Report to be read in conjunction with the Decision Notice.								
Signed:	**Officer:**	**SK**	**Date:**	**13.5.25**	**Manager:**	**LH**	**Date:**	**13.5.25**

Application Ref:	2025/0122			Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	N/A	**Site Notice:**	N/A	
Officer:	SK			
DELEGATED ITEM FILE REPORT:				**APPROVAL**

Development Description:	Regularisation of change of use from B1 to sui generis for animal therapy/welfare.
Site Address/Location:	Unit 40 Mitton Road Business Park Whalley BB7 9YE

CONSULTATIONS:	**Parish/Town Council**
Whalley Parish Council object to the application on the basis that the introduction of a Sui Generis use for animal welfare is a significant deviation from the permitted B1 use, which is typically associated with lower-impact industrial activities. Regularising the change of use after it has already occurred undermines the integrity of the planning process.	

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

Subsequent to the receipt of additional operational information relating to the proposed use, the Local Highways Authority have raised no objection to the proposal stating the following:

No objections:
Lancashire County Council acting as the Local Highway Authority (LHA) 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 or capacity in the immediate vicinity of the site.

Introduction:
The Local Highway Authority (LHA) are in receipt of an application for the proposed regularisation of change of use from B1 to sui generis for animal therapy/welfare at Unit 40, Mitton Road Business Park, 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 LHA are aware that one employee is working within the business; the applicant has provided further information regarding how the business operates with only one client in attendance at any time, the business is run by appointment only and there is no walk-in business and there are 5-minute intervals between each client's appointment.

Parking Provision:
The site currently has 2 dedicated off-road parking spaces which following information regarding how the business operates is acceptable. As there is a 5-minute interval between each appointment, it means that one client will have left the parking bays before the next arrives as such the effect of the development on the operation of the local highway network would be negligible.

CONSULTATIONS:	Additional Representations.
No representations received in respect of the proposal.	

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:

3/2017/0714:
Extension to existing industrial estate (Class B1, B2 and B8 use) to include car parking, landscaping and service infrastructure. (Approved)

2017/0080:
Application for outline planning consent for extension to industrial estate with all matters reserved. (Approved)

2016/0715:
Application for outline planning consent for extension to industrial estate including access. (Approved)

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application relates to 'Unit 40' Mitton Road Business Park. The unit is located towards the western extents of the site, being to the south of and outside of the designated 'Existing Employment Area' (DMB1 designation) of the northern element of the Mitton Road Business Park.

The unit falls within the area of land that benefits from an extant consent for the extension to the Mitton Road Business Park as consented by permission 3/2017/0714. With the consent having granted permission for the 'extension to existing industrial estate (Class B1, B2 and B8 use) to include car parking, landscaping and service infrastructure'.

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 use of the building for that of animal therapy and welfare falling within a Sui generis use class in-lieu of the previous consented B1 use Class (now Use Class E(g)).

The unit as consented pursuant to permission 3/2017/0714 was classed as a building 'Type N' (Use Class B1) on the previously approved site plan, with the building type benefitting from an integral partial mezzanine floor.

Principle of Development:

The original consent (3/2017/0714) granted permission for use of the units falling within Use Classes B1, B2 and B8 use. 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, being subsumed to fall within Use Class E sub-class/sub-activity (g) (Class E(g)).

In respect of the current application, retrospective consent is sought for that of a Sui Generis use which would fall outside that of the remit of the original consent. As such, consideration must be given in relation to the proposals compatibility with the aims and objectives of Policy DMB1 and Key Statement EC1 of the Ribble Valley Core Strategy.

In this respect Policy DMB1 states:

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 affording general support to employment development stating: '*employment development will be directed towards the main settlement of Clitheroe, Whalley and Longridge as the preferred locations to accommodate employment growth'*.

In respect of the above, Policy DMB1 and Key Statement EC1 are generally supportive of business growth within the plan area. However, the inherent criterion of Policy DMB1 requires that proposals should not result in conflict with Policy DMG1 and that such proposals will also be assessed against their compatibility with other policies within the adopted development plan. As such, and in the event that over-riding conflict exists or is identified, either through direct conflict with Policy DMG1 or by virtue of over-riding conflict with other policies within the development plan, the general support afforded by Policy DMB1 is considered to be fully disengaged.

The proposed animal welfare and therapy use offers a number of specialist animal rehabilitation and hydrotherapy services, with only one client being in attendance at any time and is run by appointment only. In respect of the locational aspects of the proposal, it is not uncommon for animal therapy and veterinarian services to be located outside of defined settlements with such uses falling outside of defined 'Main Town Centre' uses as defined within the National Planning Policy Framework. As such the proposal is unlikely to have any measurable impact upon the vitality of any nearby established town centre areas.

In respect of the above matters and taking account that the proposed animal welfare/therapy use would still be considered as being a 'employment use' (albeit also serving the wider public for specialist animal care services), it is considered that the principle of the use of the building for these specialist purposes, notwithstanding other development management considerations, would not raise any significant direct conflict with the Policy DMB1 nor Key Statement EC1 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 relatively 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 stating that the 'proposed development will not have a significant impact on highway safety or capacity 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.

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 approval.

RECOMMENDATION:	That planning consent be granted subject to the imposition of conditions.