



# Compulsory Purchase Order Decision

Inquiry held on 10-12 December 2024 and 24 March 2025

Site visit made on 10 December 2024

**by Malcolm Rivett BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 May 2025**

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**Case Ref: APP/PCU/CPOP/R2330/3344493**

**The Hyndburn Borough Council (Market Chambers, Accrington)**

**Compulsory Purchase Order 2024**

- The Compulsory Purchase Order was made under Section 226(1)(a) of The Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 by Hyndburn Borough Council (the Acquiring Authority).
  - The purpose of the Order is to purchase compulsorily land to facilitate its development as an improvement and re-development of Market Chambers to provide a new dedicated, arts, heritage and community cultural hub.
  - When the Inquiry opened there were 10 qualifying remaining objectors.
  - When the Inquiry closed there were nine qualifying remaining objectors.
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## DECISION

1. The Hyndburn Borough Council (Market Chambers, Accrington) Compulsory Purchase Order 2024 is confirmed.

## PROCEDURAL MATTERS AND STATUTORY FORMALITIES

2. On 8 July 2024 the Secretary of State confirmed that a decision as to whether or not to confirm the Order had been delegated to an appointed Inspector.
3. The Inquiry was held between 10 and 12 December 2024 and on 24 March 2025 and I conducted an accompanied site visit to and within the relevant property on 10 December 2024. I also undertook unaccompanied visits of the wider town centre area.
4. The Acquiring Authority is Hyndburn Borough Council. At the inquiry, the Council confirmed that it had complied with all necessary statutory formalities in promoting the Order which was made on 17 April 2024 and I have seen or heard nothing to suggest this is not the case.

## THE ORDER LAND AND ITS SURROUNDINGS

5. The Order land is Market Chambers (comprising plots 1-6 in the Order) which is situated at the junction of Blackburn Road and Church Street in Accrington town centre. In recent years the building has contained various shops and upper-storey residential flats although at the time of the Inquiry a number of the shop units and flats were vacant.

6. This section of Blackburn Road has recently been the subject of public realm improvements and there are a number of attractive, historic buildings close by including the Market Hall, the Town Hall and Burtons Chambers.

### **OBJECTIONS TO THE ORDER**

7. 12 objections were received in response to the formal consultation undertaken in respect of making the Order. The objection on behalf of Ghulam and Manzuran Mohiuddin (who have interests in plots 2, 3, 5 and 6) was supported by a Proof of Evidence of Mr Mohiuddin and associated verbal evidence given at the Inquiry. However, in the closing submissions made on their behalf, Mr and Mrs Mohiuddin withdrew their objection to the Order and a formal letter to this effect has also been submitted to the Inquiry.
8. The withdrawal of this objection follows agreement having been reached for the Council to acquire Mr and Mrs Mohiuddin's property. Nonetheless, whilst the Council does not anticipate needing to rely on the Order, I concur with its contention that the Order would still be required to deliver the scheme in the event that the acquisition does not take place as planned or a currently unidentified interest or right in the land/property is discovered.
9. The other 11 objections were in the form of a standard letter signed by occupants of residential flats on the upper storeys of Mr and Mrs Mohiuddin's premises, as follows:
- Mr Paul Elmsley, Flat 1
  - Mr Absalom Mutouge, Flat 3
  - Mr Gary Thomas Sheridan, Flat 4
  - Mr Reece Ashurst, Flat 5
  - Mr Benjamin E McCallum, Flat 6
  - Mr Dariusz Serocki, Flat 7
  - Mr Charlie Hazel, Flat 8
  - Mr Jason Armstrong, Flat 9
  - Mr David Higgot, Flat 10
  - Miss Zoe Ann Crowther, Flat 11
  - Mr Nathan Jack Taylor, Flat 12
10. Their main grounds of objection to the Order were that they were settled in the accommodation and did not wish to move/"be pushed on to the streets to live"; that they have lived in Accrington for a very long time and have friends and family close by; and that each relies on local help (eg medical/social care).
11. Mr Ashurst (Flat 5) and Mr Serocki (Flat 7) withdrew their objections prior to the opening of the Inquiry.
12. Whilst the other nine objections have not been withdrawn, at the close of the Inquiry the Council and Mr/Mrs Mohiuddin were in agreement that the occupants of Flats 1, 3, 4, 6, 10, 11 and 12 no longer lived at the premises and that these flats were unoccupied. Moreover, it was stated that the occupants of Flats 8 and 9 had been served notice under their tenancies to vacate the flats by mid-April 2025. None of these objectors provided any written or verbal evidence to the Inquiry beyond their original objection.

## CONSIDERATIONS

13. In reaching my decision I have had regard to the Ministry of Housing, Communities and Local Government's "*Guidance on the compulsory purchase process (3 October 2024)*" and the duties imposed on me by Article 1 of the First Protocol to the Human Rights Convention, as incorporated by the Human Rights Act 1998 and by the Public Sector Equality Duty set out in s149 of the Equality Act 2010.

### **The need for and likely benefits of the Scheme**

14. It is clear from all I have read, and seen on my visits to the area, that Accrington, and in particular its town centre, is in urgent need of significant regeneration. In 2019 Hyndburn was the 16<sup>th</sup> most deprived of 317 local authorities in England and there has been no challenge to the contentions put forward by the Council that Accrington suffers significant economic, social and environmental wellbeing challenges, that rates of economic inactivity are high, that levels of cultural engagement are low and that visitor numbers are only a third of the those in the wider Lancashire area. Moreover, in addition to a large number of vacant commercial premises, key locally-listed buildings in the town centre are in a state of disrepair. Historic England has also identified the condition of the Conservation Area as being "very bad" and local heritage is at risk of being lost and forgotten.
15. Supporting local development plan policy, the *Town Centre Investment Plan* sets out the Council's strategy for attempting to address these problems, a key objective being to diversify what the town centre has to offer to residents, visitors and businesses, in order to increase footfall and levels of spending. The Council envisages that this will result in a reduction in the number of vacant shops and create a renewed sense of vitality.
16. The *Town Centre Investment Plan* proposes significant improvement of the potentially very attractive area around the historic Town Hall and Market Hall as a catalyst for wider regeneration of the town centre. In addition to public realm improvements, this includes major redevelopment of the historic Market Hall to provide food, drink and leisure facilities in addition to its traditional market stalls and the restoration and conversion of the art deco Burtons Chambers to be a modern office and shared working space. Both of these schemes are substantially underway.
17. Market Chambers, which is the other major building in this area, suffers from vacant ground floor units and would benefit from investment to bring it up to the same standard as is proposed for the other key buildings in this part of the town centre. The Council's intention in seeking to acquire this property through the Order is to restore its historic architecture and to redevelop the building as a new culture, heritage and arts space. This would include a "GIS (Government Indemnity Scheme) gallery" which would enable it to host some of the best and most valuable collections in the world.
18. Overall, I consider that there is an urgent need for physical, economic and social regeneration in Accrington town centre. Whilst there cannot be any guarantees as to the extent and nature of the success of the Council's strategy to achieve this, as set out above, in the absence of any evidence of a better solution, I conclude that this strategy and the schemes within it, including that for Market Chambers, are reasonable and are likely to be of at

least some success in achieving regeneration of the town centre. Moreover, the success of this overall strategy, and the investment already made in the public realm and the Market Hall and Burtons Chambers, would be likely to be less than would be otherwise the case if the neighbouring Market Chambers were to remain unregenerated.

### **Funding for the scheme and other possible impediments to its implementation**

19. Full planning permission has been secured for the Market Chambers scheme (20 February 2024) and the written evidence before the Inquiry (Tables 2,3 and 4 of Tom Lees' Proof of Evidence) comprehensively and convincingly demonstrates that its total capital costs (including risk allowance and inflation) are likely to be £11,447,031.
20. Total capital funding of at least £11,504,426 is likely to be available to cover these costs from a range of public sector sources (paragraphs 6.35 – 6.37 of Tom Lees' Proof of Evidence), more than half of which has already been secured. Whilst National Lottery Heritage Funding for the delivery phase of the scheme is not yet definitively confirmed, the written and verbal evidence indicates to me that this is likely to be forthcoming. Moreover, confirmation of the Order would be likely to assist in securing this funding.
21. In terms of the requirement for, and availability of, ongoing revenue funding for the Market Chambers scheme, the written and verbal evidence initially presented at the Inquiry was contradictory and uncertain. In the light of this I agreed to the Council's request for the Inquiry to be adjourned whilst it clarified the position and sought a resolution of the Council's Cabinet in connection with ongoing revenue support for the scheme.
22. The subsequent *Update* note of 14 March 2025 confirms that a report to Cabinet held on 22 January 2025 set out that the likely requirement for ongoing operational support for the Market Chambers scheme is £120,000 (2027/28), £230,000 (2028/29), £200,000 (2029/30), £180,000 (2030/31), £160,000 (2031/32) and around £50,000 - £60,000 per year thereafter. In the light of the other written and verbal evidence at the Inquiry these costs are, to my mind, realistic.
23. The *Update* note also confirms that the Council's Cabinet has agreed to identify and include these ongoing operational costs of the Market Chambers scheme in the Council's budget setting proposals, also allowing for a potential increase in these costs if they were to be higher than currently anticipated.
24. In the light of the above I therefore conclude that the necessary capital and ongoing operational funding for the Market Chambers scheme is likely to be available and that there is no evidence of any impediments which would be likely to prevent the scheme from being implemented.

### **Likely adverse impacts of the Compulsory Purchase Order**

25. The outstanding objections to the Order concern the impacts on occupants of the residential flats on the upper storeys of Market Chambers who would lose their homes. However, by the time I closed the Inquiry most of these objectors had already moved out of the building and I understand that the remaining two had received notice to vacate their homes under the terms of their leases.

26. Consequently, confirming the Order would not directly result in any of these objectors losing their homes. Nonetheless, it appears to me that the Council's decision to pursue the Order is likely to have been a significant influence on the decision of some or all of the objectors who chose to voluntarily move out of their homes and on the decision of Mr/Mrs Mohiuddin to require vacation of the premises, within the terms of the leases, by the remaining two objectors. Bearing in mind that these objections remain standing, I therefore consider that it is appropriate for me to have some regard to the likely effects of these objectors having lost their homes at Market Chambers in my decision on the Order.
27. Moving home is a major, and frequently very stressful, event in most people's lives and I envisage this is likely to be particularly so when people move not entirely of their own volition. However, the written and verbal evidence suggests that there is not a shortage of residential accommodation similar to the Market Chambers flats in the Accrington area. Indeed, I understand that at least some of the objectors have moved to other flats owned by Mr and Mrs Mohiuddin. All also had the offer of assistance from the Council through its Residential Occupier Strategy which was informed by its Equalities Impact Assessment undertaken in respect of the scheme. Moreover, following the original objection letters of June 2024 none of the objectors have made any further written or verbal comments to suggest that they have actually faced any of the particular difficulties in terms of the loss of their homes which they feared in making their objection to the Order.

## **CONCLUSION**

28. I have concluded that Accrington town centre is in very urgent need of physical, economic and social regeneration. As part of the wider strategy for regeneration of the Town Hall and Market Hall area, the Market Chambers scheme (the delivery of which could potentially require the confirmation of the Order) is likely to make a meaningful contribution to the town centre regeneration. This would be of benefit to a large number of local residents and existing and potential businesses and visitors to the town. Moreover, not re-developing Market Chambers, would be likely to undermine the impact of the ongoing investment to improve other buildings in the immediate area.
29. Capital and ongoing revenue funding for the Market Chambers scheme is likely to be available and I have identified no other impediments to delivery of the scheme.
30. The outstanding objections from the occupants of flats in the upper storeys of Market Chambers concern the impacts likely to arise from the loss of their homes. However, whilst it may have been "under the shadow of the Order", all of these residents have already vacated, or are about to vacate, their homes either voluntarily or under the terms of their tenancies. Moving home is likely to have been a major and stressful life event for these people, although there is no evidence to indicate that any have been "pushed on to the streets to live" or have had to move away from their networks of local support as they feared in their objections. With respect to the Public Sector Equality Duty I am satisfied that the measures available to these residents through the Council's Residential Occupier Strategy are/were appropriate in the light of the need to eliminate discrimination, harassment and victimisation

and to advance equality of opportunity/foster good relations between those who share a protected characteristic and those who do not.

31. In the light of this I conclude that the adverse impacts likely to have been faced by this relatively small number of objectors in moving home in the face of the impending Order are substantially outweighed by the regeneration benefits of the Market Chambers scheme. On this basis there is a compelling case in the public interest to confirm the Order and I conclude that any interference in the human rights of these people, which has arisen as a result of the Council making and seeking confirmation of the Order, is justified.
32. Consequently, I conclude that the Hyndburn Borough Council (Market Chambers, Accrington) Compulsory Purchase Order 2024 should be confirmed.

*Malcolm Rivett*

INSPECTOR

**APPEARANCES**

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| <b>For the Acquiring Authority:</b>       |  |
| Daisy Noble                               | Instructed by Womble Bond Dickinson                        |
| Who called                                |  |
| Steve Riley                               | Executive Director (Environment), Hyndburn Borough Council |
| Stephen Walker                            | Executive Director (Valuation Advisory Services) CBRE Ltd  |
| Laura Walker                              | Director, Equality Impact Consulting Ltd                   |
| Tom Lees                                  | Managing Director, Bradshaw Advisory                       |
| <b>For Ghulam and Manzuran Mohiuddin:</b> |  |
| Chris Bowes                               | CMS Cameron McKenna Nabarro Olswang LLP                    |
| Who called                                |  |
| Ghulam Mohiuddin                          |  |