



Appeal Decision

Site visit made on 3 March 2026

by **R Gravett BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th March 2026

Appeal Ref: 6002056

Unit 7, Mitton Road Business Park, Mitton Road, Whalley BB7 9YE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Vickers of Flyin Barber against the decision of Ribble Valley Borough Council.
 - The application Ref is 3/2024/1012.
 - The development proposed is use of commercial unit class E(g) (iii) as a hair studio class E, class B8 storage and distribution and retention of mezzanine floor.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The change to the description of development by the Council was not agreed by the appellant. Therefore, I have used the description as set out in the application form in the banner heading above. The application form states that the work or change of use has already started and has been completed, but it is unclear from the evidence whether the mezzanine floor is in use. I have therefore dealt with the appeal on the basis of the proposed plans before me.
3. The Council has raised no issue regarding the installation of the mezzanine floor and based on the evidence before me I have no reason to form a different view.

Main Issue

4. The main issue is whether the proposal is in a suitable location for such a use, with particular regard to local and national policy.

Reasons

5. The appeal property is a mid-terrace unit within a phase of the Mitton Road Business Park, a designated Existing Employment Area. The wider business park accommodates a range of uses including, amongst others, light industrial, offices and warehousing, a music shop, a gym/studio and a veterinary practice.
6. 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.

7. The business would not accept walk in appointments, but the proposed plans show a 'barber shop' and waiting area at ground floor with four workstations, which provide 'bespoke haircutting services' as well as hair replacement treatments. It would also provide training for an apprentice. A mezzanine floor spanning around half the depth of the unit would be used to store a scissor sharpening machine and branded hair products, available to buy from the unit and online. These uses, including specialist hair treatments, are commonly seen on the high street, and I have no persuasive evidence that the proposal could not reasonably be located in a town centre. Moreover, they are described in the Planning Statement as a 'retail type use' which is included in the definition of 'main town centre uses' in Annex 2: Glossary of the National Planning Policy Framework (the Framework).
8. To support the vitality of town centres, paragraph 91 of the Framework requires that local planning authorities 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.
9. The Planning Practice Guidance¹ (PPG) further advises that it is for the applicant to demonstrate compliance with the Sequential Test. The appeal property is out-of-centre, and the appellant has submitted a sequential assessment which considered five units in nearby Whalley town centre. This is a relatively small search area, and it is unclear from the evidence whether other designated centres have been considered and discounted. Nevertheless, one potential unit of an appropriate size was identified at 7 Accrington Road, Whalley, which is said to be arranged over three-storeys with retail at ground floor and office space at first and second floor. This was discounted as being unsuitable because of a planning condition restricting the use to retail and offices. However, I have nothing substantive before me to suggest that a variation of this condition would not be supported by the Council. Nor is it argued that the unit would be unsuitable for a component of B8 storage.
10. Consequently, I am not satisfied that the sequential assessment that has been undertaken is sufficiently robust to demonstrate that the proposal is in a suitable location and that there are no sequentially preferable locations. Where an application fails to satisfy the Sequential Test, paragraph 95 of the Framework states that it should be refused, and the proposal would fail to support the viability and vitality of town centres by placing Whalley (and any other) town centres foremost. Therefore, notwithstanding the absence of conflict with CS Policy DMB1, I conclude that the proposal is not in a suitable location for such a use, with regard to national policy.

Other Matters

11. There is some ambiguity in the way in which the existing business and use is described in the appellant's evidence. In parts, it is referred to as a Sui Generis use. However, as explained in my Preliminary Matters, I have determined this

¹ Paragraph: 011 Reference ID: 2b-011-20190722

appeal on the basis of the description of development provided on the planning application form, which the appellant has not sought to amend.

12. I also note that it is the appellant's view that the 'hair salon' part of the business would not in itself require planning permission despite condition no.21 of the original consent² for the Mitton Business Park. It is also suggested that prior to the existing use the appeal property was occupied by a physiotherapist. However, it falls outside the scope of this appeal to formally determine whether an existing or proposed use or development is lawful and it is open to the appellant to make an application under section 191 or 192 of the Town and Country Planning Act 1990 (as amended) to ascertain this.
13. The parties have referred to several units on the wider Mitton Road Business Park whereby planning permission has been granted for uses which, in some cases, include a component of retail. I have not been provided with full details of these, but I note from the Council's evidence that where a retail use has been granted this was assessed as subservient to a primary use or comprised only a small proportion of the overall floorspace of the unit. This is consistent with my own observations of the Lanx shoes, Breda Murphy and Reidys units where the retail use appeared to form a small part of the manufacturing and storage uses. In contrast, the main use of the appeal property would be as a 'hair studio'. Unlike my conclusion in respect of the appeal proposal (a main town centre use), it is also clear that the Council was satisfied that in the cases where Sui Generis uses were proposed, they could not be accommodated in the town centre.
14. I accept that consistency in decision-making in the planning system is important and the courts have established that like cases should be decided in a like manner. Nevertheless, I am not persuaded on the evidence that other units on the Mitton Road Business Park are directly comparable to the appeal proposal before me and accordingly, I have considered it on its own merits.
15. Whilst no issue has been raised in respect of the effect of the development on highway safety, residential amenity or character and appearance, policy compliance on these matters attracts neutral weight, weighing neither for, nor against the proposal.

Conclusion

16. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

R Gravett

INSPECTOR

² LPA Ref. 3/2015/1034