



Appeal Decision

Site visit made on 13 February 2026

by **A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC**

an Inspector appointed by the Secretary of State

Decision date: 17 March 2026

Appeal Ref: APP/X4725/C/24/3354740

67 Station Road, Ossett WF5 8AY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Jonathan Gardiner against an enforcement notice issued by the Council of the City of Wakefield.
- The notice was issued on 27 September 2024.
- The breach of planning control as alleged in the notice is the material change of use of a private pool hall to private hire pool hall with gym and sauna/spa area, on the Land.
- The requirement of the notice is to cease the use as a private hire pool hall, sauna/spa and gym area.
- The period for compliance with the requirement is 1 month.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a correction and variation.

The Enforcement Notice

1. The Notice alleges “the material change of use of a private pool hall to private hire pool hall with gym and sauna/spa” whereas at my site visit I observed that the property in question is not being used as a “pool hall” which is a place where pool is played. The intention of the Notice is to enforce against the unauthorised material change of the use of a private swimming pool with gym and sauna/spa to private hire swimming pool with gym and sauna/spa area. These are materially different uses, but from the evidence submitted the appellant clearly knows what the intended purpose of the Notice is. Consequently, in these circumstances I can direct that the description of the alleged breach of planning control and consequent requirements are varied without causing injustice to the main parties.

The appeal on ground (a)

2. The ground of appeal is that planning permission should be granted. The main issues are
 - i. The effect on the safe movement of all highway users;
 - ii. The effect on the living conditions of the occupants of nearby residential properties with particular reference to noise and disturbance; and
 - iii. Whether the development preserves or enhances the character or appearance of the Ossett Conservation Area and its setting.
3. The site comprises a large, detached dormer bungalow located within a short walking distance of Ossett Town Centre and positioned close to two retirement and care homes. It falls within the designated Ossett Conservation Area. Access to the

property is gained via a gated entrance off New Street. At the front of the dwelling, there is a paved parking area, with a garage situated in the northeast corner of the plot, offering further off-street parking.

Highways

4. The Council's main concern is that the site provides ample off-street parking for both residents and pool clients, but increased visitor numbers may lead to parking on the main road, causing access issues. Furthermore, that a rise in customer traffic is likely to negatively affect highway safety.
5. Although the appeal property's address is Station Road, the vehicular and pedestrian access is off New Street. The street has two way vehicular movements but there is parking along the south-west side of the street which effectively restricts the street to single carriageway movements. The on-street car parking available close to the access into the appeal site is restricted to one hour. There is a single yellow line along the north-east side of the street which restricts parking and allows for the passage of vehicles. In the vicinity of the site there are pedestrian paths on both sides of the street. Immediately adjacent to the site entrance is another vehicular access which serves residential properties on Prospect Place and close to the entrance on the opposite side of the road is the access into Croftlands, which is an extra care development of 27 one-bedroom apartments.
6. At the time of my morning site visit I noted that there were several cars parked along New Street, restricting vehicular movements to one-way in the locality. The entrance into the site is relatively wide and the security gates are set back into the site, meaning that customers can pull off the road to wait for the gates to open. At the time of my visit there were four swimmers using the pool, but I did not see any vehicles entering the site during the full hour of my observations. There is also some space within the appeal site for vehicles to manoeuvre.
7. I can see from the evidence submitted by the appellant that traffic numbers and speeds in the vicinity are relatively low and that the visibility splay provided will meet the recommended Y-distance in Manual for Streets. However, at times when there are events at the pool and during times when different groups are entering and leaving the site at the same time there may be conflicting movements at the access onto New Street. Given the restricted nature of the access and the street, the potential for competition for on-street car parking spaces and the presence of other vehicular and pedestrian accesses in the immediate locality there is potential for disruption, conflicting movements and potentially hazardous highway conditions.
8. I have noted that the development advertises to host up to 15 people and private pool parties with amplified music and lighting. In the event of such an event or back-to-back events there would not be adequate on-site parking and vehicles would need to park elsewhere, but potentially not on New Street which is restricted to one hour. Visitors looking for car parking opportunities in the area could also lead to highway conflicts.
9. Therefore, there is potential for a number of issues relating to highway safety. The appellant has provided some evidence to support their appeal on ground (a) but that is not sufficient evidence to alleviate my concerns that the development does not have a harmful effect on the safe movement of all highway users. As such it conflicts with Policy LP27 of Wakefield District Local Plan 2026 Volume 1

Development Strategy, Strategic and Local Policies (the LP) which aims to ensure that proposals can be accessed conveniently and safely by modes of transport other than cars. In particular proposals shall ensure suitable access to and within the development whilst not presenting an unacceptable impact on highway safety.

Living conditions

10. It is my understanding that the Council's Environmental Health team has investigated the site on numerous occasions due to noise complaints from nearby residents following its change of use. The property is advertised for private parties, generating excessive noise, and no measures are in place to prevent disturbance from the pool or sauna area. As a result, amplified music and associated client noise are causing significant harm to neighbouring residential amenity. The Council's concerns are confirmed by a number of local residents who object to levels of noise and general activity associated with the unauthorised use.
11. In response, the appellant has submitted a Noise Impact Assessment to show that the use would not result in unacceptable levels of noise. A baseline noise survey was completed at a location representative of the nearest noise-sensitive receptor and the results show that noise from pool-hire activities is equal to or below existing ambient daytime sound levels. The assessment concludes that the noise generated is so low that it cannot be distinguished from the general background environment.
12. It is my understanding that the assessment was carried out on a worst-case basis, without accounting for the screening effect of features such as the boundary wall. The report acknowledges that any noise from pool hire may be noticeable but is not distinguishable from typical street or highway activity, placing it within the "No Observed Adverse Effect Level." As such it is concluded that no noise mitigation is required and the impact of noise should not prevent approval for daytime commercial hire of the pool.
13. I do not dispute the findings of the Noise Assessment but in my judgement and based on the experience of local residents there is evidence of increased levels of noise and disturbance from the use which is detrimental to living conditions. In addition, the opening hours extend into the night time according to the appellant's evidence. There are various noise sensitive uses in the immediate locality of the appeal site, including extra care living, sheltered housing and retirement homes. As well as specific noise there will be additional levels of disturbance arising from traffic movements and from visitors opening and closing car doors, for example.
14. Therefore, on this matter I conclude that the development is harmful to the living conditions of the occupants of nearby residential properties with particular reference to noise and disturbance. As such there is conflict with Policies LP56 and LP67 of the LP which among other objectives ensure that developments shall have no significant detrimental impact on the amenity of neighbouring residents.

Historic environment

15. The Council has stated that the development gives rise to a significant impact on the Ossett Conservation Area but no further details are given. In Conservation Areas the duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires consideration of the effect on the character and

appearance. Specifically, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

16. Since there are no alterations to the building and no operational development is involved the development cannot be said to be harmful to the appearance of the Conservation Area. However, this part of the Conservation Area is characterised by a range of different residential uses including private dwellings, retirement homes and sheltered accommodation. The commercial use the subject of the current appeal is a private hire pool which was previously a private pool associated with the property's dwellinghouse. The pool area with gym and sauna/spa is rented out for swimming and pool related events and is a party-themed venue with amplified music and disco lights. It is my understanding that the facility is available for up to 15 visitors at an event, but there is other evidence from the appellant which indicates higher numbers.
17. In my judgement that activity is very different from the relatively quiet residential area in which it is situated and as previously described could give rise to unacceptable levels of noise and disturbance to the detriment of the living conditions of nearby residential occupants. The levels of activity, including vehicle movements, people moving to and from the site and within the site, amplified music and party events could disrupt the ambience and residential character of the area to an unacceptable degree.
18. Accordingly, the development cause material harm to the special interest of the Conservation Area, so failing to preserve it, the desirability of which (as required by the Act) has been affirmed by the Courts as a matter of considerable importance and weigh. Moreover, it would fail to accord with the expectations of the Framework which anticipates great weight being given to the conservation of designated heritage assets. For the same reasons the development conflicts with Policies LP63 and LP64 of the LP.
19. Under such circumstances, it is advised that this harm should be weighed against the public benefits of the proposal. Although the appellant has not identified specific public benefits, I can see that swimming can provide valuable exercise with associated social, health and community benefits. This attracts moderate weight in support of the appeal.
20. However, the conflict with Policies LP63 and LP64 of the LP and the policy in the Framework outweigh the benefits of the development and indicates that planning permission should not be granted for the development.

The appeal on ground (f)

21. The ground of appeal is that the steps required to be taken exceed what is necessary to achieve the purpose. The purposes of an enforcement notice are set out in s173 of the Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173(4)(b)). Since the notice requires the use of the Land as a private hire pool hall with gym and sauna/spa area to cease, the purpose is clearly to remedy the breach. Anything short of that would not achieve that purpose. I am not persuaded that in this case conditions would satisfactorily mitigate the harms I have identified, above. In this respect, the appeal on ground (f) fails.

The appeal on ground (g)

22. The ground of appeal is that the time given to comply with the requirements is too short. The one calendar month given would be sufficient to cease the use of the Land as a private hire pool hall with gym and sauna/spa area, sauna/spa and gym area. The appellant argues that the use provides a much needed local service and that people would need to find alternative facilities. With this in mind, I consider that the suggested alternative period for compliance of 3 months is suitable in these circumstances and would strike the appropriate balance between remedying the breach of planning control without placing a disproportionate burden on the appellant. To this limited extent the appeal on ground (g) succeeds.

Formal Decision

23. I direct that the enforcement notice should be corrected by:

- a) the deletion from paragraph 3 of the words “pool hall to private hire pool hall” and the substitution therefor with the words “swimming pool to private hire swimming pool”;
- b) the deletion from paragraph 4 of the words “pool hall to private hire pool hall” and the substitution therefor with the words “swimming pool to private hire swimming pool”;
- c) the deletion from paragraph 5 of the words “pool hall” and the substitution therefor with the words “swimming pool”.

and varied by:

- d) the deletion from paragraph 6 of the words “1 month” and the substitution therefor of the words “3 months” as the time for compliance with the requirements.
24. Subject to the above 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.

A A Phillips

INSPECTOR