


Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	SK	Date:	28.8.25	Manager:	LH	Date:	29/8/25
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Application Ref:	2025/0098				Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	N/A	Site Notice:	N/A		
Officer:	SK				
DELEGATED ITEM FILE REPORT:					REFUSAL

Development Description:	Change of use from light industrial (B1) to sui generis. Proposed opening hours 9.00 am to 7.00 pm (Monday to Friday) and 9.00 am to 4.00 pm on Saturdays.
Site Address/Location:	Unit 13 Mitton Road Business Park Mitton Road Whalley BB7 9YE

CONSULTATIONS:	Parish/Town Council
No representations received in respect of the proposal.	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Highways:	
The Local Highways Authority have raised no objection to the proposal subject to the imposition of conditions.	

CONSULTATIONS:	Additional Representations.
Two letters of representation have been received raising the following concerns:	
<ul style="list-style-type: none">• Deviation of opening hours from original consent• Increase in noise and traffic• Access should be restricted• Noise and disturbance	

RELEVANT POLICIES AND SITE PLANNING HISTORY:
Ribble Valley Core Strategy: Key Statement DS1: Development Strategy Key Statement DS2: Sustainable Development Key Statement DMI2: Transport Considerations Key Statement EC1: Business and Employment Development Policy DMG1: General Considerations Policy DMG2: Strategic Considerations Policy DMG3: Transport & Mobility Policy DMB1: Supporting business Growth and the Local Economy National Planning Policy Framework (NPPF)
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)

2017/0975:

Change of use from light industrial (B1) to personal training and wellness facility (D2). Resubmission of application 3/2017/0975. (Temporary Consent Granted)

2017/0432:

Change of use from light industrial (B1) to personal training and wellness facility (D2).

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), 14 (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)

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application relates to 'Unit 13' Mitton Road Business Park, 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'.

The immediate area is predominantly commercial in nature with a number of terraced residential dwellings being located to the east on the opposing side of Mitton Road.

Proposed Development for which consent is sought:

The application seeks retrospective consent for a Change of use from light industrial (B1) to sui generis (cosmetic and beauty clinic) with the submitted details proposing the opening hours of 9.00 am to 7.00 pm (Monday to Friday) and 9.00 am to 4.00 pm on Saturdays.

The supporting information states that the business operations relate to that of a 'Cosmetic Clinic' offering specialized treatments including the following:

- Acne care and rosacea management
- Cryopen skin lesion removals
- Non-surgical facelifts
- Pressotherapy
- Reflexology
- Micro-needling

- Skin booster injections
- Sclerotherapy
- Therapeutic Massage
- Pedicures
- General beauty treatments (nail and eyebrow treatment)

Principle of Development:

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.

In this respect, in the granting of the original consent (3/2015/1034 variation to 3/2015/025) 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).

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)*

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 conditions, benefitting from the ability to interchange to other sub-classes/sub-activities within Class E without the need for planning permission to be sought. In this case however, there are limiting conditions which ensure that this interchange cannot happen without planning permission being required.

Nonetheless, the proposal does not seek consent for a use within use Class E, with the functions being undertaken within the building considered to fall within the 'Sui Generis' use class. However, given the nature of the functions undertaken within the premises, albeit not falling within the definition of a 'Main Town centre Use' as defined within the National Planning Policy Framework, these would be considered as being more compatible with a town centre location rather than being located within a Designated Employment Area.

Particularly insofar that in the granting of the original consent (3/2015/1034 variation to 3/2015/025 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'.

In respect of the compatibility of the use of the unit for purposes within a Sui Generis Use Class 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.

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 Samlesbury 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.

In respect of the above policy considerations, the use of the unit for the of Sui Generis Purposes would result in the loss of a unit allocated to accommodate 'light industrial' employment generating uses within a designated 'Existing Employment Area' and 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' considered to be more harmful than any benefits of allowing the continued operation of this type of use within this location.

As such and taking account of the above, the proposal would result in the loss of 'light industrial' employment generating floorspace within a designated 'Existing Employment Area'. With there being 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'. As such the proposal would result in direct conflict with Policy DMB1 of the Ribble Valley Core Strategy.

Impact Upon Residential Amenity:

Taking account of the nature of the proposed use and the location of the unit, in that it is remote from any nearby residential receptors, it is not considered that the proposal will result in any measurable undue impacts upon existing nearby residential amenities.

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.

Visual Amenity/External Appearance:

The remit of the application does not propose any exterior alterations to the existing building nor any alterations to the existing site configuration, as such the proposal is unlikely to result in any measurable adverse impacts upon the character or visual amenities of the area.

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.

Highways and Parking:

The Local Highways Authority (LHA) have raised no objections to the proposal offering the following observations:

Proposal:

The application seeks to change the use from B1 to a Clinic / Salon for specialised treatments and beauty (nails and eyebrows). The applicant states that the business has been operating for 4/5 years. There are 4 employees with 2 employees on site at any time.

The applicant states that the business is run by appointment only with gaps between appointments, where each appointment is approximately between 45 to 60 minutes. The floor plan shows 4 treatment rooms. The floor area is shown as 63.84sqm ground floor and 11 sqm mezzanine, totalling 75sqm approximately.

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.

Parking:

The unit is provided with two parking spaces in front of the unit and Mitton Business Park and there are a number of communal parking spaces, which are overflow spaces for the units. The professional services parking standard is the same as the former B1 standard at 1 space per 30sqm, equating to 2.5 spaces for a floor area of 75sqm.

The health/medical standard is higher at 4 spaces per consulting room, equating to 16 spaces. In this case the applicant states that there are 2 staff on site at any one time, there are no customer numbers stated however other similar business applications would suggest up to 4 customers on site (2 being

attended and 2 waiting) this totals 6. This would require 4 car parking spaces in the communal area. There is no evidence to suggest that there is a shortage of overspill car parking at the site currently which is resulting in a highway safety matter.

Conclusion:

Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

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.

Landscape/Ecology:

The remit of the application solely relates to the regularisation of a change of use, 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.

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.

It is further considered that the development is exempt from having to meet the mandatory BNG requirements, falling into both the de-minimus and retrospective exemption categories.

Observations/Consideration of Matters Raised/Conclusion:

As such and for the above reasons, having regard to all material considerations and matters raised, that the application is recommended for refusal.

RECOMMENDATION: That planning consent be refused for the following reasons:

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| 01: | The proposal would result in the loss of 'light industrial' employment generating floorspace within a designated 'Existing Employment Area'. With there being 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'. As such the proposal would result in direct conflict with Policy DMB1 of the Ribble Valley Core Strategy. |
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