

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

REFUSAL

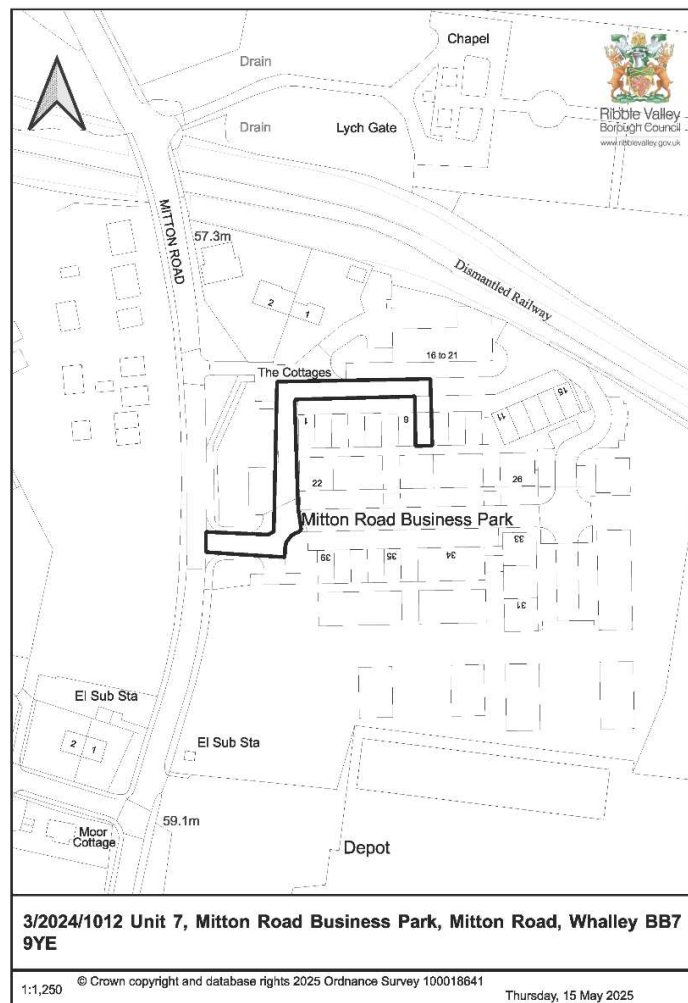
DATE: 29 MAY 2025  
REF: SK  
CHECKED BY: LH

APPLICATION REF: 3/2024/1012

GRID REF: SD 372767 437473

**DEVELOPMENT DESCRIPTION:**

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 RETENTION OF EXISTING MEZZANINE FLOOR. UNIT 7 MITTON ROAD BUSINESS PARK MITTON ROAD WHALLEY BB7 9YE



## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

Whalley Parish Council have objected to the proposal stating the following:

*Whalley parish Council formally object to this application seeking the regularisation of the change of use from Use Class B1(c) (Light Industrial uses) to Use Class E (Commercial) at unit 7 Mitton Road Business Park.*

*The Parish Council believes this change of use is contrary to the original planning permission for the site and that any change of use from light industrial to commercial should not be approved without thorough review and proper application. Regularising the change of use after it has already occurred undermines the integrity of the planning process and could set a precedent for other property owners in the area to bypass the planning process, potentially leading to further unauthorised changes of use.*

*The Parish Council believes it is essential that all development in the community adhere to established planning regulations to ensure that the integrity of the local environment is maintained. We believe that a new application is necessary to ensure that the development meets the needs of the community and aligns with the original planning intentions.*

### **LOCAL HIGHWAYS AUTHORITY (LANCASHIRE COUNTY COUNCIL HIGHWAYS):**

The Local Highways Authority have raised no objection to the proposal stating the following:

#### **Introduction:**

*The Local Highway Authority (LHA) are in receipt of an application for the regularisation of change of use from use class B1(c) (light industrial uses) to use class E (commercial) at Unit 7, Mitton Road Business Park, Mitton Road, Whalley.*

#### **Site Access:**

*The Unit will utilise the existing access which serves Mitton Business Park. This is located off Mitton Road, which is a B classified road subject to a 30mph speed limit.*

#### **Business operation:**

*The applicant has provided information about how the business runs day to day. The business is run by appointment only, where each appointment is approximately between 45 to an hour. The business also specialises in Hair Replacement Systems and these appointment takes about 3 to 4 hours. After each appointment, there is a break between 5 to 15 minutes, which allows for the workstations to be cleaned before the next client.*

*The business also has a range of own branded hair products which are available for the hair salon customers to buy as well as to sell online wholesale of products to other barbershops. The mezzanine level of the unit will be used to accommodate storage of products and preparation of orders for dispatch. The applicant intends to also offer professional scissor sharpening service with the machine required located on the mezzanine level.*

*The business also offers training and employs one apprentice, as well as providing an online training course.*

*The hair studio has been in operation since February 2024 and has developed a client base of 30 customers using this specialist service. Some clients attend regular weekly or fortnightly appointments and generally come from the local area, including people working at the business park, or residents of Calderstones and Whalley.*

*The business employs 6 staff in total, 4 full-time and 2 part-time including the 1 apprentice. However, not all staff are present at the same time with the salon having 4 workstations at full capacity which equates to 3 barbers, 1 specialist and four customers. The opening hours are 08.00 to 19.00 Monday to Friday and 08.00am to 17.00 on Saturdays.*

### **Parking Arrangements**

*The unit is provided with two parking spaces in front of the unit and Mitton Business Park has 13 communal parking spaces, which are overflow spaces for the units within the business park should they require them.*

*As not all the staff are present at any one time there is a requirement for 4 parking spaces for staff and the customer parking requirement is 4 which is 8 spaces in total. 2 of these spaces can be accommodated within the 2 spaces which front the unit and 6 spaces are required within the communal parking area.*

*The LHA have undertaken a site visit and observed parking provisions within the communal parking area, at this time the LHA are of the view that the proposal has not had a detrimental impact on the communal parking area since it has been in operation and as such, finds the proposal acceptable at this time. The development is also likely to be more active outside of standard working hours when the industrial estate is likely to be quieter.*

Should consent be granted the Local Highways Authority have requested the following condition be imposed:

#### **Condition:**

*The site shall operate in accordance with the approved supporting statement titled Unit 7, Mitton Road Business Park, Mitton Road, Whalley. Lancs BB7 9YE. Planning Statement rev A JDTP0550. The business operations within the site shall not be amended unless first approved in writing by the Local Planning Authority in consultation with the Highway Authority.*

*Reason: In the interest of highway so that any intensification in use of the site can be properly assessed.*

### **ADDITIONAL REPRESENTATIONS:**

Two letters of representation have been received, neither of which directly object to the proposal but offer the following observations:

- There has been an increase in traffic out of hours and on Sundays.
- Wish for activities on the business park to adhere to the hours imposed pursuant to the original consent

#### **1. Site Description and Surrounding Area**

- 1.1 The application relates to an existing unit within the Mitton Road Business Park, Mitton Road, Whalley. The site is located at the eastern extents of Mitton Road, being located

outside of any defined settlement limits, and as such is located within an area that benefits from an open countryside designation. The site to which the application relates also benefits from being a Designated Existing Employment Area, benefitting from a DMB1 designation.

## 2. **Proposed Development for which consent is sought**

- 2.1 The application seeks retrospective consent for a 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.

## 3. **Relevant Planning History**

**2024/0607:** Approval of details reserved by conditions 8 (Foul water drainage scheme) and 9 (Surface water drainage scheme) of planning permission 3/2015/0235. (Approved)

**2015/1034:** Variation of conditions 2 (Approved Plans) 4 (Acoustics Report) and 5 (Soundproofing) of planning permission 3/2015/0235. Conditions to be varied so that they are discharged prior to occupation rather than prior to commencement. (Approved)

**2015/0975:** Discharge of condition(s) 6 (details of external lighting), 7 (contaminated land), 8 (drainage), 9 (surface water), 11 (bat and bird boxes), 12 (highways), 13 (materials), 4 (trees and woodland), 16 (Landscaping) on Planning Permission 3/2015/0235. (Approved)

**2015/0235:** Proposed demolition of existing commercial premises and construction of 4 no. small industrial buildings to house 21 starter units of approx. 70sq m per unit, site access improvements and extensive new tree planting. (Approved)

## 4. **Relevant Policies**

### **Ribble Valley Core Strategy**

Key Statement DS1: Development Strategy  
Key Statement DS2: Sustainable Development  
Key Statement DMI2: Transport Considerations  
Key Statement EN4: Biodiversity and Geodiversity  
Key Statement EC1: Business and Employment Development

Policy DMG1: General Considerations  
Policy DMG2: Strategic Considerations  
Policy DMG3: Transport & Mobility  
Policy DME1: Protecting Trees & Woodland  
Policy DME2: Landscape & Townscape Protection  
Policy DME3: Site and Species Conservation  
Policy DMB1: Supporting Business Growth and the Local Economy

National Planning Policy Framework (NPPF)

## 5. **Assessment of Proposed Development**

- 5.1 **Principle of Development:**

- 5.1.1 The building to which the application relates is located within the Mitton Road Business Park, with this area of the business park also benefiting from being a designated 'Existing Employment Area', benefitting from a DMB1 designation.
- 5.1.2 In this respect, in the granting of the original consent (3/2015/1034) pursuant to which the business park was constructed, the consent imposed conditions relating to appropriate use classes to limit operations within the business park, with limits also being imposed in relation to the installation of new mezzanine floors or subsequent increases in floor space, with the relevant conditions reading as follows:

**Condition 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.*

**Condition 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).*

- 5.1.3 Subsequent to the granting of the original consent the Use Classes Order experienced significant revisions that came into effect on the 1st of September 2020 whereby a number of differing use classes were now considered to fall within the same use class, namely Use Class E, the definition of which is as follows:

*Use, or part use, for all or any of the following purposes:*

- A. Shop other than for the sale of hot food*
- B. Food and drink which is mostly consumed on the premises*
- C. the following kinds of services principally to visiting members of the public
  - (i) financial services*
  - (ii) professional services (other than medical services)*
  - (iii) any other services which it is appropriate to provide in a commercial, business or service locality**
- D. Indoor sport and recreation (not swimming pools, ice rinks or motorised vehicles or firearms)*
- E. Medical services not attached to the residence of the practitioner*
- F. Non-residential creche, day centre or nursery*

G.

- (i) office
- (ii) the research and development of products or processes or
- (iii) any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)

- 5.1.4 In respect of the above, the changes to the Use Classes Order subsequently resulted in uses previously falling within use Classes B1(c), being subsumed to fall within Use Class E sub-class/sub-activity (g) (Class E(g)). With sub-classes/sub-activities within Class E, in the absence of a limiting condition, benefitting from the ability to interchange to other sub-classes/sub-activities within Class E without the need for planning permission to be sought.
- 5.1.5 The proposal seeks retrospective consent for a use falling within Use Class E sub-class/sub-activity (c) with Use Class E now incorporating uses that would be considered as encompassing uses falling within the previous Use Class B1(c), as limited by condition 21 of the original consent for the Business Park.
- 5.1.6 However, the original working of condition 21 was explicit insofar that in addition to limiting the use of the units within a Use Class, the condition limited the use of the units to that of 'light industrial uses'. As such, notwithstanding the previously consented and now proposed uses falling within the same Use Class (Use Class E), given the wording of condition 21 also limited the use of the units to that of an explicit 'function', this would preclude the ability for the unit to change to any other sub-uses within Use Class E that would normally be afforded by the Use Class designation. As such, in this case, consent is required for the use of the unit for the purposes of Use Class E(c)(ii) for use as a Hair Studio.
- 5.1.7 In respect of the compatibility of the use of the unit for purposes within Use Class E(c)(ii) with that of the DMB1 Designation of the site, Policy DMB1 reads as follows:

**Policy DMB1:**

*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 council in accord with its vision and key statements wishes to create the right environment for business growth whilst ensuring development is sustainable.*

- 5.1.8 With Key Statement EC1 being engaged in parallel with Policy DMB1 insofar that the Key Statement relates to 'Business and Employment Development', with the statement reading as follows:

**Key Statement EC1:**

*Employment development will be directed towards the main settlement of Clitheroe, Whalley and Longridge as the preferred locations to accommodate employment growth together with land at Barrow Enterprise Site, the Lancashire Enterprise Zone at Samesbury and locations well related to the A59 corridor.*

*The Council, in line with the evidence it has gathered, will aim to allocate an additional 8 hectares of land for employment purpose in appropriate and sustainable locations during the lifetime of this plan.*

*Land will be made available for employment use in order to support the health of the local economy and wider sustainable job creation. The expansion of existing businesses will, wherever appropriate, be considered favourably.*

*In considering the development of land for economic development and in determining where this land will be located, priority will be given to the use of appropriate Brownfield sites to deliver employment-generating uses including a preference for the re-use of existing employment sites before alternatives are considered.*

*New sites will be identified in accord with the development strategy where the health of the local and, in relevant cases, the wider economy support such release. Opportunities to identify land as part of appropriate mixed-use schemes within any strategic land release will be considered favourably.*

*Developments that contribute to farm diversification, strengthening of the wider rural and village economies or that promote town centre vitality and viability will be supported in principle. Proposals that result in the loss of existing employment sites to other forms of development will need to demonstrate that there will be no adverse impact upon the local economy.*

*The Council considers, in line with neighbouring authorities and other bodies, that the Bae Samlesbury site should be regarded as a regionally significant employment site with considerable potential to accommodate a variety of advanced knowledge based industries in the future. This has been recognised by the Government's creation of an Enterprise Zone at this location. As such the site is not considered part of the borough's general employment land supply.*

*The Council will therefore support the delivery of the Enterprise Zone and has produced a Local Development Order to achieve this.*

5.1.9 The use of the premises as a 'Hair Studio' falls within a retail type use with such uses being considered as being 'Main Town Centre' uses within the National Planning Policy Framework. With Paragraph 91 of the Framework, in relation to such uses, stating that '*Local planning authorities should apply a sequential test to planning applications 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*'.

5.1.10 In respect of the provisions of Paragraph 91 of the Framework, the applicant has stated that:

*The applicant is a barber with 13 years' experience who wishes to run a hair studio which specialises in hair replacement services. He has commissioned his own hair products which he wishes to sell wholesale to other barbers and hairdressers. He also wishes to establish an on-line training academy.*

*The format of the service requires sufficient space to provide a bespoke haircutting service as well as a higher level of privacy for customers requiring hair replacement services such as providing a screen if requested. The format of a traditional barbershop is often very public with a shop window giving views into the shop from the street and customer seating areas for a walk in service.*

*The operating format of the business is not based on this traditional service and seeks to provide bespoke pre booked appointments. The main salon area is at the rear of the unit providing a private area for the hair replacement systems. The unit at Mitton Road Business Park provides sufficient floor area to operate the hair salon and wholesale business side by side. There are no premises in the centre of Whalley currently available and suitable.*

Area	Agent	Rent or Purchase	Unit Location and M2	Suitability
Whalley Town Centre	Trevor Dawson	Purchase	25 King Street Whalley 166m2. Trading as a Restaurant	Unit too large
Whalley Town Centre	Bridge and Co	Rent	Restaurant 1 George Street Clitheroe 214m2	Unit too large. Planning permission required as Sui generis use.

Whalley Town Centre	Bridge and Co	Rent	Restaurant 9a George Street Clitheroe 115m2	Unit too large. First floor accommodation
Whalley Town Centre	Trevor Dawson	Purchase	97A King Street Whalley	Tenant in place
Whalley Town Centre	The letting Cloud	Rent	7 Accrington Road Whalley. 2x 70m2 offices total 140m2	Second floor offices. Use limited to A1 and B1a uses.

*Searches were carried out on the 04/03/2025 on commercial sites Rightmove, Prime Location and Zoopla. The search was within 1 mile of Whalley unit size 50m2 to 125m2. The above sites were identified. The only potential site in the town centre of an appropriate size is the premises at 7 Accrington Road, Whalley. This is a three-storey property designed as retail space and parking on the ground floor and office space on the first floor and second floors. Planning permission was granted for the building in 2017 reference 3/2017/0633. It was subject to a condition, condition 14, limiting the use of the building to retail (A1) and Office Use (B1 (a) use.*

*The assessment above 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.*

*The continuation of the business will mean that there will be no loss of employment at the site. Given that there is no sequentially preferable site the development is essential to the local economy to retain existing employment and is compliant with policy EC1, DMB1 and DMG2.*

- 5.1.11 However, notwithstanding the above. In respect of the provisions of Policy DMB1, the policy provides material considerations which exist as ‘exceptions’ to allow for the loss of employment generating uses in certain circumstances. However, in this case there would be no associated environmental benefits to be gained by the community. With the economic impact of losing employment generating floorspace within a designated ‘Existing Employment Area’ and the introduction of a ‘Main Town Centre Use’ in an out-of-town centre location considered to be more harmful than any benefits of allowing the continued operation of this type of use within this location.

## 5.2 Impact upon Residential Amenity:

- 5.2.1 The proposal site is relatively remote from nearby residential receptors save that for Numbers 1 and 2 ‘the Cottages’ located to the north-west of the application building with the building being located approximately 50m from the aforementioned dwellings. In this respect, taking account of the proposed use and taking account of the existing separation distances, in parallel with the fact the building to which the application relates forms part of an existing well-established business park, it is not considered the proposed change of use will result in adverse measurable impacts upon nearby existing residential amenities.

5.2.2 As such, and taking account of the above matters, the proposal does not raise any significant direct conflicts with Policy DMG1 which seeks to ensure of adequate standards of residential amenity and protect against development(s) that would result in measurable detrimental impact(s) upon nearby existing residential amenities.

### 5.3 Visual Amenity/External Appearance

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.

### 5.4 Landscape and Ecology:

5.4.1 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 proposal is unlikely to result in any measurable impacts upon existing habitats, ecology or species of conservation concern that would require mitigation.

5.4.2 As such and taking account of the above, the proposal does not raise any significant measurable conflict(s) with Policies DME1, DME2 nor DME3 of the Ribble Valley Core Strategy which seek to protect against adverse impacts upon habitat, biodiversity, ecology or protected species and species of conservation concern.

### 5.5 Highway Safety and Accessibility:

5.5.1 The Local Highways Authority (LHA) have raised no objections to the proposal stating that the 'proposed development will not have a significant impact on highway safety or capacity in the immediate vicinity of the site subject to the following condition being stated on any approval':

**Condition**

*The site shall operate in accordance with the approved supporting statement titled Unit 7, Mitton Road Business Park, Mitton Road, Whalley. Lancs BB7 9YE. Planning Statement rev A JDTPLO550.*

*The business operations within the site shall not be amended unless first approved in writing by the Local Planning Authority in consultation with the Highway Authority.*

*Reason: In the interest of highway safety so that any intensification in use of the site can be properly assessed.*

5.5.2 As such and taking account that the Local Highways Authority have raised no objections in respect of the proposed development, the proposal is considered to align with the aims, objectives and requirements of Key Statement DMI2 and Policy DMG3 of the Ribble Valley Core Strategy insofar that the proposed development will not result in any significant measurable detrimental impact upon the safe operation of the immediate or wider highways network.

6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 For the reasons outlined above, the application is recommended for refusal insofar that the granting of approval would result in the introduction of a 'Main Town Centre Use' located in an out-of-town centre location, resulting in the loss of employment generating floorspace within designated 'Existing Employment Area' that benefits from a DMB1 designation in the Ribble Valley Core Strategy.

RECOMMENDATION: That planning permission be REFUSED for the following reason(s):

1. 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'. There are no material considerations in this case to justify or warrant the harm resulting from the loss of employment generating floorspace use within an 'Existing Employment Area' or allowing a 'Main Town Centre Use' in an out-of-town centre location.

As such the proposal would result in direct conflict with Policy DMB1 of the Ribble Valley Core Strategy and the aims and objectives of Paragraph 91 of the National Planning Policy Framework.

BACKGROUND PAPERS

[Planning Application - Ribble Valley Borough Council](#)