



Appeal Decision

Site visit made on 7 July 2026

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th July 2926

Appeal Ref: APP/X4725/C/25/3375942

Land at Unit 8 Back Grantley Street, Wakefield, WF1 4LG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Buz Yasin against an enforcement notice issued by Wakefield Metropolitan District Council.
 - The notice was issued on 27 October 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the change of use from B8 storage to a vehicle valeting and repairs (B2) use, on the Land.
 - The requirements of the notice are to: Cease the use of the Land for vehicle valeting and vehicle repairs.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld.

The appeal on ground (b)

2. An appeal on ground (b) is that the matters stated in the notice have not occurred. The question is approached as a matter of fact, and the onus lies with the appellant to make their case on the balance of probabilities.
3. The appeal site is a part two storey, part single storey red brick building with a slate roof. It is situated on Back Grantley Street, a narrow access road serving a small number of commercial units on the western side, and domestic garages to the rear of properties on Stanley Road and parking permit bays to the eastern side. The appeal building has a garage door opening with a metal roller shutter door facing directly onto Back Grantley Street, and there is a car park to the rear of the building.
4. The notice alleges the change of use of the appeal premises from storage (Use Class B8¹) to vehicle valeting and repairs (Use Class B2). The Council states that it was first made aware of a material change of use of the premises in October 2024 following reports made by residents. The appellant notes that a planning application was submitted for the change of use from vehicle garage to valeting. However, this was refused on 21 August 2025² and a subsequent appeal against that decision was dismissed on 13 February 2026³.
5. The Council contends that the alleged use began without planning permission and continued throughout the course of the planning application, and it says that

¹ Of the Town and Country Planning (Use Classes) Order 1987 (as amended)

² Application Ref: 25/00799/FUL

³ Appeal Ref: APP/X4725/W/25/3375887

following the refusal of planning permission it received complaints from residents that the alleged use was continuing. The third party representations attest to some of the activities that have taken place at the site. These refer, amongst other things, to persistent noise from generators and machinery and problems arising from attempts to manoeuvre immobile, damaged vehicles into the unit, and are suggestive of the activities alleged in the notice. The Council refers to the case officer's site visit to the premises during which it was found that repair works were being carried out on a vehicle.

6. Although the appellant has appealed on ground (b), they have provided no substantive evidence to refute the allegation that the change of use has occurred. They contend that the unit has not been used for commercial valeting or repairs since the refusal of planning permission. At the time of my site visit the roller shutter door was lowered and there were no obvious signs of activity at the unit. However, an appeal on ground (b) cannot succeed simply on the basis that the alleged activities have ceased. This is because section 174(2)(b) of the Town and Country Planning Act 1990 (as amended) is worded in the past tense, and the question is whether the breach had occurred by the date of issue of the notice. Therefore, even if the alleged use had ceased prior to the notice being issued, the breach of planning control as described on the notice would have occurred as a matter of fact.
7. The appellant has not denied that the alleged use has occurred. The submission of a planning application for vehicle valeting in April 2025 shortly after the Council says it first became aware of the alleged breach, and the appellant's admission that the unit has not been so used since the refusal of planning permission, imply that the alleged use did take place.
8. For the above reasons, based on the evidence before me and on the balance of probabilities, I conclude that the appellant has failed to demonstrate that the alleged change of use has not occurred. Consequently, the appeal on ground (b) fails.

Conclusion

9. For the reasons given above, I conclude that the appeal should not succeed, and the enforcement notice will be upheld.

M Ollerenshaw

INSPECTOR