



Appeal Decision

Site visit made on 5 February 2024

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2024

Appeal Ref: APP/W4705/W/23/3332196

1 and 3 West Lane and 14 The Fold, Haworth, Bradford BD22 8DS

- 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 Adrian Longthorn, Dalesman Developments Ltd, against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 23/00545/FUL, dated 10 February 2023, was refused by notice dated 10 August 2023.
 - The development proposed was originally described as "Change of Use from C3 Dwellinghouses to C1 Hotels (Air B&B). Refurbishments and restoration to 1 and 3 West Lane and 14 The Fold, comprising new doors and windows, external building fabric repairs, reinstating 1 additional storey to 3 West Lane, shop front alterations".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) has been published. In relation to this appeal the relevant parts of the Framework are similar. Consequently, I have not gone back to the parties for comments. Whilst I have had regard to the Framework in reaching my decision, no party would be prejudiced or caused any injustice by me taking this approach.

Main Issues

3. The main issues are, the effect of the proposed development on:
 - Highway safety, in respect of the adequacy of parking provision; and
 - The living conditions of nearby residents, with particular reference to noise and disturbance.

Reasons

Highway Safety

4. The Council's Car Parking Standards (2017) sets out 1 parking space per bedroom should be provided for hotels and guesthouses (C1). The Council state that the type of self-service holiday accommodation proposed does not fit within any existing Use Classes, and therefore have described the proposal as a sui generis use. The appellant has not addressed this matter and set out that the proposed development would fall under Use Class C1.

5. No off-street vehicle parking spaces would be provided as part of the proposed development. Even if the Council were correct in considering the proposal as a sui generis use, the parking standards provides a useful indication of the number of parking spaces required. On the other hand, in considering the appellant's case that the proposal comprises a C1 use, the development would fall significantly short of the parking standards.
6. West Lane and Main Street are cobbled surfaced roads which are narrow in places and reflect the tight-knit nature of the area. Parking is restricted on West Lane with double yellow lines and to resident permit holders. The parked vehicles restrict the width of the carriageway to one vehicle. The road is restricted for cars, motorbikes, and coaches except for access. Main Street is effectively a pedestrianised road with few vehicles travelling along it because of the restricted access.
7. The proposed development would result in the change of use from three dwellinghouses to 11 airbnb holiday lets, which would result in a significant increase in the number of vehicle trips compared to the lawful use of the building. There would not be a safe and convenient place for users (including cleaners) of the units to park outside the buildings given the width of the road, and parking restrictions.
8. There are public, pay and display, car parks (including the museum car park and central car park) and bus stops within walking distance of the site. There is very limited unrestricted street parking nearby. The appellant would not be able to restrict how users of the accommodation arrive. Whilst some users may arrive by public transport or on foot or cycle, on the basis of the information presented, it is likely that most would arrive by vehicle.
9. The evidence before me indicates that parking problems already exist in the area, many streets in the village have a lack of parking for residents and businesses, and nearby car parks are often full. The proposed use would result in a high turnover of people and increase the pressure for parking close to the site, in an area where parking problems already exist, because of the number of units proposed. It has not been demonstrated, such as through parking surveys, that there is sufficient parking within the locality, particularly during peak seasons, to meet the likely demand of the proposed development.
10. Given the characteristics of the nearby roads, restricted parking available in the area, and the number of units proposed (with no allocated parking), the proposal could have an unacceptable effect on highway safety. This is because it could result in vehicles being parked inappropriately in the locality which could affect the free flow of traffic and reduce visibility. As a consequence, it could result in inconvenience for existing residents and cause harm to the safety of pedestrians. The appellant has not robustly demonstrated that the proposed development, which is located in an area with high levels of parking pressure, could be accommodated without causing harm to highway safety.
11. For these reasons, the proposal would have an unacceptably harmful effect on highway safety by reason of inadequate parking provision. Consequently, the proposed development would be contrary to Policy TR2 of the Local Plan for Bradford District: Core Strategy Development Plan Document (2017) (CS). This states, amongst other things, that the Council will seek to manage car parking and will assess new developments against indicative parking standards. It would also conflict with Framework paragraph 115 which states that

development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Living Conditions

12. West Lane is primarily characterised by residential properties, and there are commercial uses nearby. As the appeal buildings front onto the highway and there is no private amenity space or parking provision at the site as well as the density of the area, the site is in close proximity to residential properties. The proposed development would increase the comings and goings compared to the lawful use of the buildings, and the accommodation would not be managed on site.
13. The movement of users of the accommodation are likely to be different to permanent residents, for example there would be an increased likelihood of noise and disturbance in the evening and night. On my site visit I noted that there was very limited background noise in the locality. Nonetheless, I acknowledge that this was only a snapshot in time and there could be greater levels of background noise at other times, for example in summer months.
14. Based on the evidence presented, and given the number of units proposed and the number of residential properties nearby, the proposed development would have an unacceptable effect on the living conditions of nearby residents, with particular reference to noise and disturbance. Consequently, the proposed development would be contrary to Policy DS5 of the CS. This states, amongst other things, that development proposals should make a positive contribution to people's lives through high quality, inclusive design, and should not harm the amenity of existing residents.

Other Matters

15. The appellant has highlighted other matters including that developing the site would improve the appearance of the buildings, the application was supported by the case officer and conservation officer, Haworth relies heavily on tourism, and the timeline of the application has been set out. Planning permission has previously been granted at the appeal site¹. However, the scheme before me proposes a change of use and therefore the approved development is not directly comparable. The planning committee members are not duty-bound to follow the professional advice of officers. The other matters raised do not outweigh the harm I have found.
16. The site is situated within Haworth Conservation Area (CA). As such, I have had regard to the statutory duty placed on decision makers in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed alterations to the external appearance of the buildings and renovation are similar to those approved, and would generally be sympathetic to the character and appearance of the buildings and area. Consequently, the scheme would have a neutral effect upon, and therefore preserve, the character and appearance of the CA and the development would not cause harm to the significance of the designated heritage asset.

¹ 21/05648/HOU

Conclusion

17. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR