



Appeal Decision

Site visit made on 13 August 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Appeal Ref: APP/N4720/W/25/3366404

18 New Market, Otley, Leeds LS21 3AE

- 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 Mark Rowston against the decision of Leeds City Council.
 - The application Ref is 25/01108/FU.
 - The development proposed is change of use from retail unit (bottle shop) to hot food takeaway for consumption off the premises.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The decision notice provides a clearer, more concise description of development than the application form. For clarity, I have adopted the description given on the decision notice.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The appeal building is a small commercial property located on New Market. New Market is a narrow single carriageway street with several commercial premises located to either side of it. Traffic restrictions are in place from 08:00 to 18:00, with parking allowed outside of these times.
5. Given the narrow width of the road, most parking would require vehicles to mount the footway to allow other vehicles to pass. This would force pedestrians to step off the pavement and walk within the carriageway. Moreover, as New Market is not a through road, any vehicles attempting to park would be required to turn within a confined space, resulting in awkward and potentially hazardous manoeuvres. The appeal site does not offer any space to park or undertake such manoeuvres. As such, this proposal would create several implications which would be detrimental to highway safety.
6. The appellant suggests that the proposed development would not offer delivery services and that it would rely solely on foot traffic. However, these are not matters that could be effectively controlled through planning conditions. Restricting the business to footfall alone would be unreasonable, as the operational nature of the business may be required to evolve over time. Turning to delivery services, any condition seeking to prohibit them would be unenforceable, given the absence of any practical mechanism to determine whether a vehicle is being operated by a delivery

driver. Consequently, this would result in indiscriminate parking by customer and delivery vehicles alike.

7. The appellant draws comparisons with several nearby businesses operating in close proximity to the appeal site. However, the evidence before me indicates that Café Café, The Rumbling Tum Café, and Odeli all close prior to the lifting of the parking restrictions in this location. In comparison, the appeal proposal would shut at the later time of 20:00, in periods where parking is permitted.
8. While Imperio Pizza appears to operate as a takeaway beyond 18:00, the Council has noted that this business benefits from extant planning permission. Nevertheless, I have not been provided with the rationale behind that decision by either party and therefore, I cannot assess its relevance or comparability to the current case. It is also claimed that Middemiss Butchers, the Wetherspoon public house known as The Bowling Green and St Gemma's Hospice receive deliveries on New Market. However, this assertion is anecdotal, and there is no substantive evidence before me to confirm how delivery practices do take place. Even if they were to take place as suggested, these businesses are different to the appeal proposal and therefore, would have different business delivery requirements.
9. In response to the conditions proposed by the Council, the appellant highlights that cycle parking cannot be accommodated directly outside the appeal site. Upon reviewing this suggested condition, I find that due to the limited area within the red line boundary, the requirements set out in the condition are unlikely to be achievable. Consequently, the appellant has offered to contribute to the expansion of local cycle parking facilities, increasing provision from three to four spaces if necessary. However, the appeal documentation does not include an appropriate mechanism through which such a contribution could be formally secured.
10. In response to the Council's suggested waste management condition, the appellant states that an arrangement has been made to share commercial waste bins with The Otley Tavern. They argue that this would avoid generating additional traffic for waste collection, as this service is already in place. However, this would not address the broader highway safety concerns arising from other vehicle movements associated with the proposal, particularly those involving customers or delivery operatives collecting orders.
11. To conclude, the proposed development would have an unacceptable affect upon highway safety, including the safety of pedestrians. The development conflicts with Policy T2 of the Leeds City Council Core Strategy, Policy GP5 of the Leeds Unitary Development Plan, the guidance found within the Street Design Guide Supplementary Planning Document and the provisions of the National Planning Policy Framework. These seek, amongst other things, to ensure that development does not have an unacceptable impact on highway safety.

Conclusion

12. For the reasons given, the proposed development would conflict with the development plan when read as a whole and therefore, the appeal should be dismissed.

J Smith

INSPECTOR