



Committee Report – Recommendation of Refusal

Town and Country Planning Act 1990 (as amended)

Address: Crow Wood Equestrian Centre, Royle Lane, Burnley, BB12 0RT

Proposal: Change of use from a mixed use of equestrian storage, office and retail to office (Use Class E) with external alterations and relocation of the horsewalker

1. Reason for Committee

1.1. The application is to be determined by the Development Control Committee at the discretion of the Head of Housing & Development Control due to members having indicated they wish the application to be considered by the Committee.

2. Summary

2.1. In summary, the application site is located out of town and the proposal would involve an office, which is a main town centre use, but would not be a small-scale rural office. As such the sequential test is applicable. However, there are significant concerns regarding the findings of the submitted Sequential Test, particularly whether opportunities to utilise suitable town centre and other sequentially preferable sites have been fully explored. Moreover, the submitted information has not demonstrated that there is a clear local need or demand for the proposal and the application site is not within a district centre. Therefore, it conflicts with Policies EMP4 and TC2 of the Local Plan

2.2. Additionally, the application site is in open countryside and permitting the proposal would not be exercising strict control. Therefore, it also conflicts with Policy SP4 of the Local Plan, which sets out the development strategy.

2.3. In terms of countervailing material consideration, the proposal may be accompanied by some local economic and associated social benefits through the provision of employment. However, these could be achieved with a town or other sequentially preferable site within a development boundary so attract limited weight in favour of the proposal. The financial support of Crow Wood Equestrian Centre attracts limited weight in favour of the proposal, and the

fallback developments purported by the applicant and compliance with other policies of the Local Plan attract neutral weight.

- 2.4. On this basis, the proposal conflicts with the development plan and does not constitute sustainable development. There are not any material considerations that indicate a decision otherwise than in accordance with the development plan. Therefore, it is recommended that planning permission be refused.

3. Site Description

- 3.1. The application site relates to part of Crow Wood Equestrian Centre, located off Royle Lane, Burnley. It includes a relatively modern two-storey building used for equestrian storage, office and retail purposes, a horsewalker, two carparks and other associated spaces, including the unadopted access lane.
- 3.2. The submitted Planning Statement states that the equestrian centre is owned and run by The Keenans Group, which consists of Crow Wood Equestrian, Keenans Estate Agents and Keenans Equestrian and Rural Homes.
- 3.3. The application site forms part of Crow Wood estate, which was established following the Secretary of State's (SoS) decision to approve the redevelopment of a farmstead known as Crow Wood House Farm into an equestrian, sports and leisure development by decision noticed dated 7 September 2000¹. However, it has subsequently been extended and now comprises Crow Wood Equestrian Centre, Crow Wood Hotel & Spa and Crow Wood Leisure.

Image 1. The application building with the light roof in the foreground.



4. Proposal

- 4.1. The application seeks full planning permission the change of use of the application building to an office (Use Class E) with external alterations and

¹ Application Reference 12/99/0343

relocation of the horsewalker. The proposed office would have a gross internal floor area (GIA) of around 791 square metres (m²) when scaling from the submitted proposed floor plans. The submitted information states it would be occupied by The Keenans Group. This is a resubmission of a previously withdrawn planning application for a similar proposal².

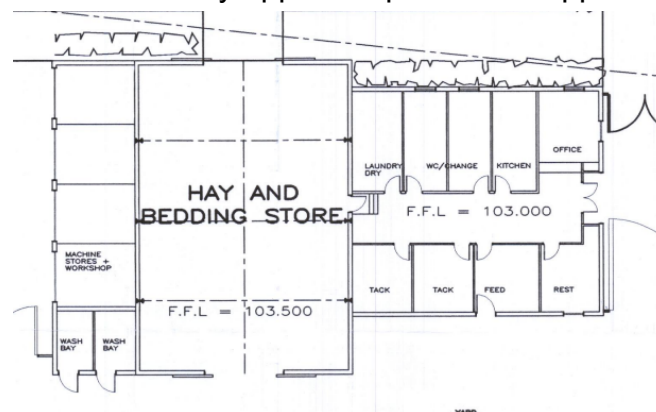
5. Procedural Matter

- 5.1. Within the context of an application for planning permission under Section 62 of the Town and Country Planning Act 1990 (as amended) (TCPA 1990), it is not within the remit of the Local Planning Authority (LPA) to determine whether the proposal requires planning permission. However, it is important to consider the evidence as to whether permission is required so far as it is material to the application. If the applicant wishes to ascertain whether the proposal is or would be lawful for planning purposes, the correct approach is for them to make an application under Section 191 or 192 of the TCPA 1990.

6. Relevant Planning History

- 6.1. Whilst the principle of the Crow Wood estate was established by the SoS's decision to approve the equestrian, sports and leisure development, the application building appears to have been approved as part of a full planning permission granted by the LPA for the construction of stables, feed stores, hay and bedding store by decision notice dated 23 February 2001 in place of the facilities that had already approved been approved by the SoS³.

Plan 1. Extract from the initially approved plan of the application building.



² Application Reference FUL/2023/0654

³ Application Reference 12/00/0602

- 6.2. The existing use of part of the application building for retail purposes was established following the grant of full planning permission by the LPA for the change of use of part of the building to retail use for the sale of equine saddlery, supplies and apparel by decision notice dated 17 May 2011⁴. This was subject to a condition restricting the use to the retail sale of such items.
- 6.3. Most recently, the applicant sought pre-application planning advice on 29 May 2019 regarding a proposal to redevelop the equestrian centre into a business park (Use Classes B1, B2 and B8 with A1)⁵. The submitted Planning, Design and Access Statement at that time said that the equestrian centre would have to close within the next 12 months. The LPA's advice letter dated 27 September 2019 confirmed, amongst other things, that the proposed offices on the application site would not be acceptable in principle.

7. Consultation

- 7.1. Burnley Borough Council (BBC) Environmental Health – No response received.
- 7.2. BBC Local Plans & Policy – No response received.
- 7.3. Lancashire County Council (LCC) Highways – 05/03/2024: Would not wish to raise any objections to the application.
- 7.4. Health & Safety Executive (HSE) – 08/03/2024: Do not advise against on safety grounds against the granting of planning permission in this case.
- 7.5. Ward Councillors – No response received.

8. Planning Law and Policy Background

- 8.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) (PCPA 2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The development plan for the Burnley Borough comprises Burnley's Local Plan: July 2018 (adopted 31 July 2018) ('the Local Plan'). In this case, the most relevant policies of the Local Plan are:

⁴ Application Reference APP/2011/0153

⁵ Application Reference PRE/2019/0198

- Policy SP1: Achieving Sustainable Development
- Policy SP3: Employment Land Requirement 2012-2032
- Policy SP4: Development Strategy
- Policy SP5: Development Quality and Sustainability
- Policy SP7: Protecting the Green Belt
- Policy EMP3: Supporting Employment Development
- Policy EMP4: Office Development
- Policy EMP5: Rural Business & Diversification
- Policy EMP6: Conservation of Rural Buildings
- Policy TC2: Development within Burnley and Padiham Town Centres
- Policy NE1: Biodiversity and Ecological Networks
- Policy NE3: Landscape Character
- Policy NE4: Trees, Hedgerows and Woodland
- Policy NE5: Environmental Protection
- Policy CC4: Development and Flood Risk
- Policy CC5: Surface Water Management and Sustainable Drainage Systems (SuDS)
- Policy IC1: Sustainable Travel
- Policy IC3: Car Parking Standards

8.3. The National Planning Policy Framework (NPPF) (updated 20 December 2023) sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. In this case, the most relevant sections of the NPPF are:

- Section 2. Achieving sustainable development
- Section 4. Decision-making
- Section 6. Building a strong, competitive economy
- Section 7. Ensuring the vitality of town centres
- Section 9. Promoting sustainable transport
- Section 11. Making effective use of land
- Section 12. Achieving well-designed and beautiful places
- Section 14. Meeting the challenge of climate change, flooding and coastal change
- Section 15. Conserving and enhancing the natural environment

9. Assessment

Whether the proposal is acceptable in principle

Development plan policy

- 9.1. The application site is unallocated land located outside of a development boundary, which Policy SP4 of the Local Plan defines as open countryside and where development will be strictly controlled. This is consistent with the NPPF.
- 9.2. Paragraph 4.4.15 of the Local Plan sets out that development in open countryside will only be permitted where there is a genuine need to be located in the countryside and it is of an appropriate scale and type. Policies on developments with a genuine need to be in the countryside are set out elsewhere in the Local Plan based on the development type (e.g., rural workers dwellings, householder development and the conversion of rural buildings).
- 9.3. Policy EMP4 of the Local Plan states that the focus for new office development (Use Classes A2 and B1a) will be within town centres but permits new office development outside of town centres in certain circumstances.
- 9.4. Paragraph 5.2.29 of the Local Plan suggests new office development will be directed to town centres and subject to local demand supported within district centres and the development boundaries of certain settlements. It refers the decision-maker to Policy EMP5 of the Local Plan outside of these area.
- 9.5. Policy EMP5 of the Local Plan supports proposals to expand existing or establish new businesses in the open countryside where these meet the criteria within the policy and other relevant development plan policy requirements. The criteria include, amongst others, that the proposal:
 - a) comprises uses and services appropriate in a rural area.
- 9.6. Policy TC2 of the Local Plan states that the Council will seek to maintain the retail and service function of Burnley and Padiham town centres. To this end, proposals for main town centre uses are required to be located in town centres and only where suitable sites are not available in the town centre should edge of centre and then out of centre locations be acceptable.
- 9.7. Footnote 62 of the Local Plan states that the requirements of the sequential test do not apply to small scale rural or local uses and refers the decision-maker to Policies EMP4 and EMP5 of the Local Plan.
- 9.8. Policy EMP6 of the Local Plan supports the re-use and conversion of existing buildings outside development boundaries to new uses where they meet the criteria within the policy and other relevant development plan requirements.

National planning policy

- 9.9. Paragraph 88 of the NPPF sets out how planning policies and decisions should support a prosperous rural economy. This includes by enabling the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and new buildings; and the development and diversification of agricultural and other land-based rural businesses.
- 9.10. Paragraph 89 of the NPPF states that planning policies and decision should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport.
- 9.11. Paragraph 90 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 9.12. Paragraph 92 of the NPPF states that local planning authorities should 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. It sets out how the sequential test should be applied. Annex 2 of the NPPF confirms that offices are a main town centre use.
- 9.13. Paragraph 93 of the NPPF states that the sequential approach to main town centre uses should not be applied to applications for small scale rural offices or other small scale rural development. There is not any definition of small scale or rural office provided so this requires an exercise in planning judgement.

Assessment

- 9.14. Policy EMP5 of the Local Plan requires proposals for rural business and diversification to, amongst other things, comprise uses and services appropriate to rural areas. The submitted Planning Statement states that staff of The Keenans Group work for all three businesses but that they are spread between the equestrian centre and an office in Manchester. Therefore, it is suggested that the proposal would accommodate all The Keenans Group staff on one site with improvements to business efficiencies and operations.
- 9.15. Nonetheless, The Keenans Group comprises a range of business, including Keenans Estate Agents. Whilst it has been suggested verbally that some staff of The Keenans Group work for Crow Wood Equestrian too, this has not been evidenced in detail. It is unclear the extent that the proposed use and services would be related to the equestrian centre or the rural area. Therefore, it has not been demonstrated that the proposed use would be appropriate to a rural area, the proposal does not draw support from Policy EMP5 of the Local Plan.

- 9.16. Policy EMP4 of the Local Plan refers to a previous version of the Town and Country Planning (Use Classes) Order 1987 (as amended). However, the thrust of the policy is clearly to direct new office development to town centres whilst making allowances in other areas where there is a clear local need/demand, which is broadly consistent with the approach of Section 12 of the NPPF.
- 9.17. The application site is an out of town location and the proposed office use would most closely align with former Use Class B1a. The submitted Sequential Test has identified four potential sites. However, its methodology is unclear, including the area of search and degree of flexibility shown on issues such as format and scale, and has not been agreed with the LPA. Nonetheless, the methodology appears to be flawed as a cursory search of the market (applying a 20% buffer to the GIA) uncovers seven other sites that appear available and suitable for the broad type of development proposed (see Appendix 1). Moreover, whilst 6 – 9 Kestrel Court, Hapton, has been discounted for being unviable, this has not been supported by evidence and the site would be sequentially preferable due to being more accessible than the application site. Therefore, there are significant concerns regarding the findings of the submitted Sequential Test, particularly whether opportunities to utilise suitable town centre and other sequentially preferable sites have been fully explored.
- 9.18. Furthermore, the submitted information has not demonstrated that the proposal would serve a clear local need or demand and the application site is not within a district centre. Therefore, it conflicts with Policy EMP4 of the Local Plan.
- 9.19. Footnote 62, in relation to Policy TC2 of the Local Plan, states that the sequential test does not apply to small scale rural or local uses, which it suggests are those that fall under Policies EMP4 and EMP5 of the Local Plan. However, for the reasons given, the proposal does not comply with those policies. Moreover, it would involve the creation of a large office for, amongst other things, Keenans Estate Agents, with a GIA of around 791m², which is not considered small-scale for a rural area, or a rural or local use.
- 9.20. Furthermore, as already stated, there are significant concerns regarding the findings of the submitted Sequential Test such that opportunities to utilise suitable town centre and other sequentially preferable sites have not been fully explored. Whilst the submitted information provides some reasoning for the proposal and site location, these are not particular market and location requirements of an office for the purposes of applying the sequential test. Therefore, the proposal conflicts with Policy TC2 of the Local Plan and Paragraphs 91 and 92 of the NPPF.

- 9.21. The application site is in open countryside and for the reasons given permitting the proposal would not be exercising strict control. Therefore, it conflicts with Policy SP4 of the Local Plan.
- 9.22. For completeness, the type of use proposed is not of a scale or type that is appropriate to a rural area and the specific location. Therefore, the proposal does not draw any support from Policy EMP6 of the Local Plan.
- 9.23. For the avoidance of doubt, Policy EMP3 of the Local Plan relates to proposals in development boundaries so is not applicable.

Conclusion

- 9.24. In conclusion, drawing the above together, the application site is located out of town and the proposal would involve an office, which is a main town centre use, but would not be a small-scale rural office such that the sequential test is applicable. However, there are significant concerns regarding the findings of the submitted Sequential Test, particularly whether opportunities to utilise suitable town centre and other sequentially preferable sites have been fully explored. Moreover, the submitted information has not demonstrated that there is a clear local need or demand for the proposal and the application site is not within a district centre. Therefore, it conflicts with Policies EMP4 and TC2 of the Local Plan and Paragraphs 91 and 92 of the NPPF. It does not draw support from Policies EMP5 and EMP6 of the Local Plan. Finally, the site is in open countryside and permitting the proposal would not be exercising strict control. Therefore, the proposal also conflicts with Policy SP4 of the Local Plan, which sets out the development strategy. It also conflicts with Paragraph 15 of the NPPF, which states that the planning system should be genuinely plan-led.

Impact on the character and appearance of the area, including landscape character

- 9.25. The application site forms part of Crow Wood Equestrian Centre, which comprises a range of relatively modern equestrian buildings of varying scales and constructed of utilitarian materials. The wider Crow Wood estate includes Crow Wood Hotel & Spa to the west of the site, a large four storey building with an irregular form and constructed of modern materials, and Crow Wood Leisure to the south of the site, which is a two-storey building with an expansive plan and constructed of stone with a slate roof. Therefore, the surrounding area has a varied character and appearance.
- 9.26. The application site and wider Crow Wood estate is located within an industrial foothills and valleys landscape as defined by the Lancashire Landscape Character Assessment (2000), which is a complex transitional landscape of

relatively small scale with intensive settlement. However, as part of a large estate of varying character and appearance, the site does not make any positive contribution to the industrial foothills and valleys landscape.

- 9.27. The proposal would involve various external alterations, including to the application building. This would include the installation of various windows and doors, a projecting aluminium signage band and solar panels as well as the application of composite timber cladding. Whilst there would be a notable change, the alterations would not look out of place given the varied character and appearance of the surrounding area, including the varied material palette. Therefore, the alterations to the application building are acceptable.
- 9.28. The proposal would involve other external alterations, including to the parking arrangement and relocation of the horsewalker. In terms of the parking area, these alterations would not have any significant adverse impact given the surrounding parking areas. Similarly, the horsewalker would appear appropriate in the context of the surrounding equestrian development. Therefore, these other alterations are also acceptable.
- 9.29. In conclusion, subject to conditions, the proposal would have an acceptable impact on the character and appearance of the area, including landscape character. Therefore, it complies with Policies SP5 and NE3 of the Local Plan, which, amongst other things, seek to achieve well-designed and beautiful places that recognise the intrinsic character and beauty of the countryside.

Whether the application site is a sustainable location with regard to accessibility

- 9.30. The route from the proposed office to the development boundary of Burnley and Padiham is around 630 metres (m) long. It largely consists of a continuous footway along the access lane, which appears to have some lighting. Whilst it lacks natural surveillance from buildings, it is a pleasant and relatively open route with views of the open countryside and there was a steady stream of vehicles during the site visit, which offer some sense of safety.
- 9.31. The route from the proposed office to the nearest logical bus stops on Kent Street, Burnley, is around 1 kilometre long. It is a less attractive walk or cycle under the M65 motorway, around the Junction 11 roundabout and underneath Princess Way (B6434) but appears to have continuous footways. The bus stops provide services to Burnley and Colne. Therefore, there are some opportunities to walk and cycle to the application site from the development boundary with onward travel by public transport.
- 9.32. The quality of the route along the driveway is generally acceptable but notably decreases thereafter. Nonetheless, it is important to note that the SoS did not

disagree with the Inspectors reasoning in relation to the suitability of Crow Wood for the equestrian, sports and leisure development, including the adequacy of the access arrangements. The Inspector stated:

“... With improved pedestrian, cycle, horse-riding and bus links, the site is accessible by means of transport other than by private car, and the S106 Agreement includes proposals to improve accessibility for non-car users, including a dedicated mini-bus and Green Transport Plan.”

“... It is within 20 minutes walk of the town centre and within 20 minutes cycle-time of most of Burnley. The site is therefore readily accessible by a large population by modes of transport other than by private car.”

9.33. In conclusion, whilst the mini-bus service no longer appears to be operational, having regard to the SoS's decision, it is unlikely that any objection to the sustainability of the application site with regard to accessibility by sustainable transport modes could be sustained at appeal. This is particularly the case given the scale of the proposal relative to the existing use, equestrian centre and the wider Crow Wood estate. Therefore, the proposal broadly complies with Policy IC1 of the Local Plan, which seeks sustainable locations that are well-served by sustainable transport modes.

Whether the proposal would constitute inappropriate development in the Green Belt

9.34. The application site is located within Green Belt where Policy SP7 of the Local Plan states that inappropriate development will not be permitted except in very exceptional circumstances. There are a number of exceptions to the definition of inappropriate development and other forms of development that are also not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

9.35. The proposal would involve various elements including the change of use and alteration of the application building, relocation of the horsewalker and other external alterations, namely to the parking area. The proposed change of use and alterations of the application building would involve the re-use of a building, which appears to be of permanent and substantial construction. Whilst the horsewalker is arguably a building for planning purposes, it would arguably consist of the limited infilling of a previously developed site. The alterations to parking would be engineering operations. None of the elements would result in any material impact on the openness of the Green Belt and the purposes of including land within it in the context of the existing retail use, equestrian centre and the wider Crow Wood estate.

9.36. In conclusion, the proposal would not be inappropriate development in Green Belt and would not result in any material impact on openness or the purpose of including land within the Green Belt. It complies with Policy SP7 of the Local Plan, which seeks to protect Green Belt land.

Impact on flood risk and drainage

9.37. The application site is located within flood zone 1 on the Environment Agency Flood Map for Planning, which means that it has a low probability of flooding from rivers and sea. However, it is subject to extents of surface water flooding risk ranging from low to high. Whilst the application site has an area of more than 1 hectare (ha) and a site-specific flood risk assessment has not been submitted, the red line boundary had to include the long unadopted access lane and the developable area falls below 1ha. There would not be any increase in runoff and no alterations to drainage. The flood risk sequential test is not applicable to changes of use and it would not be reasonable to relocate the horsewalker to another site, which, in any event, appears as though it would be at the lowest risk of flooding from any source. Therefore, the proposal broadly complies with Policies CC4 and CC5 of the Local Plan, which seek to meet the challenge of climate change and flooding.

Impact on highway safety, including parking provision

9.38. The application building is currently used for a variety of purposes and does not fit comfortably within any of the uses specified at Appendix 9 of the Local Plan. Nonetheless, the proposed site plan shows the provision of additional parking bays and LCC Highways have no objection. It would be unreasonable to require a Transport Statement given the proposal only constitutes major development due to the long access driveway. Therefore, the proposal broadly complies with Policies IC1, IC2 and IC3 of the Local Plan insofar as they seek to safeguard highway safety and secure adequate parking provision.

Whether the proposal would be safe from legacy coal mining risks

9.39. The application site is located within a coal mining low risk area. Therefore, the Coal Authority standing advice should be attached as an informative if the application is approved. This would ensure compliance with Policy NE5 of the Local Plan, which relates to environmental protection considerations.

Other matter – Biodiversity and ecology

9.40. The application building is relatively modern and appears well sealed. Whilst there is an open stable area to the north that may provide habitat for nesting birds, it is exposed and unlikely provides habitat for bats. Moreover, whilst there would be some loss of vegetation to facilitate the alterations to parking, the loss would not be significant. Therefore, subject to a condition requiring the external alterations to be undertaken outside the bird nesting season, the proposal would broadly comply with Policies NE1 and NE4 of the Local Plan insofar as they seek to conserve and enhance the natural environment.

Other matter – Fallback developments

9.41. The submitted Planning Response claims that Kennans Group have operated from the application site for the past seven years and suggests that it could be used by The Keenans Group without planning permission. However, the use of the application building as an office incidental to the primary use of the wider site as an equestrian centre would be lawful for planning purposes. If the use of the office altered or expanded to a point where it ceased to be functionally related to the primary use of the wider site as an equestrian centre such that it became a primary use on its own, either within a new planning unit or to put the original planning unit into a new mixed use, this would likely amount to a material change of use requiring planning permission.

9.42. The submitted Planning Response states that the application site could change use under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which provides for the change of use of an agricultural building to a flexible use, including within Use Class E. However, the application site does not appear to relate to an agricultural building as defined by the TCPA 1990.

9.43. On this basis, there is not a real prospect of either of the purported fallback developments being lawful implemented. Therefore, they attract neutral weight.

Other matter – Financial support of Crow Wood Equestrian Centre

9.44. The submitted information states that the purpose of the proposal is to improve and support the financial viability of Crow Wood Equestrian Centre, which previously submitted unaudited financial statements for 2020, 2021 and 2022 show has been struggling. However, the applicant stated in 2019 when seeking pre-application planning advice to redevelop the equestrian centre into a business park that the centre would have to close within 12 months, yet it is open five years later.

9.45. In any event, there does not appear to be any clear mechanism for tying the proposed office with the equestrian centre. Moreover, it has not been demonstrated that the proposed office is the only option available to the equestrian centre and business or that it forms part of a wider business plan. Furthermore, it has not been demonstrated that if the proposal were permitted it would guarantee the survival of the equestrian centre. Therefore, this matter attracts limited weight in favour of the proposal.

Other matter – Gas pipeline

9.46. The application site is within a gas pipeline consultation zone. However, the HSE's Planning Advice Web App confirms that they do not advise against the proposal on safety grounds in this case. Therefore, there would unlikely be any significant consequences for public safety if a major accident were to occur.

10. Conclusion and Planning Balance

10.1. Section 38(6) of the PCPA 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

10.2. In conclusion, the application site is located out of town and the proposal would involve an office, which is a main town centre use, but would not be a small-scale rural office such that the sequential test is applicable. However, there are significant concerns regarding the findings of the submitted Sequential Test, particularly whether opportunities to utilise suitable town centre and other sequentially preferable sites have been fully explored. Moreover, the submitted information has not demonstrated that there is a clear local need or demand for the proposal and the application site is not within a district centre. Therefore, it conflicts with Policies EMP4 and TC2 of the Local Plan

10.3. Additionally, the application site is in open countryside and permitting the proposal would not be exercising strict control. Therefore, it also conflicts with Policy SP4 of the Local Plan, which sets out the development strategy.

10.4. In terms of countervailing material consideration, the proposal may be accompanied by some local economic and associated social benefits through the provision of employment. However, these could be achieved with a town or other sequentially preferable site within a development boundary so attract limited weight in favour of the proposal. The financial support of Crow Wood Equestrian Centre attracts limited weight in favour of the proposal, and the

fallback developments purported by the applicant and compliance with other policies of the Local Plan attract neutral weight.

- 10.5. On this basis, the proposal conflicts with the development plan and does not constitute sustainable development. There are not any material considerations that indicate a decision otherwise than in accordance with the development plan. Therefore, it is recommended that planning permission be refused.

Reason(s) for Refusal:

1. The application site is located out of town and the proposal would involve an office, which is a main town centre use, but would not be a small-scale rural office such that the sequential test is applicable. However, there are significant concerns regarding the findings of the submitted Sequential Test, particularly whether opportunities to utilise suitable town centre and other sequentially preferable sites have been fully explored. Moreover, the submitted information has not demonstrated that there is a clear local need or demand for the proposal and the application site is not within a district centre. Therefore, it conflicts with Policies EMP4 and TC2 of Burnley's Local Plan: July 2018, Paragraphs 15, 91 and 92 of the National Planning Policy Framework and the Planning Practice Guidance: Town centre and retail.
2. The application site is in open countryside and permitting the proposal would not be exercising strict control. Therefore, it conflicts with Policy SP4 of the Local Plan and Paragraph 15 of the National Planning Policy Framework.

Informative(s):

1. Article 35 – Positive and Proactive Planning

The Local Planning Authority have worked positively and proactively with the applicant, included raising concerns relating to the principle of the proposal, accepting additional information and having several meetings during the previous application. However, a recommendation of approval has not been possible.

J Parkinson

Joshua Parkinson MRTPI

Principal Planner

3 April 2024

Appendix 1

Table 1. Available Sites Not Identified by the Submitted Sequential Test		
<i>Address</i>	<i>Location</i>	<i>GIA</i>
Brun House, Kingsway, Burnley, BB11 1AG	Town centre	Floors with average of 628m ²
Kingsway House, Kingsway, Burnley, BB11 1BJ	Town centre	654m ²
Sidewalk 53 & Club 53, Boot Way, Burnley, BB11 2EE	Town centre	First floor of 743m ² with willingness to split
Towneley House, Kingsway, Burnley, BB11 1BJ	Town centre	781m ²
Elm Street Business Park, Elm Street, Burnley, BB10 1PD	Out of centre but more accessible than the application site	Ranging from 14 to 1,115m ²
Empire Business Centre, 2 Empire Way, Burnley, BB12 6HH	Out of centre but more accessible than the application site	Ranging from 23 to 5,017m ²
Group First House, 12a Mead Way, Shuttleworth Mead, Padiham, BB12 7NG	Out of centre but more accessible than the application site	Ranging from 79 to 2,677m ²