



Appeal Decision

Site visit made on 7 December 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th January 2024

Appeal Ref: APP/A4710/D/23/3330740

5 Briggate, Elland, West Yorkshire HX5 9HG

- 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 Darren Wiggins against the decision of the Calderdale Metropolitan Borough Council.
 - The application Ref 23/00178/FUL, dated 18 May 2023, was refused by notice dated 5 September 2023.
 - The development proposed is off street parking with dropped kerb.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council changed the description of development from that stated on the application form in the interests of clarity. I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.
3. Since the submission of the appeal the National Planning Policy Framework has been superseded by the National Planning Policy Framework (2023) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issue

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

Reasons

5. The site is currently an unkept undeveloped parcel of land on Briggate, opposite the junction with Northgate. The proposed development due to existing buildings and boundary treatments would encroach onto the footpath fronting the site to secure visibility along Briggate. Vehicles would reverse into or out of the proposed car parking spaces as there is an inability to manoeuvre within the area.
6. Due to the building line of the existing structures, and curve in the road, the visibility splay for vehicles leaving the site would be limited. I observed during my site visit, which is only a snapshot in time, that Briggate in front of the site

and towards Elland Bridge was crowded with on-street parking. Cumulatively the creation of off-street parking in this location would have a detrimental affect to the local highway network and pedestrian safety.

7. I conclude that the proposed development would harm highway safety. There is conflict with Policy BT4 of the Calderdale Local Plan 2018/19-2032/33 (2023) which seeks amongst other things to ensure that new development provides for safe and efficient movement by pedestrians and vehicles.
8. The development would also be contrary to the Framework which amongst other thing seeks to ensure developments have an acceptable impact on highway safety.

Other matters

7. The site is within the Hertford Conservation Area with Listed Buildings within the immediate area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires decision makers, when considering whether to grant planning permission, to have special regard to the desirability of preserving the listed building or its setting or any feature of special architectural or historic interest which it possesses. A similar duty exists in relation to having regard to the character and appearance of a Conservation Area under Section 72(1) of the LBCA Act.
9. The Council conclude that the appeal site does not contribute positively to the area and its redevelopment would not harm the heritage assets I do not disagree. Notwithstanding this the redevelopment would not outweigh the harm I have identified in terms of highway safety.
10. The Appellant has drawn my attention to purchasing the land from the Council who then subsequently refused planning permission for the redevelopment, this is not within my remit to consider.
11. I understand from the Appellant that off-street car parking exists for neighbouring properties, which I observed during my site visit. Nevertheless, each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal before me.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

C Pipe

INSPECTOR