



Appeal Decision

Site visit made on 4 August 2020

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

Appeal Ref: APP/V4250/W/20/3249381

22 Wallgate, Wigan WN1 1JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Hossein Ghorbani against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/19/88189/CU, dated 12 November 2019, was refused by notice dated 27 January 2020.
 - The development proposed is described as: 'change of use from betting shop to taxi office'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Hossein Ghorbani against Wigan Metropolitan Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The description in the heading above is from the application form. The appellant's submissions state that the proposal relates to the use of the appeal property specifically as a private hire taxi office and it is evident from the Council's submissions that it publicised and considered the application on that basis. Accordingly, I have considered the appeal on the same basis, as a proposal for a private hire taxi office.

Main Issue

4. The main issue is the effect of the proposed development on highway safety in the vicinity of the site.

Reasons

5. The site is located on Wallgate, a busy main road through Wigan town centre which serves as a bus route. There are a variety of commercial uses nearby, including numerous pubs and take aways which are likely to be open into the evening. The section of Wallgate which runs past the site is one-way, with only a single lane of traffic. There are separate dedicated bays on either side of this part of Wallgate, which are subject to waiting restrictions.

6. Several of those bays are subject to a restriction which states 'no stopping at any time except taxis'. The Council has confirmed that those bays are a taxi rank where hackney carriage vehicles may wait to pick up passengers, but that they may not be used by private hire vehicles to pick up fares. Therefore, those bays would not be available for the use of drivers collecting fares from the proposed private hire taxi office at any time.
7. Other bays on Wallgate close to the site have a 'loading only' restriction from 7.30am to 6.30pm and are subject to a 'no stopping except taxis' restriction from 6.30pm to 7.30am. The Council has confirmed that a private hire vehicle picking up a pre-booked fare from those bays may be classed as loading and that such activity could thus be carried out between the hours of 7.30am and 6.30pm. However, the Council has confirmed that between 6.30pm each day and 7.30am the following day, those bays would function as a taxi rank for hackney carriage use. As such, they could not be used by private hire vehicles to pick up fares between those times.
8. As private hire vehicles operate on a pre-booking system, drivers could wait for and accept fares anywhere and would not necessarily require a specific parking area in the immediate vicinity of the appeal premises in order to do so. However, the drawings show that the proposed private hire taxi office would include a waiting area, and the appellant's submissions state that there could be visitors to the premises and refer to a 'walk-in' taxi service. Therefore, even if most customers may be picked up at other locations and private hire drivers did not need to park at the premises to await fares, the proposed use could nonetheless lead to drivers coming to the site to collect passengers at times.
9. I have no reason to conclude that private hire drivers would not comply with the waiting restrictions in the nearby bays. However, the evidence before me indicates that those restrictions mean that none of those bays would be available for private hire drivers to pick up pre-booked fares in the vicinity of the site between the hours of 6.30pm and 7.30am. As there are numerous pubs, bars and take aways very close to the site, the possibility of walk-in customers going to the appeal premises to order a private hire vehicle on an evening and thus requiring collection from the appeal site between those times cannot be ruled out. In the absence of an area off the Wallgate carriageway close to the site that private hire drivers could pull into in order to collect customers from the appeal premises at those times, it is likely that drivers would need to stop on the Wallgate carriageway itself to pick up fares.
10. Such stops may be of limited duration. However, given the single lane, busy nature of Wallgate in the vicinity of the site, and as other vehicles would be unable to pass in those circumstances, there is an unacceptable risk that such activity would inhibit the free flow of traffic and could lead to vehicles queuing back along Wallgate to the nearby junction, to the detriment of highway safety.
11. I am advised that the terms of the Local Government (Miscellaneous Provisions) Act 1976 do not specifically require private hire operators to provide a parking area as part of a private hire taxi office. Be that as it may, highway safety is a material planning consideration and, for the reasons given, I find the proposed development would give rise to an unacceptable risk of harm to highway safety in the vicinity of the site.
12. The development would therefore not accord with Policy CP17 of the Wigan Local Plan Core Strategy Development Plan Document or saved Policy S1B of

the Wigan Replacement Unitary Development Plan which require development, including private hire booking offices, to be compatible with surrounding land uses and not detract from road safety.

Planning Balance and Conclusion

13. The National Planning Policy Framework (the Framework) states that existing policies should not be considered out of date simply because they were adopted prior to its publication, and that due weight should be given to them according to their degree of consistency with the Framework. Policies CP17 and S1B may have been adopted some time ago. However, their requirements are consistent with the Framework, which states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety. Accordingly, those development plan policies are not out of date in the terms of the Framework and I afford considerable weight to those policies and to the conflict with them.
14. The development would provide a 24 hour private hire service close to late night uses within the town centre, and a safe location for customers to wait for taxis at night. I have been referred to the economic effects of Covid-19, and I recognise that the proposed use may support and be of some benefit to local businesses and their customers. However, those benefits do not outweigh or alter my conclusions regarding the unacceptable risk of harm to highway safety that I have identified in this case.
15. The appeal building is a Grade II listed building in Wigan Town Centre Conservation Area. I understand that a separate application for Listed Building Consent for internal works has been submitted to the Council. That application and those works are not before me for consideration and do not form part of my decision, which is based solely on the development for which planning permission is sought. The specific development proposal before me relates solely to the use of the premises and does not include any external works to the building. On that basis I am satisfied that it would not harm the special interest of the listed building or the character or appearance of the conservation area. However, the absence of harm in those respects is neutral, rather than a factor weighing in favour of the proposal.
16. Taking those factors together, material considerations do not justify making a decision other than in accordance with the development plan in this case.
17. Therefore, the appeal is dismissed.

Jillian Rann
INSPECTOR