Version) as other uses may have an unacceptable impact on neighbour amenity and/or the character and appearance of the area.*

*22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order, no extensions or alterations, including the introduction of mezzanine floors, shall be carried out in respect of the buildings to which this permission relates.*

*REASON: To prevent an intensification in the use of the premises, in the interests of the visual amenities of the area and the amenities of local residents within the*

*Borough in accordance with Key Statements EC1 and EN2 and Policies DMG1 and DME2 of the Ribble Valley Core Strategy (Adopted Version).*

The area to the South was then approved on 1 December 2017 under application 3/2017/0714 for an 'extension to the existing industrial estate (Class B1,B2 and B8 use, to include car parking, landscaping and service infrastructure'.

This latter approval has no specific condition limiting the development only to the uses described in the Decision Notice, as above.

The current application is made retrospectively for a use of the premises which has existed for approximately 3 years. Prior to this use, the premises were used for approximately the previous 6 years as a physiotherapists.

The description of the appeal proposal used above is taken from the application form. In its Decision Notice, the local planning authority (LPA) describes the application as for the '*Regularisation of change of use from Use Class B1(c) (light industrial uses-now use class E(g)(iii)) to that of Use Class E(c)(ii) (Hair Studio) including the retention of an existing mezzanine floor.*

The application and subsequent appeal is made, notwithstanding that both uses (ie light industrial and a hair studio) are within the same use class (Class E) of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 which came into effect on 15 April 2015, about 6 weeks before the first of the two approvals was granted for the Mitton Road Business Park.

While the LPA refused the application on the basis that it is for a '*hair studio*' and for the '*retention of an existing mezzanine floor*' only, that is **not** what the application is for and which is outlined above, as for :-

1. '*A hair studio*'
2. '*Class B8 storage*' and
3. '*Retention of the mezzanine floor*' (constructed by the previous tenant and not by the appellant)

The business does not operate as a traditional barbershop and does not accept walk in appointments with customers waiting.

It employs 6 staff in total, 4 full-time and 2 part-time including 1 apprentice. Not all staff are present at the same time.

The components of the business and for which planning permission is sought are: -

1. 4 No. workstations from where treatment includes hair replacement services for people experience natural hair loss or hair loss due to medical treatment such as chemotherapy. The business has 30 regular customers using this specialist service
2. The business has also developed a range of own branded hair products which are available for the hair salon customers to buy but primarily the market which the company seeks to attract is the on-line wholesale of products to barbershops around the country. The mezzanine level of the unit will be used to accommodate storage of products and preparation of orders for dispatch. A website for the sale of these products is under construction. Photographs of the range of available products are included with the appeal.
3. The applicant intends to complete a course to equip him to operate a professional scissor sharpening service. The scissor sharpening machine costs £3,000. He will offer a scissor sharpening service by post to other hairdressers and barbers. The machine will be located on the mezzanine level.
4. The business offers training and employs one apprentice who will receive training not only in hair care but in the on-line business components.
5. The business owner will also use the salon to provide filming of hair replacement systems and hair cutting to provide an on-line training course

The submitted plans show how the available space is used.

On the ground floor is a reception area (not for a walk -in barber service but for those with appointments and for other clients visiting in connection with the other branches of the business).

There are 4 work stations on the ground floor with a comparable amount of space on the mezzanine for storage of products forming the basis of the on-line business, for the proposed scissor sharpening business and for the on-line hair care course.

### **The Main Issue**

The LPA makes no objection to the mezzanine floor within the building and its inclusion is not a reason for the refusal of the application by it. The report to Committee (where the refusal was made on the casting vote of the Chair) states that:-

*5.3.1 The remit of the application solely relates to the regularisation of a change of use, including retrospective consent for the installation of a mezzanine floor, with no external alterations being proposed as part of the application. In this respect the granting of consent is unlikely to result in any measurable adverse impacts upon the character or visual amenities of the immediate or wider area.*

*5.3.2 As such and taking account of the above, the proposal is considered to align with the aims, objectives and requirements of Policies DMG1 and DMG2 of the Ribble Valley Core Strategy insofar that the proposal will not result in any measurable adverse impacts upon the character nor visual amenities of the area'*

**Therefore, in accordance the reasons for the refusal of the application the main issue is the effect of the proposed development upon employment generating floorspace within the designated existing employment area.**

### Consideration No. 1

The Decision notice states as its reason for refusal that '*The proposal would result in the loss of employment generating floorspace within a designated 'Existing Employment Area' through the introduction of a use which is primarily a retail-type use falling within the definition of a 'Main Town Centre Use'.*

Therefore, the LPA considers that the proposed development does not accord with the Ribble Valley Core Strategy 2014 (CS) policy DMB1 which states: -

*'Policy DMB1: supporting business growth and the local economy*

*10.23 proposals that are intended to support business growth and the local economy will be supported in principle. Development proposals will be determined in accord with the Core Strategy and detailed policies of the LDF as appropriate.*

*The Borough Council may request the submission of supporting information for farm diversification where appropriate.*

*The expansion of existing firms within settlements will be permitted on land within or adjacent to their existing sites, provided no significant environmental problems are caused and the extension conforms to the other plan policies of the LDF.*

*The expansion of established firms on land outside settlements will be allowed provided it is essential to maintain the existing source of employment and can be assimilated within the local landscape. There may be occasions where due to the scale of the proposal relocation to an alternative site is preferable.*

*Proposals for the development, redevelopment or conversion of sites with employment generating potential in the plan area for alternative uses will be assessed with regard to the following criteria:*

- 1. The provisions of policy DMG1, and*
- 2. The compatibility of the proposal with other plan policies of the LDF, and*
- 3. The environmental benefits to be gained by the community, and*
- 4. The economic and social impact caused by loss of employment opportunities to the Borough, and*
- 5. Any attempts that have been made to secure an alternative employment generating use for the site (must be supported by evidence (such as property agents details including periods of marketing and response) that the property/ business has been marketed for business use for a minimum period of six months or information that demonstrates to the council's satisfaction that the current use is not viable for employment purposes.'*

*(The reference in the above to CS policy DMG1 is not relevant to the issue of the land use principle of the use of employment generating floorspace, being*

concerned with design, environmental impact, amenity and infrastructure matters)

But there is no conflict with any of the above so far as the appeal proposal is concerned. It is already providing employment for six people.

### Consideration No 2

The LPA in its reason for refusal considers that the proposed development would result in *' the introduction of a use which is primarily a retail-type use falling within the definition of a 'Main Town Centre Use'.*

But even if that were the case, the planning statement accompanying the application contains a comprehensive sequential assessment and concludes that this *' has demonstrated that there are no sequentially preferable sites within or on the edge of Whalley. The searches did not find any other premises that were out of centre and sequentially more preferable to the application site. It is concluded that there are no more suitable and more centrally located site of the size required by the development and the requirements of paragraph 91 of the NPPF is satisfied'.*

Even so, there is no good reason for concluding that the proposed development is primarily a retail type business falling within the definition of a main town centre use. It is not just a typical barbers shop ;it does not cater for walk-in customers. It concentrates on providing a service for those with a hair loss problem. It includes all the other activities listed above and which are not particularly uses to be confined exclusively to a town centre location.

### Consideration No 3.

The LPA's reference above to retail uses and to their more appropriate location in town centres, implies that the Business Park should be retained for industrial purposes. While the Decision Notice does not refer to the conditions imposed upon the two original planning approvals for the establishment of the Business Park, one with a condition that the units should be used for B1 purposes, and the other where

the proposal was described for B1,B2 and B8 uses), that is the implication of the reason for refusal.

However, if that were the case:-

- (a) The reason given for the imposition on the first approval for the Business Park stating that the units should be used for B1 purposes was not to protect space for such a need, but rather was for reasons of amenity and character and appearance when it states: -

*Reason: In accordance with policies DMG1 and DME2 of the Ribble Valley Core Strategy (adopted version) as other uses may have an unacceptable impact on neighbour amenity and /or the character and appearance of the area’.*

In the case of the appeal proposal, the report to Committee notes that there are no objections from the Highway Authority (where intensity of use might have been a consideration in terms of residential amenity ) and the report raises no objections in terms of amenity or character and appearance

- (b) The LPA, on numerous occasions, have approved on the Business Park changes of use from B1 (now E(g) to what are described as sui generis uses. Several of these combine retailing (including the sale of shoes, musical instruments and a café) along with storage and distribution, while other approved uses include wellness facilities (both for humans and for animals). The appeal proposal is no different to these other approvals and where the same policy considerations would have applied.

The following is a summary of such approvals: -

Application No	Unit No	Description	Date of approval and notes
3/2017/0975	13	Change of use from light industrial (B1) to Personal training and wellness facility (D2)	18 December 2017 Temporary permission unless later approved permanently
3/2021/0889	25	Change of use from B2 (General Industry) to Class	21 Oct 2021 Use of one third of space for shoe

		E (Commercial business and Service) and external alterations.	retailing. Rest for storage. Co. has an on-line business too
3/2022/0902	50	Change of use to form veterinary practice for treatments on site of small domestic animals and extension to mezzanine floor	26 January 2023
3/2022/1049	51	Change of use from light industrial to sui generis mixed use - shop. hot food takeaway and office, storage and external alts	11 May 2023
3/2023/0833	26	Change of use of part B2/B (general industry/storage) to sui generis (retail, warehousing, photographic studio, sorting office)	9 February 2024
3/2024/0398	26	Variation of application 3/2023/0833 to allow the storage, display and retail sale of musical instruments by 'Reidy Home of Music' as well as ancillary offices.	4 August 2024
3/2025/0122	40	Change of use from B1 to sui generis for animal therapy/welfare.	13 May 2025

Opposite the appeal site is a car

### **Conclusion**

The LPA has determined the application as if it were for a traditional barbers, (which it is not) whereas the application description demonstrates that it is for a range of uses including storage, on-line distribution and training, amongst others.

These are not uses which are to be sited exclusively within town centres, and even if they were, the sequential test has shown that there are no suitable premises either in the nearest town centre or in its edge.

Moreover, there is a plethora of other applications approved by the LPA which include a mix of uses comparable to the appeal proposal, and where consistency of decision making becomes a material planning consideration.

Finally, while the LPA considers in its Decision Notice that the proposal conflicts with CS policy DMB1, there is nothing in that policy to support the refusal. In fact, the opposite is the case and what is proposed accords with it.

Therefore, for all of the above reasons, we consider that the appeal should be allowed.

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HP and DA Ltd

November 2025