



Appeal Decision

Site visit made on 14 February 2024

by G Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd April 2024

Appeal Ref: APP/N4720/W/23/3331587

18 Hollyshaw Lane, Whitkirk, Leeds, LS15 7BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr S Watterson (Watts & Co) against the decision of Leeds City Council.
 - The application Ref 23/00943/COND, dated 11 February 2023, sought approval of details pursuant to condition no. 4 of a planning permission.
 - The application was refused by notice dated 7 June 2023.
 - The development proposed is the "change of use of dwelling (Class C3) to a House of Multiple Occupancy for 7 people (sui generis)".
 - The details for which approval is sought are the details of cycle parking and facilities, as set out in condition no. 4 which states that: *Notwithstanding the approved details, the development shall not be brought into use until full details of cycle parking and facilities have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking and facilities shall be provided prior to first occupation of the development and retained thereafter for the lifetime of the development.*
 - The reasons given for the condition is: *In the interests of highway safety and promoting sustainable travel opportunities.*
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Decision

1. The appeal is dismissed and approval of the details is refused, namely cycle parking and facilities, submitted in pursuance of condition no. 4 attached to planning permission ref 22/03542/FU, dated 7 October 2022.

Applications for Costs

2. An application for costs was made by Mr Sam Watterson against Leeds City Council.
3. An application for costs was made by Leeds City Council against Mr S Watterson of Watts & Co.
4. These applications are the subject of separate decisions.

Background and Main Issue

5. In its refusal to approve the details and discharge the condition, the Council raised concerns regarding the ability of the proposed storage to accommodate enough bicycles for the approved development, and the subsequent effects on its aims of promoting a variety of sustainable methods of transport.

6. The main issue in this appeal is therefore the effect that approving the details and discharging the condition would have on the development's impact on sustainable transport methods.

Reasons

7. The permission to which the condition applies is for a seven-person house in multiple occupancy (HMO), which is a change of use from the extant single dwelling house on the site. The application included a plan indicating two secure cycle parking spaces in a structure within the property's rear garden.
8. Policy T2 of the Council's *Core Strategy* (2014, amended 2019) required development to provide parking in accordance with current guidelines. These are set out in the *Leeds City Council Transport Supplementary Planning Document* (SPD), adopted in 2023. For an HMO, the requirement is one cycle parking space to be provided per HMO bedroom.
9. There is a range of transport provision within the surrounding area, including various public transport options and, from my observation of the site, reasonable facilities to encourage walking to and from the site. As such, cycling is but one mode in a choice of sustainable transport that would be available to future occupiers of the development, but it is one which is highly placed within the Hierarchy of Road Users as set out within the SPD.
10. Underprovision of cycle parking bays would discourage and restrict opportunities of future occupiers to use this particular sustainable transport mode. This approach is in accordance with national policy, which through the *National Planning Policy Framework* (2023) promotes the provision of cycle infrastructure, including secure parking, and other measures to encourage cycling.
11. I acknowledge the appellant's concern that the provision of a larger cycle parking space than that proposed within the original application would lead to a decrease in outdoor space available to future occupiers. Although this could be the case, I am unaware of any other constraints that could result in bicycles being stored elsewhere on the property.
12. I therefore conclude that discharging the condition in accordance with the submitted details would have a harmful effect on the Council's encouragement of sustainable transport options and would conflict with Core Strategy Policy T2, for the reasons set out above.

Conclusion

13. For the reasons given above, the appeal is dismissed, and approval of the details submitted in pursuance of the condition is refused.

G Rollings

INSPECTOR