



Appeal Decision

Site visit made on 12 August 2025

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 August 2025

Appeal Ref: APP/J3015/W/25/3364982

Former Dyeworks Site, Bailey Street, Stapleford, Nottinghamshire NG9 7BD

- 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 Michael Feuz against the decision of Broxtowe Borough Council.
 - The application Ref is 23/00095/FUL.
 - The development proposed is a change of use of land to open storage and siting of storage containers and skips (Class B8) including access point off West End Street and egress point on Bailey Street.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of land to open storage and siting of storage containers and skips (Class B8) including access point off West End Street and egress point on Bailey Street at the former dyeworks site, Bailey Street, Stapleford, Nottinghamshire NG9 7BD in accordance with the terms of the application, Ref 23/00095/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: PG/MF/2010/012/101 Rev B.
 - 3) Within 30 days of the date of this planning permission there should be no more than 9 containers and 2 skips stationed on the site.
 - 4) No more than 9 storage containers and 2 skips shall be stationed within the site and they shall not be stacked in any means or form. All the containers shall be stationed in the location shown on Drawing No. PG/MF/2010/012/101 Rev B.
 - 5) All deliveries and collections by commercial vehicles shall only be made to or from the site between 08:00 and 17:00 hours Monday to Friday, 08:00 and 13:00 hours on Saturday and at no time on Sundays, bank holidays and other public holidays.

Procedural Matter

2. For reasons of clarity, the description of development from the council's decision notice and appeal form has been adopted.

Main Issue

3. It is considered that the main issue is the effects of the proposed development on the safety of other highway users.

Reasons

4. The proposed development is for the use of the appeal site as open storage and the siting of storage containers and skips. The site comprises previously developed land within the urban area.
5. The site is identified as an existing employment site in the Broxtowe Local Plan Part 2 (LP) whereby its redevelopment for employment purposes is supported. In the assessment of this appeal significant weight is given to this identification in a development plan.
6. Subject to conditions, including hours of operation, planning permission for the temporary use of the southern part of the site for storage and distribution uses has previously been granted by the council (Ref 19/00779/FUL). Only temporary permission was granted because the site fell within the safeguarding land associated with HS2 but the Government has subsequently announced that this part of the route is no longer being pursued.
7. The approved access was along West End Street which has residential properties either side. Unlike this temporary planning permission which relied upon a single access route for all traffic, access to the site proposed as part of the appeal scheme is via West End Street and egress via Bailey Street. Only limited weight is given to this temporary planning permission in the determination of this appeal because the size of the site is materially larger than what was approved and the consent has now lapsed.
8. Prior to the temporary consent, the council granted permission for 7 industrial units albeit with an access from Derby Road (Ref 13/00609/FUL). This permission remains capable of implementation according to the available evidence but access was granted via Derby Road. Accordingly, only moderate weight is given to this temporary permission in determination of this appeal.
9. The highway authority has not raised any objections on highway safety or congestion grounds to the suitability of using West End Street and Bailey Street as the access and egress to the proposed development. The available width of these roads, after taking into account on-street parking which is primarily restricted to residents, and their junctions with Derby Road would be capable of accommodating the expected size of lorries which would be used to transport the materials and plant stored on the site.
10. The appellant claims that the proposed use would generate up-to 10 lorry movements per day albeit this is disputed by residents based upon their claimed experience with the temporary permission. There is, however, no specific evidence about the number of lorries entering/exiting the southern part of the site pursuant to the approved temporary storage use. Although the claims about the previous experience of lorries queuing on West End Street have been carefully noted, there is no cogent evidence about the frequency and duration of any such queuing, including the length of time access to residential properties may have been curtailed.

11. Subject to appropriate conditions, the council's Environmental Health Officer has not raised objections to the proposed development because of the effects of the proposed traffic movements on the living conditions of the occupiers of the residential properties fronting West End Street and Bailey Street. A suitable condition to restrict hours of access to the site could be imposed if this appeal succeeds and this would be capable of enforcement by the council.
12. For the reasons given, and taking into account its identification as an employment site in the development plan, it is concluded that the proposed development would not cause unacceptable harm to highway safety and, as such, it would not conflict with LP Policy 17 and Policy 14 of the Aligned Core Strategy Part 1 Local Plan concerning proposals having safe and convenient access and not compromising the effective operation of the highway network.

Other Matters

13. Concerns have been raised by local residents about the proposed activities which could be undertaken on the site. However, the Environmental Health Officer has not raised concerns related to unacceptable noise and odour emissions from the proposed development. Conditions limiting number of skips and other storage containers, and the location of these storage containers, could be imposed if this appeal succeeds to control the proposed activities occurring on the site. Such conditions would reduce the number of skips and containers currently stationed on the site and could also prevent stacking.
14. Accordingly, and although the concerns of local residents have been carefully noted, there are no reasons to disagree with the Environmental Health Officer's assessment concerning the effect of the proposed development on the living conditions of the occupiers of neighbouring properties and, as such, there would not be a conflict with LP Policy 10 concerning proposals not having an adverse impact on nearby occupiers.

Conditions

15. The council has suggested conditions in the event that this appeal succeeds which have been assessed against the tests identified in the National Planning Policy Framework and the Planning Practice Guidance. For reasons of clarity, a condition is necessary to identify the approved drawing. As already identified, conditions are necessary to limit the hours of access to the site, the number of skips and containers stationed on the site and the location of these containers within the site. These conditions would protect the living conditions of the occupiers of neighbouring properties. Accordingly, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR