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# Appeal Decision

Site visit made on 19 and 20 February 2024

**by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 May 2024**

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**Appeal Ref: APP/X4725/W/23/3330292**

**114-128 Wrenthorpe Road, Wakefield WF2 0JN**

- 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 J English against the decision of Wakefield Metropolitan District Council.
  - The application Ref is 22/02605/FUL.
  - The development proposed is mixed use development comprising the change of use of the existing buildings to form 2 retail units at ground floor and 11 residential units (including re-instatement of red brick terraced building), demolition of covered walkway, creation of parking and garden areas and other external alterations.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The description of development and the site address in the banner heading above are taken from the Council's decision notice and the appellant's appeal form, as they more accurately describe the development proposed and the correct location of the proposed development, as confirmed by the parties. I have determined the appeal on this basis.
3. On 24 January 2024, the Council formally adopted the Wakefield District Local Plan; Volume 1 Development Strategy, Strategic and Local Policies (LP). This now forms the statutory development plan for the area. It replaces the policies contained within the Wakefield Local Development Framework; Development Policies Document (2009), that were in effect at the time of the Council's decision.
4. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. The parties were given the opportunity to comment on the revisions during the appeal process and the responses have been taken into account in the determination of the appeal.

## Main Issue

5. The main issue is the effect of the proposed development on highway and pedestrian safety, with particular regard to car parking provision.

## Reasons

6. The appeal site comprises 2 blocks of 2-storey buildings separated by a vehicular access leading to an area of hardstanding to the rear of the northernmost block (Building 2). Building 1 has been extended to the rear with a 3-storey addition facilitated by the reduction in land level to the west of the site. The area within the vicinity of the appeal site is of a mixed character with

commercial and community uses interspersed amongst dwellings of varying ages and styles.

7. Policy LP27 of the Local Plan requires new development to not present an unacceptable impact on highway safety or have a severe residual cumulative impact on the surrounding network. This is consistent with the advice at paragraph 115 of the Framework. In relation to car parking it states that schemes should provide a level of parking provision appropriate to the proposal and its location (applying the agreed maximum standards set out in current guidance).

#### *Accessibility*

8. The appeal site is within a short walking distance of a range of amenities including a pharmacy, 2 pubs, a village hall and Wrenthorpe Academy School. The proposal also seeks to provide 2 retail units that would add to local facilities. Whilst not available on Wrenthorpe Road itself, traffic free cycle paths and a dedicated cycle way are available within a reasonably short distance of the appeal site. Bus services run to Wakefield and the White Rose Shopping Centre from stops along Wrenthorpe Road. The future occupants would therefore have the choice of making some journey's on foot, by bike or via the bus in order to meet some of their day-to-day needs.
9. However, I observed that the bus service is limited to an hourly service Monday – Friday with a notable reduction in the evenings and on Sundays. Future occupants of the proposed flats would also have to travel outside of Wrenthorpe to visit a supermarket, access employment areas, or leisure/entertainment facilities where the use of the bus or a cycle would not necessarily be a realistic alternative to the car. Outwood Station is some distance from the appeal site such that it is more likely to be reached by car, than on foot, although cycling may appeal to a small number of experienced commuters.
10. The proposed development has not been presented as a car-free development. Even if the proposed flats are marketed without car parking, it would not preclude future occupiers from owning a car.
11. The AMA Highways and Transport Statement of Case (HTSC) suggests that the size and type of dwellings proposed would attract single-person households rather than couples or families. The proposed flats would be compact but there would be nothing to prevent occupation by a couple who may each own a car. There is no compelling evidence before me to indicate a correlation between dwelling size and car ownership specifically in this area of the Wakefield district that would indicate smaller dwellings result in a lower level of car ownership. Whilst reference is made to the Residential Car Parking Research (DCLG), it is over 15 years old. Although not all future occupiers may have a car, I find the location of the site is such that most are likely to be car dependant.

#### *Car Parking Provision*

12. Of the 15 space requirement set out within Appendix A of the Council's Street Design Guide, Supplementary Planning Document (SPD) 2012, 2 on-plot car parking spaces would be provided including 1 disabled bay. Given the shortfall in car parking is so significant, the majority of car parking demand would be required to be met by on-street provision.
13. The parking beat survey and my own observations indicate that there is capacity for on-street car parking within the vicinity of the appeal site.

However, these reflect a snapshot in time. Human nature indicates that car owners expect to park as close to their home as possible for reasons of convenience and security. Therefore, the theoretical possibility of future occupiers being able to park in adjacent streets does not mean that it would happen in reality. It is unlikely that future occupants park anywhere other than Wrenthorpe Road in this case. There are a number of physical features in proximity to the appeal site which would affect the ability for a large number of vehicles to park nearby, including the New Wheel Inn car park opposite, the driveways to 141 – 139A Wrenthorpe Road and the access roads to School Lane (north and south) and Rodger Lane.

14. Furthermore, the parking beat survey appears to have been undertaken on a Wednesday and Thursday evening. It does not therefore reflect the parking demands when the 2 nearby pubs are more likely to be busy over the weekend and when future occupants may be at home. I also note that it was undertaken in December 2022 before restrictions were imposed on the use of the Village Hall car park which may have had implications for the patrons of the New Pot Oil Pub<sup>1</sup>. No update to this situation has been provided in the AMA HTSC. I am not satisfied that the parking beat survey is an accurate reflection of the existing or future demands of car parking in the vicinity of the appeal site.
15. Neither am I convinced that the proposed development of 9 dwellings and 2 retail units within a village amounts to a small infill development of the scale envisaged by Manual for Streets (2007) or that Wrenthorpe Road has capacity for dedicated on-street car parking without impinging on the free-flow of traffic. The Highway Authority nor AMA TS, appear to consider the implications of on-street car parking in the vicinity of the appeal site in regard to the road geometry and free flow of traffic and pedestrians. However, I note that this was of concern to members of the planning committee and interested parties. There has also been a collision nearby involving a pedestrian which indicates the need for careful consideration.
16. Currently there are no parking restrictions outside the well-frequented pharmacy or the proposed retail units. Without a traffic regulation order, future occupiers of the proposed dwellings could legitimately park in this area, removing the ability for patrons to park in an accessible location and come and go as they presently do. This could result in drivers double parking on both sides of the road or pushing parked vehicles back towards the junction with Wrenthorpe Lane, which interested party representations indicate is already problematic at certain times in reducing the width of the carriageway.
17. Wrenthorpe Road is not particularly wide despite being a well-trafficked route and its alignment curves just north of the junction with Wrenthorpe Lane, as well as beginning to rise steadily from the appeal site before curving again close to the junction with School Lane and Rodger Lane. These factors appeared from my observations to contribute to a number of vehicles already parking partially on the pavement<sup>2</sup>.
18. The increased competition for convenient parking for both the retail and residential uses in a relatively compact area is likely to lead to further parking on the adjacent pavements, particularly from occupants of the proposed development concerned about the safety of their vehicles. Although the footpath to the front of the northern-most buildings is relatively wide, the

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<sup>1</sup> As indicated in the evidence from interested parties and the landlady of The New Wheel Public House.

<sup>2</sup> As observed during my visits undertaken in the evening of 19 February and early morning of 20 February 2024.

majority of pavements in this location are narrow, including those to the front of the pharmacy and the proposed retail units.

19. Increased pavement parking would cause inconvenience, hindering the free passage of pedestrians who the Framework and Policy LP27 of the LP both place at the top of the movement hierarchy. It would also compromise safety, particularly for those with small children, mobility concerns or visual impairments at a location where the uses indicate there would be a higher number of pedestrians. I note that these concerns are shared by members of the Planning Committee and some local residents.
20. Both of the AMA documents suggest that the retail units are ancillary to the residential accommodation. However, it is clear from the plans that the retail units are not physically linked to any of the proposed residential units and in the absence of any evidence to the contrary, they would most likely be occupied independently. Therefore, the traffic generation for each of the uses would be independent of each other. If one of the retail units was to become a convenience store for example, it could generate extra and frequent pedestrian and vehicular comings and goings to those of the pharmacy. In addition, the occupants of the proposed flats are likely to have visitors that arrive by car.
21. It cannot be assumed that the demand for car parking for the proposed retail units would be met whilst the occupants of the proposed flats are out at work given the increased occurrences of home working. Notwithstanding the findings of the AMA documents, it seems to me that the full extent of the trips and demand for car parking arising from the proposed mixed-use development has not been fully considered.
22. In addition, an interested party has pointed to the impracticality of a driver being able to access/egress from the car parking space when the disabled space is in use. I agree that manoeuvring into this space would be difficult, and it would further diminish the already very limited on-site provision of car parking if it was not useable.
23. On the balance of probabilities, I find that the proposed development given the significant shortfall in car parking provision would result in a significant intensification of on-street car parking demand in a compact and active area, leading to an unacceptable impact on highway and pedestrian safety.

#### *Conclusion – Highway and Pedestrian Safety*

24. Drawing all of the above together, the proposal would have an unacceptable impact on highway and pedestrian safety, with particular regard to parking provision. As such it would conflict with LP Policy LS27 and the SPD as set out above and paragraph 116 of the Framework which amongst other things, seeks to ensure that development creates places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

#### **Other Matters**

25. The existing buildings to be converted are said to have a mixed commercial use comprising offices, storage and manufacturing that would generate a higher parking demand from the application of the SPD. It is argued that the proposal would lead to a betterment in terms of the demands on on-street car parking and a reduction in traffic generation.

26. It is telling that the previous company which occupied the appeal site sought to hire off-street car parking spaces. Whether or not these spaces could have been removed at any point, they nevertheless meant that its actual on-street parking demand was relatively low.
27. Furthermore, the appeal site has been vacant for a number of years. Whilst the use has not been abandoned, there is nothing in the evidence before me to indicate that the reinstatement of the former commercial use is a realistic or probable prospect, given its constrained location in a village, surrounded by dwellings and the appellant's desire to obtain permission for a different use. I therefore attach limited weight to the car parking requirements and traffic generation for the existing use as a fallback position, in this instance.
28. There is no substantive evidence before me that the proposed scheme is the only way of redeveloping the site. It is likely that a less intensive mixed-use scheme would not result in the harmful impacts identified above. Whilst noting that there is some support for the proposal, it does not equate to a lack of harm. There are also objections relating to the specific scale of this proposal.
29. No objections were raised in relation to the principle of the proposed development, the living conditions of neighbouring or future occupiers, land contamination, flooding or drainage. Nonetheless, these matters weigh neutrally in the planning balance.
30. The proposal would meet the Government's objective for boosting housing supply, particularly of smaller units through the efficient use of previously developed land, although I note that the density of the scheme is significantly above the minimum requirement set out at Policy SP5 of the LP. However, there is no evidence before me of a shortfall in housing land supply in the district, or that the proposal would meet a particular need for this type of accommodation. Despite being suggested as affordable housing, no evidence has been presented to demonstrate that the proposed dwellings would meet the Framework's definition of this particular tenure and there is no mechanism to secure them as such. I therefore attach limited weight to this matter.
31. The appellant suggests that the proposal would be a sustainable form of development in compliance with paragraph 11 of the Framework. However, paragraph 12 is clear that development which conflicts with an adopted development plan should usually be refused. Moreover, the Framework shares similar aims to the development plan of preventing unacceptable impacts on highway and pedestrian safety. Hence, I find that the policies of the Framework taken as a whole do not weigh in favour of allowing the appeal.

### **Planning Balance and Conclusion**

32. Whilst there are considerations that weigh in favour of the proposed development, they are not sufficient to outweigh the harm I have found with regard to highway and pedestrian safety. The proposal would conflict with the development plan when taken as a whole and therefore no other material considerations including the Framework, that indicate a decision should be taken otherwise than in accordance with it. Accordingly, the appeal is dismissed.

*M Clowes*

INSPECTOR