



Appeal Decision

Site visit made on 1 July 2025

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Appeal Ref: APP/W4705/W/25/3365435

18 Low Green Terrace, Bradford BD7 3NA

- 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 Mrs Sadiya Khaliq against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 25/00064/FUL.
 - The development proposed is described as: *retrospective change of use from incillary office to residential accommodation not involving any external works.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The evidence before me indicates that the application was made retrospectively. During my site visit, I noted that the development had been carried out and appeared to be in accordance with the plans submitted with the application. I have dealt with the appeal on this basis.
3. In their reason for refusal, the Council did not conclude against any policy of the Local Plan for the Bradford District Core Strategy 2017 (LP). Planning decisions must be made in accordance with the development plan. The Council did indicate however which policies were relevant to this application in their statement of relevant policies within the officer report. These policies were provided during the appeal. The appellant has had the opportunity to comment on the officer report presented by the Council through their statement of case. I have therefore assessed the relevance of the policies listed in the officer report to the main issue of this appeal.

Main Issue

4. The main issue is the effect of the development upon the living conditions of the occupants of the development, with particular regard to noise.

Reasons

5. The development is part of a detached building which is situated on the corner of Low Green Terrace. Owing to its corner position and unique form, this building is unlike the terraced rows which make up the neighbouring street scenes. The evidence suggests that this building had previously been used as a workshop. The area of the building subject to this appeal was used as an office space on both the ground and first floor, prior to its conversion to residential accommodation. During my site visit, I noted that the workshop area of the building was vacant, and this appeared to have been the case for some time.

6. It is important to establish the lawful use of the building before an assessment of its effect would be to the development subject to this appeal. The Council note that the building did not have consent for its use as a workshop. However, by reason of its historic use overtime, it was immune from enforcement action. In following the planning history of the building, I also note that an application was refused to change the use of the building to that of a storage use. In the absence of any convincing evidence contrary to this assessment, the other area of the building would lawfully be classed as a workshop for the purposes of this appeal.
7. Policy DS5 of the LP seeks that, amongst other things, developments should ensure that a pleasant environment is created. This includes that developments should not harm the amenity of perspective or existing residents with specific regard to noise, amongst other matters.
8. The area of the building which is adjacent to the appeal site would be permitted to be used as a workshop. As such, noise would typically be expected to be generated from the use of different types of machinery, the movement of materials within the building and the voices of individuals working within it. If the permitted use was to resume, this would have a harmful effect upon the occupants of the development. The generation of noise from these activities would have a harmful effect on the living conditions of the occupants of the appeal development. The application was not supported by a noise report. As such, owing to the absence of such a report, no mitigation and its effect upon the development can be assessed.
9. This leads me to the conclusion that a pleasant environment would not be created and the development would harm the amenity of residents, owing to their incompatibility of uses and close proximity within the same building. This development is therefore in conflict with Policy DS5 of the LP.

Other Matters

10. The appeal site lies within the Great Horton Conservation Area. Although no concerns were raised with regard to the effect of the development on the conservation area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. Due to the absence of any external works of the building, I find that the proposal would preserve the character and appearance of the Great Horton Conservation Area.
11. As noted in my preliminary matter, this appeal has been made retrospectively. The evidence suggests that this development is occupied. This was confirmed during my site visit. It was also evident that the property was also occupied by children. I recognise that the failure of this appeal could affect the living arrangements for the current occupants of the development. I have had due regard to Article 8 of the Human Rights Act 1998, Article 3 of the United Nations Convention on the Rights of the Child and the Public Sector Equality Duty (PSED) under the Equality Act 2010. These rights are engaged in reaching my decision and therefore, comments were requested by the parties during the appeal.
12. However, these rights are qualified rights, and interference may be justified where in the public interest. I have had regard to the development plan, which aims to provide a pleasant environment for its residents and their accommodation which is overall in the public interest. I have found that if the permitted use of the workshop were to be resumed, this would have a harmful effect upon the occupants of the

development. Due to the absence of a noise report, no appropriate mitigation has been identified. As such there are options available to the appellant including pursuing an alternative scheme or the submission of such information which might allow all current residents to remain at the site. Therefore, the dismissal of the appeal would not unacceptably violate the rights under Article 8 of the Human Rights Act 1998, Article 3 of the United Nations Convention on the Rights of the Child and the PSED under the Equality Act 2010.

13. The appellant has presented concerns with the conduct of the Council in their handling of this case during the application. Ultimately, I have had regard to the planning merits of the respective parties' cases insofar as they relate to the main issue for consideration in this appeal. Where matters are not directly relevant to the main issue, it is not within my remit to form a view or verdict on these matters.

Planning Balance

14. The Council has noted that that they have a Five-Year Housing Land Supply (5YHLS) position of 2.06 years. Consequently, as I have not found that this development would provide a strong reason for refusal in protected areas, in this case, a conservation area, the presumption in favour of sustainable development in Paragraph 11d of the Framework should be applied.
15. I have found conflict with Policy DS5 of the LP as I have found harm with the effect of the development upon the living conditions of the occupants of the development. This policy is consistent with the Framework in ensuring that proposals do not harm the amenity of the occupants of a development. On that basis, I conclude that there is conflict with the development plan when read as a whole.
16. The Framework refers to significantly boosting the supply of housing. In an era of housing shortfalls, as evidenced by the low 5YHLS position as presented by the Council, every home matters. This two-bedroom unit provides a small contribution to that supply. As it is a retrospective application and appeal, economic benefits would have been experienced during the construction phase of the dwelling and its occupants would have spent money in the local area since their occupation.
17. However, these benefits would be limited. The harm to the living conditions of the occupants of the development if its lawful use class was to be resumed, would be significant. When assessed against the policies in the Framework when taken as a whole, the adverse impact to the living conditions of the occupants significantly and demonstrably outweigh the benefits when taken as a whole.

Conclusion

18. For the reasons given above, I conclude that the development does conflict with the development plan when read as a whole. There are no material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

J Smith

INSPECTOR