


Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	MC	Date:	08/04/2026	Manager:	LH	Date:	9/4/26
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Application Ref:	3/2026/0062			 <p>Ribble Valley Borough Council www.ribblevalley.gov.uk</p>
Date Inspected:	06/02/2026	Site Notice:	06/02/2026	
Officer:	MC			
DELEGATED ITEM FILE REPORT:				REFUSAL

Development Description:	Regularisation of change of use from Class B2/B8 (general industrial) to Class E(d) (indoor sport, recreation or fitness) and Class E (e) (medical or health services), provision of mezzanine floor and extension of opening hours to 6.30am to 9.00 pm Monday to Friday, 7.00 am to 2.00 pm on Saturdays and 7.00 am to 1.00 pm on Sundays.
Site Address/Location:	Unit 45 Mitton Business Park Mitton Road Whalley BB7 9YE

CONSULTATIONS:	Parish/Town Council
<p>Whalley Parish Council object to the development raising the following comments/concerns:</p> <ul style="list-style-type: none"> • The original permission was based on specific assumptions about the type and intensity of activity that would take place within the building and across the wider site for light industrial use • Light industrial use is typically associated with lower-impact operations, and this formed part of the planning balance when consent was granted. The current proposal is contrary to the original planning permission for units at Mitton Business Park • Proposed extended hours with introduction of mezzanine floor would materially intensify the use of the unit which is likely to result in increased disturbance from noise, vehicle movements, and general activity outside previously agreed times • The proposed Class E use is not consistent with the originally approved business use, which was considered appropriate given the site's proximity to residential dwellings. • Retrospective change of use undermines the integrity of the planning process and risks setting an undesirable precedent for other operators within the business park to bypass established planning controls 	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Highways:	The Local Highways Authority does not raise an objection and are of the opinion that the proposal would not have a significant impact on highway safety or capacity in the immediate vicinity of the site. This is subject to a condition that the use shall operate by appointment only, including all individual sessions (which shall be limited to a maximum of five clients) and a log of all scheduled appointments retained for a minimum of 12 months and made available for inspection by the LPA.
RVBC Environmental Health Officer (EHO):	The EHO recommends a number of conditions relating to the sound levels of the gym, doors/windows to be kept shut when amplified music played, mezzanine floor fitted with suitable load bearing, edge protection of the mezzanine and means of escape.

CONSULTATIONS:	Additional Representations.
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3 Objections have been received raising the following concerns:

- very few gym customers use the communal car parking spaces at the top of the business park
- harmful parking in between units is taking place
- granting permission will make parking worse
- car parking issues means it is difficult for HGV drivers to turn to access neighbouring units

5 Letters of support have been received.

RELEVANT POLICIES AND SITE PLANNING HISTORY:

Ribble Valley Core Strategy:

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

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

Relevant Planning History:

3/2024/0214

Regularisation of change of use from Class B2/B8 (general industrial) to Class E (commercial business and service), provision of mezzanine floor and extension of opening hours to 6.30am to 9.00 pm Monday to Friday, 7.00 am to 4.00 pm on Saturdays and 7.00 am to 1.00 pm on Sundays.

Refused

3/2021/0597:

Variation of Condition 3 (Materials) of planning application 3/2017/0714. Proposed timber cladding on the prominent elevations of the buildings fronting Mitton Road instead of all buildings.

Refused

Appeal Allowed

3/2020/0070:

Discharge of conditions 23 (highways), 29 (surface water) and 30 (surface water) from planning application 3/2017/0714.

Approved

3/2017/0714:

Extension to existing industrial estate (Class B1, B2 and B8 use) to include car parking, landscaping and service infrastructure.

Approved with Conditions

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application relates to an existing commercial unit within the Mitton Road Business Park located off Mitton Road Whalley. The unit is located within the main body of the site, with the surrounding area being predominantly commercial in nature being occupied by units of a similar appearance and configuration.

The northern part of the Business Park is designated as an 'existing employment area' on the Proposals Map. However, as Unit 45 is located within a later phase of the industrial estate it has an open countryside designation.

Proposed Development for which consent is sought:

The application seeks retrospective consent for the regularisation of a change of use from Class B2/B8 (general industrial) to Class E (commercial business and service), and Class E (e) (medical or health services), including the provision of mezzanine floor and extension of opening hours to 6.30am to 9.00 pm Monday to Friday, 7.00 am to 2.00 pm on Saturdays and 7.00 am to 1.00 pm on Sundays.

Prior to the determination of the application, the description of development and Planning Statement have been updated to include Class E (e) – provision of medical or health services at the request of the agent, as the current gym also offers physiotherapy and other health services. The Main Town Centre Use Sequential Test has also been updated following discussions between the agent and the Planning Officer on the floorspace of the sites included within the assessment.

The supporting statement indicates that the business provides clinical care and performance-based training, functional fitness spaces, group classes and personalised training with clinic grade physiotherapy, as well as clinical services and treatments, such as intravenous (IV) therapies and other healthcare led interventions. This statement considers that the operational model allows rehabilitation, clinical treatment and ongoing physical training to be delivered within a single coordinated setting. The statement also confirms that the operation is appointment based and does not function as a retail, leisure or unrestricted public access use.

Further information has been provided by the agent for the application, confirming that mezzanine floor is used for physio sessions with private GP appointments or 1-2-1 gym member appointments being used in two rooms on the first floor labelled 'Flexible Therapy Zone'. It has also been confirmed that appointment hours for the gym and private GP uses are Monday to Friday between 10am and 4pm and there are two appointments within each hour with GP appointments typically being 1-2 days per week. The applicant has also confirmed that treatments are available to both gym users and members of the public.

Planning permission ref: 3/2024/0214 for a similar development at the site (Class E use) was refused for the following reason:

- 1. The proposal would result in the loss of employment generating floorspace through the introduction of a use falling within the definition of a 'Main Town Centre Use' in an out-of town centre location. With no material considerations have been presented in this case to justify or warrant the harm resulting from the loss of employment generating floorspace use. 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.*

The applicant has now provided a Main Town Centre Use Sequential Test and additional information outlined within the Planning Statement, in an attempt to overcome the reason for refusal.

Principle of Development:

In respect of the principle of the change of use of the building, given the application is located within an industrial estate that was permitted for B1, B2 and B8 uses, Key Statement EC1 and Policy DMB1 of the Ribble Valley Core Strategy are engaged.

Key Statement EC1 states that:

“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.”

Policy DMB1 also states that:

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 agent considers that the proposal relates to the reuse of an existing commercial unit within a designated employment area and does not result in the loss of built employment floorspace. They also draw the Council’s attention to a recent appeal decision relating to Unit 7 Mitton Road Business Park, specifically at Paragraph 6, where the Inspector notes:-

Policy DMB1 of the Core Strategy 2008-2028 (2014) (CS) states that proposals for the conversion of sites with employment generating potential for alternative uses will be assessed against four criteria, which includes the economic and social impacts caused by loss of employment opportunities. Although all staff are not present at the same time, the existing business operating from the appeal property employs six staff in total: four full-time and two part-time, which includes an apprentice. Whilst not solely within a ‘B’ class use, the proposal is nonetheless an employment generating use. Accordingly, I find no conflict with CS Policy DMB1.

The Council has reviewed this appeal decision but disagrees with the Inspector’s findings that ‘employment generating use’ should be defined as broader than ‘B’ class uses because of the following, which is information that was not before that Inspector:-

The evidence base underpinning the policies and proposals in the adopted Core Strategy (Employment Land Study Refresh (2013) defines employment land and employment use as B Class Uses (those falling within the former Class B1, B2 and B8 uses) and covers all industrial, warehousing and distribution uses, as well as offices. The study does not refer to all uses that provide jobs, but to the above group of uses, which tend to share certain locational and physical characteristics.

The land needs of non B-class employment uses, included within the NPPF definition of ‘economic development’, are briefly considered in Section 9.0.

Having regard to the Core Strategy Inspectors Report –

<https://www.ribblevalley.gov.uk/downloads/file/1808/inspectors-report-on-ribble-valley-borough-council-s-core-strategy-november-2014>

Employment development is defined as (Use Classes B1, B2 and B8) – see page 21

Key Statement EC1 makes a distinction between land for “employment use” and land for “economic development delivering employment-generating uses” and DPD Employment Allocation Policy EAL provides further detail relating to Key Statement EC1 of the adopted Core Strategy Land and defines employment uses, for the purposes of meeting employment land need, as those falling within classes B1 to B8.

Whilst Policy DMB1 is not explicit in defining “Sites with employment generating potential”, when taking into consideration the evidence outlined above and when Policy DMB1 is read in conjunction with Key Statement EC1 of the Ribble Valley Core Strategy, the term “Employment” should be taken as employment land classes E(g)(i) offices, E(g)(ii) R&D, E(g)(iii) light industrial, B2 and B8 and not all uses that provide jobs.

Accordingly, and having regard to the evidence base, sites with “Employment” generating potential are taken as sites with potential for employment under classes E(g), B2 and B8. If the policy intended a broader scope (ie uses outside of Class B that achieve economic enhancement) it would have referred to “economic development”.

Policy DMB1 offers general support to economic development but places a series of tests on the re-use/conversion of established employment land for other uses (taken here to be none Class B or E(g) uses). The protection of existing units for business and industrial purposes is an important policy objective as set out in Key Statement EC1 as supported by evidence which indicates that employment land (B1 to B8 uses) opportunities in Whalley are limited.

Therefore the introduction of a ‘main town centre’ use would result in the loss of employment floorspace in conflict with Policies EC1 and DMB1 of the Ribble Valley Core Strategy.

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.

Whilst there may be some health and wellbeing benefits of the development for the local community, these are not environmental benefits which would outweigh the conflict with Policy DMB1 of the Ribble Valley Core Strategy.

The delegated officers report for planning ref: 3/2024/0214 stated that the economic impact of losing employment generating floorspace within an existing established Business Park, originally granted consent for use classes B1, B2 and B8 (pursuant to permission 3/2017/0714), and the introduction of a ‘Main Town Centre Use’ in an out-of-town centre location, was considered to be more harmful than any benefits that would be resultant from the granting of consent.

The applicant states that there has been no displacement of industrial activity to less sustainable locations and no removal of the overall employment function of the business park as the applicant was the first to occupy Unit 45, suggesting there has been no business removal. Even if this were the case, permitting this use would prevent genuine ‘B use’ employment businesses from locating somewhere intended to meet these needs and the applicant has not provided any evidence to suggest that there is no demand for ‘Class B’ employment uses at the site.

Therefore, the loss of employment space to a ‘main town centre’ use has not been justified under the requirements of Policies EC1 and DMB1 of the Ribble Valley Core Strategy.

Sequential Test

In the previously refused application, the applicant failed to provide any information that would satisfy the requirements of Paragraph 91 of the NPPF (the sequential test).

The applicant has now submitted a Main Town Centre Sequential Test which considers sites within Clitheroe, Whalley and centres within Tier 1 and Tier 2 settlements that also fall within a suitable drive-time distance. Whilst an initial tolerance of +/-10% above the floorspace of 483sqm was considered, the search parameters have been broadened following discussions with the Local Planning Authority to ensure the search criteria covers within the 10% allowance. As such, the sequential search has therefore considered units ranging from approximately 250 sqm to 750 sqm, and up to 1,000 sqm on certain property platforms.

Whilst the unit is a mixed use, the Council accepts that both uses within Use Class E (d) and (e) form part of one business model as such it is reasonable to combine the floorspace requirements of the two uses for the purposes of the sequential test. The above tolerances / sequential test methodology is therefore agreed.

The outcome of the sequential test has identified that there are no available sites within Whalley, nor within the other Tier 1 and Tier 2 settlements. However, within Clitheroe, three properties have been identified below. These include the following:

Site 1: Shawbridge Street, Clitheroe

Site 2: West End Works, Clitheroe

Site 3: 14 Castle Street, Clitheroe

Site 1 is 619sqm in size and is currently occupied by a retail premises. The applicant considers that this floorspace is materially larger than the proposed development of 483sqm and is significantly over the 10% tolerance, resulting in a disproportionate and ineffective use of space. Concerns are also raised with regards to the close proximity of residential properties to the site and the lack of clearly defined forecourt and parking provision. Site 1 is therefore discounted due to concerns regarding the locational and physical requirements without unacceptable impacts and associated viability implications due to the floorspace of the building.

Site 2 comprises a retail unit of approximately 462sqm in size. Concerns are raised regarding this site in relation to the significant investment that would be required to bring the building up to a suitable standard and concerns regarding the ability to accommodate a gym layout, including equipment zones, circulation space, changing facilities and ancillary areas in an efficient manner. The applicant also considers it is unclear as to whether the structure (including mezzanine-level) could support the concentrated loads associated with special gym equipment. The site has been discounted for the above reasons, in addition to the residential location of the site and lack of off-street parking, considering that it is unsuitable and unviable.

Site 3 comprises a retail unit with ancillary accommodation at lower ground floor level within Clitheroe town centre. The floorspace is marketed flexibly, ranging from approximately 128sqm to 428sqm. The applicant has also discounted this site due to the footprint of the building which would limit the ability to accommodate a gym layout, as well as access constraints with the shop front access being unable to accommodate equipment. The applicant also considers that the site is unviable due to the configuration of the unit which would severely limit its ability to operate the gym element of the use.

Council view – proximity to residential properties / lack of dedicated forecourt parking / proximity of parking to residential properties / some reliance of on-street or public parking nearby are not reasons to reasonably discount the premises. Furthermore, the fact that investment and alterations are required to make the premises suitable for the intended use are also not reasons to reasonably discount the premises - indeed this is what the applicant has already done at their current premises. It is accepted that the location and building footprint of site 3 makes this premises not suitable, however the Council does not agree with the applicant that the sites 1 and 2 should be discounted for the reasons given.

Having regard to the above, the proposal is considered to be in conflict with Policies EC1 and DMB1 of the Ribble Valley Core Strategy and Paragraph 91 of the Framework.

Impact Upon Residential Amenity:

The application site is located within an existing business park, over 90 metres from the closest residential property. As such, it is not considered that the development would result in any adverse impact to the amenity of nearby existing residential receptors.

The Environmental Health Officer recommends conditions which relate to restricting the sound levels of the gym and keeping doors/window shut when amplified music is played. They also recommend conditions which

relate to the fitting of edge mezzanine floor fitted with suitable load bearing, edge protection of the mezzanine and means of escape.

It is considered that the conditions relating to the mezzanine floor would be covered by building control and would not be relevant to planning. In addition, whilst the first condition regarding restricting the sound levels from the proposed could be added to any grant of permission, it would not be enforceable to restrict that doors/windows are kept shut during the playing of amplified music.

It is considered that should this application have been recommended for approval, the noise levels could be mitigated by way of condition.

As such, and taking account of the above matters, the proposal does not raise any significant direct conflicts with Policy DMG1 of the Ribble Valley Core Strategy.

Visual Amenity/External Appearance:

The submitted details do not propose any external alterations to the building nor alterations to the existing site configuration. As such the proposal is unlikely to result in any harm to the character and appearance of the site and surrounding area.

As such, taking into account of the above, it is not considered that the proposal will result in any direct conflict with the aims and objectives of Policy DMG1 which seeks to protect against development which would be of detriment to the character or visual amenities of the area.

Highways and Parking:

There have been a number of objections in relation to parking concerns and inappropriate parking within the business park.

Notwithstanding concerns raised above with regards to inappropriate parking, the Local Highways Authority (LHA) have raised no objections to the proposal following the receipt of revised additional information relating to parking provision, parking rates and the operation of the existing use, subject to a condition which requires the applicant to adhere to the business operations outlined in the submitted information.

Whilst the LHA have not been re-consulted on the amended description to include the provision of medical services under Class E (e), the business park has communal parking spaces which could accommodate any shortfall in parking required.

As such it is not considered that the proposal will result in any measurable conflict(s) with Key Statement DM12 or Policy DMG3 which seek to ensure the continued safe operation of the highways network and to ensure adequate pedestrian infrastructure and vehicular parking provision is brought forward to accommodate development proposals.

Other matters

Use Restriction

The applicant considers that the conditions attached to planning ref: 3/2017/0714 do not restrict the uses of the units to only B1(c), B2 and B8 via condition or on the plans. The applicant argues that given the change made by Regulation 7 of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, any unit approved for B1 can be used for any use within Class E under Permitted Development, stating that if Per4m Health (the applicant) were based in any of the other B1 buildings originally approved, matters to regularise this use would be simpler.

However, the approved plans under planning ref: 3/2017/0714 identified that 'Building F' subject of this application shall be used as Use Class B2/B8 and therefore the use of the building is secured. It is also the Council's view that regardless of the use being secured on the approved plans, the development was never implemented as a B1(c) use, instead it was implemented as what would have been Use Class D2 (now Class E). As the development was never implemented as a B1(c) use, it is the Council's view that the change of use to Class E would not have been permitted under The Town and Country Planning (Use Classes) Order 1987 (as amended).

Therefore, this does not alter the fact that the development requires planning permission, as such it is reasonable to apply the relevant policies accordingly and give these full weight.

Other Permissions

The applicant states that RVBC have accepted other Use Class E uses within other Units within close proximity on the business park and has therefore by definition accepted the location for such uses.

However, each of these permissions are not directly comparable to the application for the following reasons:-

Unit 13 – Temporary (18 month) permission for a D2 use granted in 2017. The proposal was assessed as resulting in a loss of employment floor space contrary to Policy DMB1, but the benefits of allowing that particular scheme for a temporary period were judged to outweigh the policy conflict. That temporary permission was not renewed. In contrast the application would result in the permanent loss of a 'B' employment use.

Unit 25 – Class E (retail) use granted but only for one third of the total floorspace of that unit. The LPA considered that this retail element would remain subservient to the B8 use operating within the unit. In contrast the application proposes the entire floorspace to be Class E use.

Unit 50 – Veterinary Surgery (Sui Generis) use granted in 2023. The LPA accepted that this was not a use that could realistically be supported or accommodated in a town centre location and so the business park location was accepted. In contrast there is no reason why the Class E uses applied for could not be located within a town centre location

Unit 51 – Sui Generis Use approved in 2023 – the predominant floor space take-up is for the production kitchen and storage / distribution of produce together with ancillary office and staff facilities. The approval did result in a retail and takeaway element as a functionally linked use to the production element but this is only a small proportion of the floorspace (approx. one quarter of the ground floor floorspace / one sixth of the total floorspace). In contrast the application proposes the entire floorspace to be Class E use.

Unit 26 – Sui Generis Use permitted in 2024 – two planning applications allowed for a mixed floorspace comprising retail, industrial / warehouse space and photo display area. The retail element is only a small proportion of the floorspace (approx. one quarter of the ground floor space / one sixth of the total floor space). In contrast the application proposes the entire floorspace to be Class E use.

Unit 40 – Animal rehabilitation use (Sui Generis) approved in 2025. The LPA accepted that this was not a use that could realistically be supported or accommodated in a town centre location and so the business park location was accepted. In contrast there is no reason why the Class E uses applied for could not be located within a town centre location.

BNG

The proposal is for a change of use only and therefore falls within the 'de minimis' exemption for Biodiversity Net-Gain.

Observations/Consideration of Matters Raised/Conclusion:

Having regard to the above, the proposal is considered to be in conflict with Policies EC1 and DMB1 of the Ribble Valley Core Strategy and Paragraph 91 of the Framework and there are no other material consideration that would outweigh the harm by reason of loss of an employment site / use to a 'main town centre' use. Additionally the proposal would be located in an out-of-town centre location without satisfying the Sequential Test.

As such, for the above reasons and 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 reason(s).

01:	The proposal would result in the loss of employment generating floorspace through the introduction of a 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 or allowing a 'Main Town Centre Use' in an out-of-town centre location. As such the proposal would result in direct conflict with Policies EC1 and DMB1 of the Ribble Valley Core Strategy and the aims and objectives of Paragraph 91 of the National Planning Policy Framework.
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