



Appeal Decision

Site visit made on 3 June 2025

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2025

Appeal Ref: APP/W4705/W/25/3362431

29 Ivegate, Bradford BD1 1SQ

- 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 Tariq (Enterprises TF Ltd) against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/04404/FUL.
 - The development proposed is change of use of first floor from storage to single flat and new shop front.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is a suitable location for residential development, with particular regard to noise from surrounding uses.

Reasons

3. The appeal site is located in a busy city centre environment, surrounded by a concentration of late-night food, drink, and entertainment venues. It has a pub/sports bar on one side and a café with a nightclub above on the other. Although the ground floor of the building is currently in retail use, planning permission exists for its use as a drinking establishment¹, which remains capable of implementation.
4. Given the nature and proximity of these noise-generating uses, there is a clear potential for significant noise disturbance, particularly late into the night. This raises serious concerns about the suitability of the site for residential accommodation.
5. In such a context, a detailed noise assessment is essential to determine the likely impact on the living conditions of the future occupiers of the development and to identify any necessary mitigation measures. However, no such assessment has been provided. It is the developer's responsibility to supply this evidence as part of the planning application and appeal. Reliance on future regulatory processes, such as Building Regulations, is not an appropriate substitute.
6. While there may be other residential properties in the vicinity, this does not negate the need for the appellant to demonstrate that this specific proposal would offer a satisfactory living environment for its occupiers with regard to noise levels. The introduction of further dwellings into the area could also increase the potential for

¹ LPA ref: 23/01179/FUL

complaints against a nearby business with unreasonable restrictions being placed on them as a result.

7. I have considered whether planning conditions could be used to secure appropriate noise mitigation. However, without any substantive evidence regarding existing noise levels or the effectiveness of potential mitigation measures, it would be inappropriate to impose such conditions.
8. Consequently, it has not been demonstrated that the site is suitable for residential development in terms of noise impacts. The proposal conflicts with Policies DS5 and EN8 of Bradford's Core Strategy Development Plan Document (2017), which seek to ensure that new development does not expose prospective users and residents to unacceptable levels of noise.

Other Matters

9. The site lies within the Bradford City Centre Conservation Area (CA). Although the Council did not cite heritage impacts as a reason for refusal, the lack of detail in respect of the proposed shopfront alterations prevents a full assessment of their effect on the character and appearance of the CA. Nevertheless, as the appeal is being dismissed on other grounds, the CA would remain unaffected.
10. The appellant's concerns regarding the Council's handling of the planning application have been noted. However, these matters do not influence the planning merits of the case and have not affected my decision.

Planning Balance

11. The proposal would contribute to the delivery of housing, while reusing an existing building in an accessible urban location. These are recognised benefits. However, the scale of the benefits arising from one dwelling would be small.
12. On the other hand, the potential for occupiers of the development to be exposed to significant noise disturbance and the lack of evidence to address this issue weighs heavily against the proposal. The resultant conflict with the development plan is afforded significant weight.
13. Overall, the adverse impacts of the development would significantly and demonstrably outweigh the limited benefits. Accordingly, the proposal does not represent sustainable development.

Conclusion

14. The proposal conflicts with the development plan when considered as a whole. There are no material considerations that indicate a decision other than in accordance with the development plan. Therefore, the appeal is dismissed.

A Caines

INSPECTOR