



Appeal Decision

Site visit made on 16 July 2025

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 August 2025

Appeal Ref: APP/X4725/W/25/3364690

1A Ropergate, Pontefract WF8 1JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Mohammed Malik against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 22/02551/S7301.
 - The application sought planning permission for a Conversion to taxi booking office with no external alterations (retrospective) without complying with a condition attached to planning permission Ref 22/02551/FUL, dated 31 March 2023.
 - The condition in dispute is No 2 which states that: *The site shall operate as a taxi operators office only, and not as an in-person booking office. At no time shall taxi drivers or customers be permitted to wait in, be collected from and/or be dropped off at the application premises. At no time shall the loading bay to the front of the premises be used for the purpose of collecting or dropping off customers.*
 - The reason given for the condition is: *In the interests of access and highway safety in accordance with Policy D14 of the Local Development Framework Development Policies Document and Paragraph 111 of the NPPF.*
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of removing the condition on highway safety; and, whether the development would preserve or enhance the character or appearance of the Pontefract Market Place Conservation Area.

Reasons

Highway Safety

3. Ropergate is a narrow one-way street within Pontefract town centre. There are marked on-street, pay and display, parking bays along one side of the street and double yellow lines on the other side. A lay by is located to the front of the site with a single yellow line restriction. Parking restrictions for both the lay-by and the on-street parking is between 8am and 6pm Monday to Saturday. The appeal site lies very close to the junction between Ropergate and Jubilee Way (the A639). The junction is controlled by traffic lights.
4. The condition in dispute prohibits the use of the premises as an in-person booking office; its use as a waiting area for drivers and customers; and, collections/drop offs

from the premises or the lay by. Removing the condition would allow for the premises to operate in an unrestricted manner. However, the on-street parking restrictions would remain.

5. By allowing the use of the premises as an in person booking office and waiting area for customers, it is probable that the level of taxi activity associated with the use, to the front of the premises and along Ropergate, would increase. It is not unreasonable to assume that customers seeking a taxi would expect to be collected from outside the premises rather than be directed elsewhere for collection. Allowing the premises to be used as a waiting area is clearly indicative of this. I have no compelling evidence to demonstrate that the premises would not operate in this manner.
6. During the daytime, when parking restrictions are in place, there would be nowhere to the front of the premises for taxis to park. This is unless drivers paid the required parking fee. Given the relatively short time for collection this would seem unlikely and I note that the appellant acknowledge that this would not be economically viable for the drivers. Therefore, it is possible that taxis would pull up to the front of the premises to make a collection. This would require them to wait on the single lane street. This has the potential to block the free flow of traffic along Ropergate, which could ultimately lead to frustration for other drivers and potentially erratic or dangerous manoeuvres. This would be exacerbated by the narrowness of Ropergate and the close proximity to the junction with Jubilee Way. There may also be a danger that taxis would mount the kerb to ensure that there is space for a vehicle to pass. Either occurrence would be a risk to both pedestrians and vehicles.
7. I have no evidence to demonstrate how well used the street is for parking during the evening or night time when parking restrictions are lifted. If the lay-by and closest parking spaces are regularly used then similar scenarios may arise.
8. The Councils Highway Officer advised that they had insufficient information to assess the effects of the development on highway safety. I would agree, and no robust evidence has been forthcoming as part of this appeal. I have no evidence relating to how the use is anticipated to operate, or the likely level of taxi activity which could arise by removing the condition. In addition, I have no detail of the level of on-street parking in close proximity to the site which may be available throughout the day, including in the evening when parking restrictions are relaxed.
9. I note the concerns of the appellant that the effects of the development are based on assumptions. However, there is an onus is on the appellant to demonstrate that the effects are, or can be made, acceptable. In this instance, there is very limited information to demonstrate that the concerns of the Council are not valid, and I share these concerns. As such, without any evidence to the contrary, I am satisfied that the condition remains reasonable and necessary, and would meet the relevant tests for conditions.
10. For the above reasons, I have insufficient information to be satisfied that the removal of the condition would not have a harmful effect on highway safety. Therefore, the development conflicts with Policy LP27 of the Wakefield Council Local Development Framework – Development Policies (2009) (the LDF) which requires that development does not present an unacceptable impact on highway safety.

The Pontefract Market Place Conservation Area (The PMPCA)

11. The Pontefract Market Place Conservation Area Appraisal and Management Plan (the CAAMP) provides a good understanding to the PMPCA, its historic origins and development along with features and characteristics of importance. Insofar as relevant to the appeal, the significance of the PMPCA derives from the historic origins and plan form of the streets, the preserved burgage plots, and the architectural quality of the buildings that the PMPCA possess.
12. The appeal building and its adjacent row are identified in the CAAMP as being locally listed buildings. The CAAMP identifies that there are various listed buildings along Ropergate while the views along Ropergate are identified as being key ones. The quality of buildings along Ropergate, including the appeal site, contribute positively towards the character and appearance of the PMPCA.
13. The Council are concerned that, by removing the condition, there may be an increase in the number of vehicles in the immediate area, including those which may be idling. This, in their opinion, would have a harmful effect on the character and appearance of the PMPCA.
14. As I have noted in the first main issue, the appeal site lies very close to the junction of Ropergate and the A639. The site is also very close to a roundabout where the A639 and the A645 meet. The A639 is one of the main routes through Pontefract and, at the time of my site visit, was well trafficked. The proximity to the A639 means that there is an underlying high level of vehicular activity very close to the appeal site. Furthermore, the signal controlled junction and proximity to the A639/A645 roundabout means that vehicles idling or moving very slowly is a regular occurrence in this area.
15. As concluded in the first main issue, I do not have any evidence regarding the level of additional vehicles which may arise by removing the condition. However, in the context of the existing road network, I am not persuaded that presence of additional vehicles close to the appeal site, whether parked lawfully or idling in the street, would erode any tranquillity in the area or result in a material change in the character of the PMPCA. To this end, I am also mindful that the condition was originally imposed for highway safety reasons only.
16. Therefore, I consider that the development would have a neutral effect on the character and appearance of the PMPCA, and would not be harmful to the significance of the heritage asset.
17. For the above reasons, the development would preserve the character and appearance of the PMPCA. Therefore, the development complies with Policies SP23 and LP63 of the LDF. These, amongst other things, require that development conserves historic assets. LP65 relates to non-designated heritage assets and does not appear to be directly relevant to this main issue.

Conclusion

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

D Cleary

INSPECTOR