



---

# Appeal Decision

Site visit made on 24 August 2022

**by Paul Cooper MSc MRTPI**

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

**Decision date: 9<sup>th</sup> September 2022**

---

**Appeal Ref: APP/W4705/W/22/3301632**

**Preston Street Taxis, Old Police Station, Preston Street, Bradford, West Yorkshire BD7 1JP**

- 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 Imran Khan against the decision of City of Bradford Metropolitan District Council.
  - The application Ref 22/00361/FUL, dated 24 January 2022, was refused by notice dated 5 April 2022
  - The development proposed is first floor extension to existing building to accommodate offices to be used by a taxi business.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. In the Council's Reasons for Refusal, I find that the first reason for refusal is more akin to an informative, rather than a reason for refusal. It is not anchored to any planning policy, either local or national. If the ground floor is operating unlawfully, then it is the responsibility of the Council to address any enforcement issues and ensure the application is correct. My remit as an Inspector is to address the matter subject to the appeal, a first-floor extension. This is not a Section 174 enforcement appeal so therefore I must deal with the proposal as a Section 78 appeal.
3. The Council have not raised any concerns with regards to the construction aspects of the proposal and I have no reason to question that decision. Therefore, I will not address the issue any further within my report.

## Main Issues

4. Based on the above, the main issues in this appeal are the effect of the development on highway safety and the provision of appropriate waste management.

## Reasons

### *Highway Safety*

5. The appeal proposal seeks to construct a first floor above the existing building. From the evidence submitted, the ground floor appears to have had a number of uses, and it currently operates as a meat processing unit, which according to the Council, is unauthorised and subject to enforcement proceedings, but that is not the appeal in front of me.

6. The area is a mix of residential and commercial property, although according to the Council it is allocated as an Enterprise Zone. The area of the highway surrounding the appeal property, was at the time of my site visit, busy with parked vehicles as there are a number of residential properties nearby, as well as other commercial premises.
7. There are double yellow lines at the end of Preston Street, at the junction with Listerhills Road, and areas of single yellow lines along Preston Street which have the effect of restricting parking opportunities in the locality.
8. The three parking spaces indicated are not be restricted in a specific manner and could be used by staff members for the taxi business or the ground floor business.
9. 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.
10. However, the drawings show that the proposed private hire taxi office would include a breakout area. This suggest that a number of people would be on site at any one time, which could well be staff taking taxi calls, but there would be the opportunity for it to be used by drivers in quiet times waiting on calls, or starting and ending a shift. There is also nothing in the evidence that suggests that customers could not arrive at the premises to order a taxi.
11. 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.
12. I have no reason to conclude that private hire drivers would not comply with the parking restrictions on the highway. The possibility of walk-in customers going to the appeal premises to order a private hire vehicle especially on an evening and thus requiring collection from the appeal site between those times cannot be ruled out.
13. I acknowledge that the appellant would use a remote system for contact, but I have no evidence to suggest that this does not necessarily mean that people would not personally use the taxi office inside directly to book.
14. There would be no guarantee or sufficient mechanisms, including planning conditions that would meet the tests set out in the Planning Practice Guidance (PPG) that could be put in place to prevent taxis being able to congregate outside of the premises including waiting to pick up collections, even if this is for a short spell of time.
15. As such, the absence of correct levels of parking to serve the proposed business, this would likely lead to illegal parking, obstructions and disruption for other vehicles using the highway, which would not be in the best interests of highway safety.
16. I have been referred to the history of the site and previous use of the building as a taxi office back as far as 1980. I have been provided with limited details of the actual use and activities that took place and what the situation would have been in regard to highway restrictions on Preston Street at that time.

17. Nonetheless, this was many years ago and the development plan for the area has since changed. In any event, the appeal needs to be determined on its individual merits on the evidence before me.
18. On this issue, I find that the proposals are contrary to policies DS4, DS5 and TR2 of the Local Plan for the Bradford District Core Strategy Development Plan Document (2017) (the CS) which, amongst other matters, expects development of this type to provide five parking spaces as part of the standards and take a design led approach to parking.
19. The proposal would also be at odds with the guidance contained within the National Planning Policy Framework, paragraph 111 where development should be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### *Waste Management*

20. With regard to this issue, the use of a first floor as a taxi office would create no more waste than would be expected for such premises, such as coffee cups, takeaway containers etc. It is not the responsibility of the appellant for the proposed first floor use to address the issue of waste from the ground floor use. As stated previously, this appeal relates to the proposed first floor use.
21. Even if the ground floor use is unlawful, there are regimes outside of the planning process that are designed to control waste management issues, and it is not for this appeal process to control aspects of another business. In terms of waste management, I would expect nothing out of the ordinary to control the waste created by the first floor use only.
22. As a result, with regard to this issue, I find no conflict with policies DS5 and EN8 of the CS which, amongst other matters set out requirements for waste handling and protecting the amenities of residents.
23. Nonetheless, whilst I have not identified conflict with regard to this issue, I am still dismissing the appeal on the basis of harm relating to the issue of highway safety.

#### **Conclusion**

24. The proposal conflicts with the development plan when taken as a whole and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

*Paul Cooper*

INSPECTOR