



Appeal Decision

Site visit made on 14 December 2020

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/W4705/W/20/3258526

Unit 1, Stanley Street, Greengates, Bradford BD10 0QZ

- 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 Paul Burnley against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/03790/FUL, dated 3 September 2019, was refused by notice dated 10 July 2020.
 - The development proposed is change of use from light commercial to car sales forecourt and showroom (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from light commercial to car sales forecourt and showroom at Unit 1, Stanley Street, Greengates, Bradford BD10 0QZ in accordance with the terms of the application Ref 19/03790/FUL, dated 3 September 2019, and the plans submitted with it, subject to the condition in the attached schedule.

Preliminary Matter

2. The description of the development is taken from the Council's decision notice and the appeal form as it is more succinct than the description on the application form. However, the formal decision above does not include 'retrospective' as it is not an act of development.

Main Issue

3. The main issue is the effect of the development on highway safety.

Reasons

4. The appeal site (Unit 1) is located at the end of Stanley Street, an unadopted road which also serves a neighbouring light industrial unit (Unit 2), an allotment, numerous residential properties and the rear of the shops on Harrogate Road. Access into the site from the end of Stanley Street is achieved across a wide unenclosed area in front of Unit 2.
5. The proposed change of use to car sales has already taken place. At the time of my site visit there were 26 vehicles for sale within the fenced yard/forecourt and 5 within the showroom building.
6. As the Council has not referred to any policies of the Bradford Core Strategy (2017) in its refusal reason, or in its subsequent appeal statement, my decision relies on the National Planning Policy Framework (the Framework), which states at paragraph 109, that development should only be prevented or

refused on highways grounds if there would be an unacceptable impact on highway safety.

7. Concerns have been raised by residents over the effects of increased traffic on Stanley Street and its suitability to accommodate the car sales use. I have carefully considered the evidence provided, including the submitted photographs. I have no reason to doubt that the car sales use has potential to give rise to a number of vehicular movements along Stanley Street over the course of the day, including delivery of vehicles, visits by customers and test drives. I am mindful that Stanley Street is poorly surfaced and that parking outside the houses reduces its width.
8. This notwithstanding, there is no dispute that the site has established light industrial use, which has previously included light engineering works, an electrical business, car body repairs and construction of kit cars with some sales. All of these uses would likely have generated commercial traffic movements along Stanley Street, albeit residents say traffic has increased significantly in comparison. If the site were to revert back to an unrestricted light industrial use, it could be used more intensively than in the past, particularly since the condition of the site and building has been improved. A light industrial use has potential to attract regular movements of commercial vehicles ranging from vans to larger lorries, depending on the nature of the operation. Thus, against this background, and in the absence of any substantive evidence that demonstrates otherwise, I do not consider that the traffic generated by the proposal is significantly different in volume or type to the traffic that could reasonably be generated from the established use of the site.
9. The Council sought clarification over turning arrangements for vehicle transporters. Owing to the scale and nature of the business, I do not consider it to be a realistic proposition that large vehicle transporters would visit the site. Indeed, those shown in the photographs supplied by residents appear to be single vehicle transporters. Given that right of access is required across the unmade area in front of Unit 2 and that this land is shown within the blue line on the submitted plans, I am satisfied that provision exists to enable small to medium transporters to turn around at the end of Stanley Street. In any event, I do not see this operating any differently to how the established use could potentially operate.
10. The application is lacking in parking details. Nonetheless, I was able to view the 3 parking spaces that have recently been signposted within the site, for which there was ample manoeuvring space available. Whilst this provision falls short of the 4 parking spaces required by the Council, I see no reason why an additional space could not be accommodated alongside given the ability to reposition or reduce the number of cars within the forecourt. Provision also exists informally outside the site, although this could not be relied upon. Provided the parking spaces within the site are clearly identified on a plan and marked out on the ground, their retention would be enforceable. Thus, I am satisfied that a condition requiring submission and subsequent marking out of the parking spaces would secure the necessary parking provision, and I note the appellant's acceptance of such an approach.
11. The Council sought clarification on parking at the adjacent pallet storage business. However, that site operates independently, is quite clearly physically

separated from Unit 1, and has its own access off Haigh Hall. Consequently, it has no relevance to consideration of the appeal scheme.

12. For all the above reasons, and subject to conditions securing provision of parking within the site, I conclude that the development does not result in unacceptable effects in terms of highway safety. It follows that the development does not conflict with paragraph 109 of the Framework.

Other Matters

13. I have noted the comments from residents regarding hiring of camper vans from the site. However, this activity does not form part of the proposals for which planning permission has been sought and would be a matter for the Council to investigate.

Conditions

14. As the use has already commenced, it is not necessary for me to impose the statutory time limit condition. However, a condition requiring details of the parking spaces, along with their implementation and retention is necessary for the satisfactory functioning of the appeal site and in the interests of highway safety. I have amended the wording of the Council's only suggested condition to provide a reasonable time for this information to be submitted and approved, and to ensure that the development authorised by the grant of planning permission may only continue if the appellant complies with its requirements and the strict timetable set out.
15. Although not ultimately suggested by the Council, for completeness, a requirement to resurface Stanley Street would not be proportionate to the development or reasonable in light of the tests in the Framework, so a condition to that effect is not included.

Conclusion

16. For the reasons given, and subject to the stated condition, I conclude that the appeal should be allowed.

A Caines

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Unless within 2 months of the date of this decision a scheme for the provision of staff and customer parking spaces within the site, is submitted in writing to the local planning authority for approval, and unless the approved parking scheme, along with the marking out of the proposed parking spaces, is implemented within 1 month of the local planning authority's written approval, the use of the site for car sales forecourt and showroom shall cease until such time as a parking scheme is approved and implemented.

If no parking scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the site for car sales forecourt and showroom shall cease until such time as a parking scheme approved by the local planning authority, along with the marking out of the proposed parking spaces, is implemented.

Upon implementation of the approved parking scheme specified in this condition, the parking spaces shall thereafter be retained and remain available for their intended use at all times for the life of the development.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

End of schedule