
Appeal Decisions

Site visit made on 3 March 2026

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

an Inspector appointed by the Secretary of State

Decision date: 19th March 2026

Appeal A Ref: APP/X4725/W/25/3361445

Sleep Factory Ltd, St Oswalds Place, Ossett, Wakefield, WF5 9JT

- 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 M Khan, Sleep Factory Ltd against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 22/01357/FUL.
 - The development proposed is described on the application form as 'new storage and distribution unit (retrospective)'.
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Appeal B Ref: APP/X4725/C/25/3361483

Land at Sleep Factory Ltd, Enterprise Works, Wakefield Road, Ossett, WF5 9JT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr M Khan, SSK Group Ltd against an enforcement notice issued by Wakefield Metropolitan District Council.
 - The notice was issued on 31 January 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of a side extension (shown purple on the attached plan) on the Land.
 - The requirements of the notice are to:
 1. Demolish the side extension (shown purple on the attached plan)
 2. Remove from the Land any demolition materials resulting from arising from compliance with the aforementioned requirements of the notice.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed, and the enforcement notice is upheld.

Procedural Matters

3. Appeals A and B relate to an extension to the side of the factory premises. Appeal A is an appeal under section 78 against the refusal of planning permission for a proposal described as a 'new storage and distribution unit (retrospective)' (ref. 22/01357/FUL). Appeal B is an appeal against the enforcement notice which is concerned with the development as built, which is a larger extension than is detailed on the plans for Appeal A. For the avoidance of doubt, I have considered Appeal A on the basis of the submitted plans.
4. The plan attached to the notice identifies a large area of land edged red, which includes the appeal building and other units within the business park. Although the land edged red is larger than necessary to address the breach, the evidence before me indicates that the appellant owns the wider freehold and there is no

uncertainty as to the location of the alleged development as this is clearly marked on the plan. I am satisfied that no injustice arises and the notice is therefore not invalid for this reason.

5. As part of the appeals the appellant submitted a 'proposed parking arrangement and tracking plan'. Although this was not before the Council at the time of the planning application, it does not fundamentally change the proposal, and the Council had the opportunity to comment on it through their appeal submissions. Therefore, no party would be prejudiced by my consideration of this plan.

Appeal A – section 78

Main Issue

6. The main issue is the effect of the development on highway safety, with particular regard to the access and parking arrangements.

Reasons

7. The appeal site is a factory unit located at the end of St Oswalds Place, an unadopted road off Wakefield Road. In addition to the appeal site, St Oswalds Place also provides vehicular and pedestrian access to a small number of residential properties. It appears to be wide enough for two way traffic, but its width is reduced when vehicles are parked outside the dwellings. The road surface was in a poor state of repair at the time of my site visit.
8. Wakefield Road provides links to the A638 and the M1 and is a busy road through this predominantly commercial and industrial area, and it is also a bus route. There are footways on both sides of Wakefield Road and on street parking occurs along it which reduces visibility for vehicles emerging from St Oswalds Place.
9. The appeal premises has been used for the manufacture, storage and distribution of beds and mattresses, though operations had ceased by the time of my visit. There is a hard surfaced yard area to the front of the unit, which is partly taken up by small extensions to the front of the building and marked parking bays. There was a small cabin located towards the western site boundary, but otherwise much of the outdoor storage referred to by the Council had been cleared from the site.
10. The appeal development is a metal clad extension of substantial size attached to the western side of the building. The aerial photographs provided by the Council indicate that this side of the building was previously used for outdoor storage, parking and loading and unloading of vehicles, and would also have provided additional space for larger vehicles including HGVs to turn within and leave the site in a forward gear. The unauthorised extension has markedly reduced the available external space within the site, such that these activities have been largely confined to the front of the building. Turning space within the site for larger vehicles is therefore restricted due to the side extension, other extensions to the front of the building, outdoor storage and parking areas.
11. The proposed parking and tracking plan indicates how vehicles, including a 10m long large truck and a 7.17m delivery truck, can enter the site, manoeuvre within it, and exit in forward gear, as shown by swept path analysis. However, the plan confirms that space is tight, particularly if some or all the car parking bays and the storage areas on the site frontage are occupied. Moreover, HGV dimensions are often substantially larger than those indicated on the tracking plan. I am not

therefore persuaded that a larger HGV, of the type commonly associated with factory premises such as the appeal site, can safely turn within and exit the site in forward gear. The appellant says that they tend to use smaller delivery vehicles, but I cannot be sure that large HGVs will not enter the site given that business needs can change, and future occupiers of the unit may have different operational requirements.

12. As a result of the lack of manoeuvring space, to exit the site it is likely that larger vehicles will need to reverse out along St Oswalds Place and then onto Wakefield Road. The representations of neighbouring occupiers attest to the problems with HGVs reversing out of the site. Such manoeuvres are potentially hazardous due to the nature of St Oswalds Place, as described above, and the lack of visibility for vehicles emerging onto Wakefield Road, thereby creating conflict with other road users and pedestrians and posing a highway safety risk.
13. I have considered the appellant's suggestion that the development can be made acceptable, subject to any reasonable and necessary conditions. However, given the site constraints, I am not convinced that there are any conditions that could overcome the harm identified.
14. There is a previous, unimplemented planning permission (ref. 17/01526/FUL) for a side extension in the same location as the extension the subject of this appeal. I note the appellant's view that the advice from the Council's Highway Services differs significantly for the two schemes. However, despite some similarities, the scale and layout of the two schemes are different. In particular, the approved extension was shown to be set further back than the unauthorised extension, which would have enabled more space to be retained in front of the building for vehicles to turn within the site. The previous approval is not, therefore, directly comparable and does not justify the appeal development.
15. The parking arrangement and tracking plan shows parking bays and manoeuvring space within the site for 20 smaller employees' vehicles. The Council indicates that this number would be sufficient for the needs of the unit, as extended. I have no reason to find otherwise based on the evidence and my observations on the site.
16. Nevertheless, for the reasons given, I conclude that the access arrangements for the development are harmful to 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 the National Planning Policy Framework, including paragraph 115 which requires development to achieve safe and suitable access to the site for all users, and paragraph 116 which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other matters

17. Although not referred to in the reasons for refusal of the planning application, the reasons for issuing the enforcement notice (Appeal B) refer to issues relating to residential amenity due to emissions and noise disruption. I have seen no substantive evidence to demonstrate adverse effects on the living conditions of the neighbours by reason of pollution and noise. However, given my findings on the main issue, there has been no need for me to consider these matters further.

18. I have had regard to the likely benefits of the scheme arising from the provision of the additional floorspace at the site. However, the weight attributable to these matters is limited given the modest scale of the development and is outweighed by the harmful effect on highway safety.

Conclusion on section 78 appeal

19. I conclude 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 other than in accordance with the development plan.
20. Therefore, the ground (a) appeal fails, and planning permission will not be granted.

Appeal B on ground (f)

21. The appeal on ground (f) is concerned with whether the requirements of the notice exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity.
22. When an appeal is made on ground (f), it is necessary to understand the purpose of the notice. Section 173(4) of the 1990 Act sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are either (a) the remedying of the breach of planning control or (b) remedying any injury to amenity which has been caused by the breach.
23. In this case, the notice requires the demolition of the side extension and the removal of all demolition materials from the land. The purpose of the notice is therefore to remedy the breach of planning control by restoring the land to its condition before the breach took place.
24. The appellant's ground (f) appeal relates to the planning merits of the development which it is not open to me to consider on the ground (f) appeal.
25. The requirements of the notice go no further than is necessary to achieve the purpose of remedying the breach. There are no obvious alternatives or lesser steps to achieve that purpose. Therefore, the requirements of the notice do not exceed what is reasonably required to remedy the breach of planning control.
26. The appeal on ground (f) fails.

Conclusion

27. For the reasons given above, I conclude that Appeal A is dismissed, and that Appeal B fails and the enforcement notice is upheld.

M Ollerenshaw

INSPECTOR