



Appeal Decision

Site visit made on 19 December 2023

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 24 January 2024

Appeal Ref: APP/X4725/W/23/3321714

178b Batley Road, Wakefield WF2 0AJ

- 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 Mrs Karen McQuire of A and K McQuire Ltd against the decision of Wakefield Council.
 - The application Ref 22/01121/FUL, dated 13 September 2022, was refused by notice dated 9 March 2023.
 - The development proposed is described as 'The buildings were used as offices and we are changing the office space for health and wellbeing / Yoga studio'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development applied for has been carried out. An email has been submitted to confirm that Karen McQuire of A and K McQuire Ltd is the appellant. I have therefore used this name in the banner heading above. I have also used the address provided in the appeal form as this appears to be more accurate.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Background

4. The appeal relates to the first floor of a detached building, known as 'Pumaspeed', that is situated on a prominent corner location next to the junction of Batley Road and Highfield Rise. Whilst it is located in an area of mixed use, there are residential properties on the opposite side of Highfield Rise and to the north and east of the site.
5. Planning permission was granted for the change of use of this building for motor vehicle repairs and parts storage in 2021, subject to a number of conditions (Ref: 20/00106/FUL). Amongst other things, these conditions restrict the hours of use to between 08:00-18:00 on weekdays, and at no times on weekends or bank holidays. They also require the parking layout to be marked out in accordance with the approved plans and to only be used for staff, visitors, a vehicle transporter and for loading/unloading purposes.
6. Information submitted with the appeal indicates that the health and wellbeing yoga studio (yoga studio) has been operating on the first floor of this building

since 2021 and has an average class size of 6-8 people. This also implies that permission is now sought to operate between 8:30 – 11:00 and 17:30 – 21:00 hours Monday to Friday, and 09:00-17:00 hours on Saturdays and Sundays (6-7 times per year).

Main Issue

7. The main issue is whether the development is compatible with nearby uses having regard to highway safety, parking and noise and disturbance.

Reasons

8. In an attempt to satisfy the parking provision requirements of Policy D 14 of the Wakefield Council Local Development Framework Development Policies 2009 (DP) and the Council's 'Street Design Guide' Supplementary Planning Document 2012 (SPD) the proposed car parking layout plan shows 1 staff and 4 visitor parking spaces to be laid out in a tandem formation.
9. At the time of my mid-morning weekday site visit I saw that the car parking area is of a constrained size and that vehicles were not being parked correctly within the markings on the site. My site observations also confirmed that the proposed car parking layout plan conflicts with and differs to that currently in use and laid out, in that, an additional staff car parking space is proposed to be provided to the north-east corner of the site. Four existing spaces, which appeared on my site visit to be allocated for Pumaspeed's staff (2 spaces) and visitors (2 spaces) are now all proposed as visitor parking for the yoga studio.
10. I appreciate that the yoga studio is relatively small-scale and that some of its opening hours in the evenings and at weekends are outside of Pumaspeed's approved operating hours. However, there is still overlap between the opening times of Pumaspeed and the yoga studio, particularly during weekday mornings. As such, there is potential for visiting vehicles to both businesses, in addition to that of the yoga studio staff member to try and park on the site and be blocked in during certain times of the day. Vehicles would therefore be required to manoeuvre on and off the car park and across the loading bay to allow others to access or exit the site.
11. Highfield Rise, whilst not substandard in width, is not especially wide, and there are no parking restrictions on the part of this highway immediately adjacent to the tandem parking spaces. I am also mindful of the appellant's and local residents' photographs which show that on-street parking takes place on this stretch of Highfield Rise. Consequently, with multiple vehicles manoeuvring on and off the car park, including from the loading bay, there would be inconvenience arising for other road users waiting for any manoeuvring to be completed. More fundamentally, a risk of conflict between road users could arise, if cars are reversing on and off the car park into the road, particularly with the potential for on-street parked cars to cause obstruction to visibility to the north.
12. Moreover, the main pedestrian access to the first-floor yoga studio is provided via an external staircase that is located next to the existing building's loading bay and the proposed visitor parking bays. I share the Council's concerns about this arrangement being hazardous to pedestrians accessing the yoga studio during the times that Pumaspeed is open. This is regardless of whether customers walk to or visit the site via public transport, or their own vehicle is

parked off or on-site. I therefore find the development to not be compatible with the existing use of the site in this regard and that it would cause unacceptable harm to highway safety in respect of the access and off-street parking arrangements.

13. In terms of the availability of off-site car parking, on my site visit I saw that there was some space available on Highfield Rise and on nearby highways to accommodate additional cars. I also visited the nearby community car park, which had a number of spaces unoccupied. Nonetheless, I am mindful that this was only a snapshot in time, and that the situation may change at busier peak times during the evening and weekends when residents are more likely to be at home or people are visiting the area and there is likely to be a greater demand for parking. I have also had regard to conflicting representations from local residents and the appellant in respect of the general levels of on-street car parking in the immediate area, including a letter from West Yorkshire Police about parked cars obstructing pathways. However, no substantive evidence, in respect of existing and likely additional trip generation or a car parking survey has been provided by any party.
14. In the absence of such evidence, I am unable to be certain that the yoga studio does not add to or cause on-street car parking problems to the detriment of neighbour amenity, in respect of noise and disturbance from comings and goings. I have also not been provided with the details of a secondary storage unit so cannot be certain that this would contribute towards mitigating any impacts.
15. Overall, and on the basis of the evidence before me, I am therefore unable to find that the development is compatible with nearby uses having regard to highway safety, parking and noise and disturbance. As such it conflicts with DP Policy D 14 and advice within the SPD. Amongst other matters, these require a level of parking provision appropriate to the proposal and its location and seek to ensure the safe and free flow of traffic within the development and on the surrounding highway network. Conflict also arises with paragraph 115 and Section 12 of the Framework in respect of highway safety, local character and amenity for existing and future users.

Other Matters

16. Whilst the appellant has referred to the appeal building being utilised as a multi-occupancy building for many years, there is little evidence before me to substantiate this or demonstrate that these businesses ever had the benefit of planning permission. Nonetheless, there are clearly health and wellbeing benefits associated with the development for the local community. I am also mindful of the presence of a bus stop nearby, and the proposed secure cycle and refuse storage areas. However, these factors do not overcome or outweigh the harm that I have identified above.

Conclusion

17. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be dismissed.

Mark Caine INSPECTOR