



Appeal Decision

Site visit made on 29 April 2025

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 June 2025

Appeal Ref: APP/Z4718/W/24/3352005

457 Bradford Road, Batley, Kirklees WF17 8LB

- 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 Aris Butt against the decision of Kirklees Council.
 - The application Ref is 2023/62/92975/E.
 - The development proposed is an extension to restaurant including internet cafe.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - highway safety, and
 - flood risk.

Reasons

Highway safety

3. The appeal site comprises of a three-storey detached building on Bradford Road which is a busy classified road between Batley and Dewsbury. The appeal property at ground and first floor levels is in use as a restaurant with the surrounding area comprising of a range of retail and commercial uses typical of a town centre location.
4. The proposal seeks to provide an extension to the existing restaurant along with an internet café. The appeal site currently has car parking provision for 8 cars, with the proposal seeking to increase this by one space to provide a total of 9 car parking spaces.
5. The appellant has indicated that this level of provision would be sufficient as all the staff arrive from the local area by other modes of travel, with customers also coming from the local community. I have not however been presented with any further details on the likely modal split or provided with evidence that travel by car would be low in number. Whilst the site is in an accessible location, with a Bus Station nearby, and other car parking provision in the area, it is also the case that the appeal site is on a main road location which is likely to draw trade from passing vehicular borne custom.

6. There are not any local parking standards, but given the scale of the proposed development, and the increase in the capacity of the restaurant that would arise from the proposal, there is the potential for a significant increase in vehicular traffic. The single additional parking space proposed would be insufficient to accommodate the vehicles expected to visit the site with the Council referencing a rise to 192 covers at the restaurant. This would lead to an increase in the demand for on-street parking within close proximity to the site, such as the residential streets on the opposite side of Bradford Road, particularly as they are parking restrictions on the main road outside the site.
7. The siting of the proposed extension on the north-western part of the appeal site would also restrict the ability of larger vehicles to enter and exit the site in forward gear. Although a 7.5t box truck could manoeuvre within the site, no further details on servicing or the ability of HGV delivery vehicles being able to satisfactorily access the site have been provided. Such larger delivery vehicles servicing the appeal site would therefore need to undertake reversing manoeuvres to or from the busy main road or park on Bradford Road. This would give rise to potential conflicts with other road users and result in a reduction in highway safety along Bradford Road.
8. Given the above, I conclude that the appeal development would have an unacceptable harmful effect on highway safety. As such, it would be contrary to Policies LP21 and LP22 of the Kirklees Local Plan Strategy and Policies (Local Plan) which seek, amongst other matters, to avoid a detrimental impact on highway safety and the local highway network. It would also be contrary to Paragraph 116 of the National Planning Policy Framework (Framework), which sets out, amongst other matters, that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Flood risk

9. The appeal site is situated within Flood Zone's 2 and 3 and is therefore subject to medium to high flood risk. The proposed extension would according to the submitted site/block plan be sited over the public sewerage system which crosses the appeal site. Although the proposal has been designed with a link connection to the main building, the development would nonetheless obstruct access to part of the main public sewer system. This would prevent access for maintenance of the system and despite there being no recorded sewer flooding incidents in the vicinity of the site¹, the siting of the proposed extension could give rise to flooding in an area that is at medium to high flood risk.
10. I therefore conclude that the proposal would have an unacceptable harmful effect in relation to flood risk and it would therefore be contrary to Policy LP28 of the Local Plan and Section 14 of the Framework, which seek, amongst other matters, to ensure that flood risk is not increased.

Other Matter

11. The proposed development would be acceptable in relation to design, being subordinate to the host building and using matching materials. This is a neutral consideration and not one which weighs in favour of the proposal.

¹ Flood Risk Assessment (October 2021), Earth Environmental & Geotechnical Ltd

Planning Balance and Conclusion

12. The proposed development would make a positive contribution to the local economy, both during the construction phase and by customer spending when operational. It would also support the vitality of the town centre and the diversification of the existing restaurant. The proposal would however have a harmful impact on highway safety and on flood risk which would be contrary to the objectives of the Framework. The adverse impacts arising would outweigh the benefits.
13. The proposed development would not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR