



Appeal Decision

Site visit made on 28 February 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2023

Appeal Ref: APP/X4725/W/22/3307347

16 Co-operative Street, Horbury, Wakefield WF4 6DR

- 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 Carter of Wakefield Store Fitters Limited against the decision of Wakefield Council.
 - The application Ref 22/01579/FUL, dated 21 July 2022, was refused by notice dated 16 September 2022.
 - The development is change of use from WMC accommodation to shop fitters office/workspace (permanent) and outdoor storage/distribution yard (temporary).
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Decision

1. The appeal is dismissed insofar as it relates to the outdoor storage and distribution yard for a temporary period of 18 months.
2. The appeal is allowed insofar as it relates to the permanent change of use from Working Mens Club to shop fitters office and workspace at 16 Co-operative Street, Horbury, Wakefield, WF4 6DR in accordance with the terms of the application, Ref 22/01579/FUL, dated 21 July 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan - 206 01; existing ground floor and block plan - 206 02; proposed ground floor and block plan - 206 03, except in respect of the outdoor storage and distribution yard shown on plan 206 03.
 - 2) The use of the shop fitters office and workspace hereby permitted shall not take place on Sundays or Bank/Public Holidays nor at any other time except at the following allocated times:
 - 08:00-20:00 Mondays to Fridays;
 - 09:00-13:00 Saturdays.

Preliminary Matters

3. Notwithstanding the description of development in the heading above which has been taken from the application form, the development is more fully described on the decision notice and appeal form as 'permanent change of use from Working Mens Club to shop fitters office and workspace and outdoor storage and distribution yard for a temporary period of 18 months'. The Council determined the application on that basis and so have I. I have therefore used that description in my formal decision. From the evidence before me and my site visit observations, both parts of the development have commenced.

4. In determining the planning application, the Council has issued a split decision. Permission has been granted for that part of the development described on the decision notice as relating to the permanent change of use from Working Mens Club to shop fitters office and workspace. Permission has been refused for that part described as outdoor storage and distribution yard for a temporary period of 18 months. Appeals following split decisions are dealt with under section 78 of the Town and Country Planning Act 1990 (The Act) as being against the refusal of planning permission. In such cases and in accordance with section 79(1)(b) of The Act, the whole development is before me to determine and I am not, therefore, restricted to dealing with only the elements which have concerned the Council.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site comprises a building that was a former Working Mens Club and attached dwelling together with an area of hardstanding. Although there are a number of commercial premises nearby, the area in the vicinity of the site is predominantly residential in character.
7. The change of use to shop fitters office and workspace does not involve any external changes to the existing buildings within the site. The submitted plans indicate that the site was bounded by fencing and walls and this is retained with the development. There is a relatively large car parking area on one side of the site with the submitted information identifying this as providing space for 16 vehicles comprising 4 spaces for service vehicles and 12 for cars. However, based on the submitted plans, this is not dissimilar to the site layout prior to the change of use. No industrial processes are associated with this use.
8. In issuing the split decision approving the permanent change of use from Working Mens Club to shop fitters office and workspace, the Council's decision notice confirms that the effect of this element of the development on the character and appearance of the area is not a matter of contention for the main parties. An objection was lodged to the planning application stating that the area is residential not industrial. However, for the reasons stated above, this aspect of the development does not alter the character and appearance of the site to a significant degree.
9. I therefore conclude that the permanent change of use from Working Mens Club to shop fitters office and workspace does not harm the character and appearance of the area. Consequently, it does not conflict with Policy D9 of the Wakefield Local Development Framework Development Policies Document, adopted 2009 (the DPD) which seeks to protect local character amongst other matters. It is evident from the plans that are before me that this aspect of the appeal scheme is clearly severable, both physically and functionally, from the outdoor storage and distribution yard.
10. The submitted evidence states that the outdoor storage and distribution yard is used for the storage and distribution of commercial freezers. I observed a small number of freezers at the site during my site visit. These were stored relatively tidily near to the rear elevation of the larger building on the site and occupied

only a relatively small part of the area identified on the submitted plan as the outdoor storage and distribution yard.

11. The area identified for the outdoor storage and distribution yard is relatively well screened from surrounding public vantage points due to the site's boundary features and the screening effect of the buildings on the site. This includes from much of the length of Co-operative Street and High Street to the rear. The freezers on the site at the time of my site visit were not visible from these locations. However, if taller units were stored then they may well project above the boundary fence and so would be more visible.
12. For the same reasons as set out above, the stored items are unlikely to be readily visible from ground floor habitable rooms or gardens of neighbouring properties, although this would depend on their height. However, they would be visible from the upstairs windows of nearby residential properties, in particular the dwellings at 14 and 20 Co-operative Street and those opposite, a number of which appear to relate to habitable rooms.
13. I am mindful that the freezers I observed at the site were reasonably enclosed from both public and private vantage points due to their positioning in an area near to the main rear elevation of the building and the side elevation of the rear extension. However, the storage of items is not limited to this area on the submitted plan. If the full extent of the area identified on the submitted plan as the outdoor storage and distribution yard was to be used, then the storage items would be much more prominent within the site, increasing their visibility in the surrounding area. In such circumstances, the outdoor storage and distribution yard would stand out as a dominant and incompatible feature in relation to the surrounding residential environment. There is no evidence before me regarding how many freezers may be typically at the site at any one time to enable me to determine whether a condition restricting the extent of the storage items, either numerically or by area, would adequately mitigate the harm.
14. I appreciate that the items are to be stored for a temporary period of 18 months and that the area would have been used as a car park when the site was in use as a Working Mens Club. I also acknowledge that this element of the development enables the supply of refurbished freezers to local businesses. Nevertheless, this would not adequately mitigate the harm caused.
15. Accordingly, I conclude that the outdoor storage and distribution yard represents an incongruous development that unacceptably harms the character and appearance of the area. This part of the development therefore conflicts with criteria a and b of Policy D9 of the DPD, which require proposals to respect, and where appropriate, enhance the character of the locality and provide a quality setting for the development. There is also conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which seeks to ensure that developments are sympathetic to local character amongst other considerations.

Other Matters

16. Some noise associated with the movement of vehicles and deliveries is likely. However, the submitted evidence states that deliveries take place within the site, and they are relatively limited in nature. A condition could control hours of operation to ensure that activities at the site do not take place at times when

the environment may be quieter with less activity and residents would have a greater expectation of peace and quiet. I note that the use of the building as a shop fitters office and workspace has been taking place for around seven years and there is no evidence before me of any complaints having been received by the Council. Furthermore, the Council's environmental health officer has not objected to the development, and I have no substantive evidence to take a different view regarding the effect on living conditions of nearby residents.

17. As noted above, the car park at the site is of a reasonable size, with the Council's information confirming that its parking requirements are exceeded. Furthermore, while there is demand for on-street parking within the vicinity of the site, there is little clear evidence to demonstrate that the existing on-street parking situation has reached saturation point. The Council has not raised any concerns in terms of parking provision or parking pressures, nor did it raise comments or concerns in relation to highway safety matters. In the absence of any substantive evidence to the contrary, I have no reason to conclude that the development is unacceptable in these respects.

Conclusion

18. The permanent change of use from Working Mens Club to shop fitters office and workspace does not harm the character and appearance of the area. However, there is unacceptable harm to the character and appearance of the area caused by the outdoor storage and distribution yard.
19. Accordingly, for the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the permanent change of use from Working Mens Club to shop fitters office and workspace, but dismissed insofar as it relates to the outdoor storage and distribution yard for a temporary period of 18 months.

Conditions

20. As the permanent change of use from Working Mens Club to shop fitters office and workspace has commenced, there is no need to impose a commencement condition. A condition to require this aspect of the development to be carried out in accordance with the approved plans is necessary in the interests of certainty. The Council's conditions on the split decision include one which restricts the hours of operation for the shop fitters office and workspace. The reason given is in the interests of the amenity of the occupiers of neighbouring properties and to accord with the requirements of Policies D9 and D20 of the DPD and Chapters 12 and 15 of the Framework. Given the location of the site close to residential properties, I consider a similarly worded condition to be reasonable.

F Wilkinson

INSPECTOR