

Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	EP	Date:	07/09/2026	Manager:	LH	Date:	8/9/26
----------------	-----------------	-----------	--------------	-------------------	-----------------	-----------	--------------	---------------

Application Ref:	2026/0454			 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	NA	Site Notice:	NA	
Officer:	EP			
DELEGATED ITEM FILE REPORT:				PERMISSION REQUIRED

Development Description:	Certificate of Lawfulness for proposed sunbed/beauty salon.
Site Address/Location:	Building adjacent to 17 Waddington Road (formerly Old Coach House Antiques and Interiors) Clitheroe BB7 2HJ

CONSULTATIONS:	Parish/Town Council
NA	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Highways:	NA

CONSULTATIONS:	Additional Representations.
NA	

RELEVANT POLICIES AND SITE PLANNING HISTORY:

The Town and Country Planning (Use Classes) Order 1987
The Town and Country Planning (General Permitted Development) (England) Order 2015

Relevant Planning History:

3/1979/1515: Proposed Retail shop for sales and after-sales service and repairs of pedal cycles, including the sales of spares and accessories, ex Moore's plumbers warehouse.

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application relates to an existing building within the defined settlement limits of Clitheroe. The site is within the Clitheroe Conservation Area, with several listed buildings within the vicinity of the site.

Proposed Development for which consent is sought:

The Certificate of Lawfulness application seeks to determine whether the proposed change of use from retail to sunbed/beauty salon requires planning permission.

Principle of Development:

Under planning application 3/1979/1515, which was for the original change of use to retail, several conditions were imposed restricting the use of the premises to retail without the express permission of the local authority. The relevant conditions read as follows

2. The use of the premises for retail purposes shall be confined to that of a shop as defined in Regulation 2 and as specified in Class I of the schedule of the Town and Country Planning (Use Classes) order 1972, but excepting the following use

- A shop for the sale of hot food*
- A tripe shop*
- A shop for the sale of pet animals or birds*
- A cats meat shop*
- A shop for the sale of motor vehicles of any kind, including motor cycles.*

Reason: In order to define the permission and to ensure the premises are not used for any purpose which would be inappropriate to the location and to safeguard the amenity of the neighbouring area.

4. Any future alterations to the premises forming the subject of this application, either in use or by structural methods, or whether internal or external, shall form the subject of further applications to the Local Planning Authority before any such use or development is commenced

Reason: To enable the LPA to control the future development of these premises.

5. The use now approved shall be carried out in such a manner so as not to adversely affect the amenities of the surrounding neighbourhood, by reason of noise, vibration, odour, smoke, fumes, ash, dust or grit or any other means of effluvia.

Reasons: To safeguard the amenities of the surrounding locality.

When read collectively, it is evident the conditions sought to restrict the use of the site to one that is appropriate to the area and therefore limiting permitted development rights. The council therefore take the view that planning permission is required for a change of use outside of the realm of retail.

In light of this, the council does not need to proceed with the following assessment but has done so in the interest of completeness.

Other Matters:

There is no dispute that the last known use of the application building was retail which falls under use Class E as defined by the Use Classes Order. The order also allows for other uses provided they are for visiting members of the public, these are noted as

- (i) financial services,*
- (ii) professional services (other than health or medical services), or*
- (iii) any other services which it is appropriate to provide in a commercial, business or service locality*

In the case of this application, the use would therefore need to be one for visiting members of the public and be a service which is appropriate to provide in a commercial, business or service locality.

The applicants consider that a sunbed/beauty salon use falls within Class E, and that consequently the use of the former retail unit as a sunbed/beauty salon would be lawful because it would not amount to development.

The applicant has referenced appeal decision APP/R5510/X/22/3290784 as being relevant as this decision was based on a change of use from Restaurant (Class E) to tanning salon. However, this appeal decision is

not directly comparable, as the proposed use in hand relates to a mixed tanning and beauty salon rather than a single use.

That being said, the inspector in this decision noted the following, which is relevant...

Drawing together the points made by both parties on the appeal decisions, the decisions demonstrate that there is no definitive view that a tanning salon use falls within Class E or that it is a use which is sui generis. The UCO includes a list of uses to be regarded as sui generis, and the list does not include tanning salons. However, it is clear from the UCO that the list is not definitive and other uses may also be sui generis. Therefore, it does not exclude tanning salons from being regarded as a sui generis use.

The inspector in this case goes on to state that the onus is on the applicant to demonstrate that the use falls within Class E.

Whilst the applicant has demonstrated that the use would meet the first of the relevant criterion, being for visiting members of the public either by walk in or appointment, it is not considered that the second criteria has been met. The surrounding area is predominantly residential in nature, with very few services in the immediate vicinity. It is therefore not considered that the site falls within a commercial, business or service locality, and the applicant has failed to demonstrate otherwise.

It is therefore the councils view that, by virtue of the location of the application site and the nature of the proposed use being for both tanning and beauty salon, that the use class is Sui Generis and not Class E as defined within the Use Classes Order.

Observations/Consideration of Matters Raised/Conclusion:

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 the certificate be refused for the following reasons

1. The application site does not benefit from the general permitted change of use within the same use class or from one use class to another by virtue of the conditions imposed on planning permission 3/1979/1515 which sought to restrict the use of the site to retail unless express planning permission is sought for an alternative use.
2. Even in the absence of any restrictive planning conditions, the application site does not fall within a commercial, business or service locality as per the requirements of Class E of The Town and Country Planning (Use Classes) Order 1987, and therefore the proposal would amount to a Sui Generis use requiring planning permission.