
Appeal Decision

Site visit made on 16 December 2025

by **M Ollerenshaw BSc(Hons) MTPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th January 2026

Appeal Ref: APP/X4725/C/24/3351832

Land at the Dewsbury Road Police Box, Dewsbury Road, Wakefield, WF2 9BY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Muhammad Norman Yousaf Butt against an enforcement notice issued by Wakefield Metropolitan District Council.
- The notice was issued on 14 August 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the change of use from Police Office Box (vacant) to use as a retail shop class E(a), on the Land.
- The requirements of the notice are to cease the use of the building as a retail shop (use class E(a)).
- The period for compliance with the requirements is one month.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a correction in the terms set out below in the Formal Decision.

Preliminary Matters

1. The enforcement notice alleges the change of use of the appeal building, a single storey former Police Office Box, to a retail shop. The allegation should have stated “material change of use”, as this is the act of development as defined by statute. I can make this minor correction without causing injustice to the parties.

The ground (a) appeal

2. An appeal on ground (a) is that planning permission ought to be granted for what is alleged in the notice. The main issue in this case is the effect of the development on highway safety.

Reasons

3. The unauthorised use of the appeal building is as a convenience store primarily selling vaping products, within use class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The building is set back a short distance from the northern side of Dewsbury Road, with an area of hardstanding to the front and side.
4. The site is close to the crossroads of Dewsbury Road, Flanshaw Lane and George A Green Road, which is controlled by traffic lights. At the time of my site visit on a midweek morning there was a steady flow of vehicles along Dewsbury Road which is a busy main road leading into and out of the city centre. There are double yellow lines and a bus lane directly outside the site along this side of the road. Slightly further along is a bus stop and then a small lay-by which appears to be for the use of visitors to the nearby public open space/playground. Roadside parking on the southern side of the road is for residents of the row of dwellings there.

5. There is no dedicated parking provision for customers of the shop. The parking spaces along the southern side of the road are for permit holders only and any customers parking there would have to cross the busy highway. There are very few parking spaces outside the playground and these do not specifically serve the appeal premises. I acknowledge that some customers will arrive on foot or public transport, but it is likely that a proportion will arrive by car given the prominent location of the building on a busy through route.
6. Although some car-borne customers will choose to park away from the site, there is a likelihood that others will pull up or park on the road directly outside the premises to undertake a short visit. That could impede the safe and free flow of traffic on Dewsbury Road close to the busy junction, and obstruct the operation of the nearby bus lane and bus stop, thereby giving rise to conditions unacceptably detrimental to highway safety. The appeal building once operated as a police box. However, the unauthorised use will likely have generated an increase in vehicle movements compared to that previous use.
7. The space at the side of the building allows for a staff member to park and for occasional deliveries of stock, however given the lack of space this would likely involve a car either reversing in or out across the public footway which is potentially hazardous on this busy main road close to the junction and the bus stop. The frequency of such manoeuvres would likely be modest but nevertheless reinforces my view that the development is harmful to highway safety.
8. For these reasons I conclude that the development compromises highway safety. Thus, it conflicts with Policy LP27 of the Wakefield District Local Plan 2036 (adopted January 2024) which, amongst other things, requires proposals to ensure suitable access, not present an unacceptable impact on highway safety and provide an appropriate level of parking provision. There is also a conflict with paragraph 116 of the National Planning Policy Framework which advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative effects on the road network would be severe.
9. The appellant says that using the building prevents it from becoming a target for anti-social behaviour and an eyesore. There is, however, no substantive evidence before me to suggest that the unauthorised use is the only means of addressing this issue. The potential improvements that the appellant intends to make to the exterior of the building, and the small contribution to the local economy through the payment of business rates, attract only limited weight. Consequently, the matters raised in support of the development do not outweigh the harm to highway safety.
10. I note the Council's other concerns with the unauthorised use, including the effect on nearby amenity, noise, anti-social behaviour and litter. Given that the appeal is being dismissed for other reasons and planning permission is not being granted, I do not need to consider these other matters further.

Conclusion

11. For the reasons given above, I find that the appeal scheme conflicts with the development plan as a whole and there are no material considerations which indicate that the decision should be taken otherwise in accordance with this.

12. I conclude that the appeal on ground (a) should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decision

13. It is directed that the enforcement notice is corrected by deleting the words in paragraph 3 of the notice and replacing them with “Without planning permission, the material change of use from Police Office Box (vacant) to use as a retail shop class E(a), on the Land”.
14. Subject to this correction, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under Section 177(5) of the 1990 Act as amended.

M Offerenshaw

INSPECTOR