



Appeal Decision

Site visit made on 9 July 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2024

Appeal Ref: APP/W2465/W/24/3342056

103 Barkby Road, Leicester LE4 9LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Vishal Gupta on behalf of Kava (NW) Ltd against the decision of Leicester City Council.
 - The application Ref is 20231352.
 - The development proposed is the change of use from yard to car storage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit, I saw that the development was substantially complete and I have dealt with the appeal on that basis.

Main Issue

3. The main issue is whether the development causes unacceptable harm to highway safety.

Reasons

4. The appeal site is a parcel of land located to the rear of a commercial unit. The site is accessed via a short single car width track from Lydford Road which is a dense residential area. The site itself is being used for the storage of a large number of cars which are tightly packed into the appeal site.
5. Lydford Road is residential with predominantly semi-detached houses lining the road. I also noted during my site visit that many vehicles are being parked along either side of the road. As such, it would be difficult for HGV's and other vehicle transporters to travel to and from the entrance of the appeal site safely.
6. The appellant states that the site is used for storage in association with a car sales business elsewhere and that there are no sales or repairs, or facilities to conduct these activities within the appeal site. The appellant also suggests that deliveries take place several times per week and cars are usually driven to the site individually and then the drivers are picked up separately. However, I am mindful that photographs have been provided by interested parties that demonstrate that a vehicle transporter appears to have been used to deliver cars and unload onto Lydford Road.
7. The access to the site is restrictive in itself due to its narrow width and is therefore unlikely to be suitable for vehicles big enough to deliver cars, even if

the previous use allowed this. A condition could be imposed to restrict these types of vehicles; however, it would not be able to control large delivery vehicles trying to access the site via residential roads and loading and unloading on the public highway which appears to be taking place.

8. I therefore conclude that the development unacceptably harms highway safety. It is contrary to Paragraph 114 of the National Planning Policy Framework which amongst other things, seeks to ensure that significant impacts on highway safety are mitigated to an acceptable degree.

Other Matter

9. I note that the appellant has made the access road tidy and passable by removing fly tipped waste. However, this is a neutral matter that does not outweigh the harm I have identified.

Conclusion

10. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR