Planning Inspectorate

Appeal Decision

Site visit made on 10 November 2026

by E Fawcett BA (Jt Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2026

Appeal Ref: 6016950
Texaco Shop, 194 Leeds Road Petrol Filling Station, Shipley, Bradford BD18 1BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Sajikumar Muthiah of Atlas Retailers Ltd against the decision of City of Bradford Metropolitan District Council.
- The application Ref is 26/02688/VOC.
- The application sought planning permission for redevelopment of petrol filling station without complying with a condition attached to planning permission Ref 91/07/04516, dated 19 September 1991.
- The condition in dispute is No 8 which states that: *The premises subject to this permission shall only be open for business during the hours of 7 am and 11 pm daily, unless otherwise agreed in writing with the Local Planning Authority*.
- The reason given for the condition is: *In order to safeguard the amenities of the occupants of nearby dwellings.*

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 17 August 2026. The main parties were provided with an opportunity to comment. I have had regard to the 2026 version of the Framework in my decision and references hereafter are to this version.

Background and Main Issue

3. The planning permission granted in 1991 for the redevelopment of the petrol filling station included a condition limiting the opening hours to between 0700 and 2300 hours. The appeal proposal seeks to vary condition 8 to enable the petrol filling station and associated convenience store to operate on a 24-hour basis.

4. In light of the above, the main issue is the effect that varying the condition would have on the living conditions of neighbouring residents, with particular regard to noise.

Reasons

5. The appeal property is located on a corner plot close to the junction of Leeds Road (A657) and Wrose Brow Road, the latter serving a predominantly residential area. Leeds Road is well trafficked and there is a mix of uses fronting the highway close to the site. Immediately to the west of the appeal site is a pair of semi-detached

dormer bungalows fronting Leeds Road, positioned at a higher level than the petrol filling station forecourt and close to the site boundary. To the east, residential properties on Woodend Crescent are separated from the appeal site by Wrose Brow Road and are also situated above the level of the forecourt.

6. The proposal would permit the petrol filling station and convenience store to operate throughout the night. The submitted Acoustic Survey Report identifies road traffic on Leeds Road as the dominant source of existing noise. Whilst background noise levels reduce during the night-time period, traffic continues to influence the prevailing sound environment.

7. The adjacent dormer bungalow to the west has windows with line of sight towards the forecourt. The Acoustic Survey Report concludes that the proposed extension of operating hours would have a low impact on nearby residential properties, provided that its assumptions and recommended mitigation measures are implemented. It sets out that the predicted rating levels arising from the proposed night-time operation would remain below measured background sound levels at all assessed receptors.

8. The Acoustic Survey Report also assesses maximum sound levels arising from individual events such as vehicle doors closing, engines starting and fuel nozzles being replaced. Whilst the assessment concludes that internal noise levels through a typical window casement at the nearest residential property would be expected to be within 45dB LA_{max}, and below the peaks caused by road traffic sources, the measured maximum levels were found to vary depending upon customer behaviour and vehicle type. Consequently, the assessment necessarily relies upon assumptions and cannot fully account for all possible operating scenarios.

9. Noise can adversely affect health and quality of life through annoyance and sleep disturbance. Planning Practice Guidance recognises that people are generally more sensitive to noise during the night-time period and that lower background noise levels can increase the perceptibility of noise sources. In the case of intermittent noise, the number, frequency and pattern of noise events are important considerations when assessing likely effects on living conditions.

10. Having considered the findings of the Acoustic Survey Report, there remains a degree of uncertainty regarding the likely effects of the proposed 24-hour operation on nearby residents. Whilst the assessment demonstrates that predicted rating levels would remain below existing background sound levels, it is inherently more difficult to predict the effects of sporadic customer-related activities associated with the petrol filling station. These include vehicle arrivals and departures, engine start-ups, doors closing, fuel nozzle handling and customer conversations. Given the close proximity of neighbouring dwellings, particularly the bungalow to the west of the site, I cannot be certain that such activity would not give rise to night-time disturbance.

11. This concern is reinforced by the nature of the surrounding noise environment. Whilst Leeds Road contributes significantly to the existing sound climate, traffic flows are likely to fluctuate throughout the night and there may be quieter periods when activity on the forecourt would be more perceptible. Although individual noise events may be brief, repeated occurrences over the course of the night could interrupt sleep and collectively result in disturbance to nearby residents.

12. The submitted Noise Management Plan includes measures such as restrictions on deliveries, waste collection, pressure washing and tyre inflation facilities, and the use of a night-time payment window. Whilst these measures would assist in controlling certain noise sources, the principal sources of potential disturbance arise from customer activity, including vehicle movements, doors opening and closing, engines starting and customer conversations. Such activities are inherently less capable of control. Whilst signage could encourage considerate behaviour, compliance could neither be guaranteed nor effectively enforced. Consequently, the mitigation measures would be of limited effectiveness in addressing the noise sources most likely to affect neighbouring occupiers.

13. I note that the removal of a redundant fan would likely improve the existing noise environment for nearby occupiers, particularly those residing to the west of the site. However, this benefit is unrelated to the proposed extension of operating hours and does not overcome concerns regarding the introduction of overnight customer activity and associated noise events.

14. Consequently, having regard to the proximity of neighbouring dwellings, particularly the bungalow immediately to the west of the site, I am not satisfied that the proposed extension of operating hours would safeguard the living conditions of nearby occupiers in respect of noise.

15. I therefore conclude that varying the condition would cause harm to the living conditions of neighbouring residents with particular regard to noise, contrary to Policies DS5 and EN8 of the Local Plan for Bradford District, Core Strategy Development Plan Document (2017). These seek to ensure that proposals do not harm the amenity (living conditions) of existing residents and noise pollution is minimised to a level that provides a high standard of protection for health and amenity.

Other Considerations

16. Whilst the Council's Environmental Health did not identify the Noise Impact Assessment as technically inadequate, it did raise concerns regarding the close proximity to neighbouring properties and potential impacts from noise associated with the site's operation. I have considered whether the identified harm could be addressed through the imposition of planning conditions. However, because the concerns relate primarily to the frequency, unpredictability and nature of customer activity and associated noise events, I am not satisfied that conditions could adequately mitigate the effects on neighbouring residents. This does not therefore lead me to a different conclusion on the main issue.

Planning Balance and Conclusion

17. The proposal would enable the petrol filling station and associated convenience store to operate on a 24-hour basis. This would provide economic benefits through increased trading opportunities and greater convenience for customers. In this regard, Policy E2 of the Framework indicates that substantial weight should be given to the economic benefits of proposals which allow businesses to invest or adapt. However, given that the proposal relates to an existing business and would simply extend its operating hours, I find that the economic benefits arising from the development would be moderate.

18. Against this, Policy P3 of the Framework seeks to ensure that development is appropriate to its location, having regard to the effects of pollution on health and living conditions, and requires that adverse impacts arising from noise are avoided. For the reasons set out above, I have found that the proposal would result in unacceptable harm to the living conditions of neighbouring occupiers through noise and disturbance during the night-time period. I attach substantial weight to this harm.

19. In these circumstances, I find that the existing condition restricting the hours of operation remains both necessary and reasonable in the interests of safeguarding residential amenity, consistent with Policy DM6 of the Framework.

20. Taking all of the above into account, I find that the economic and operational benefits of the proposal would not outweigh the identified harm to the living conditions of neighbouring residents. Accordingly, the benefits of varying the condition are substantially outweighed by the adverse effects of the development when assessed against the decision-making policies of the Framework.

21. The proposal would conflict with the development plan when taken as a whole and there are no material considerations of such weight, including the Framework, which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, and having regard to all relevant matters, the appeal should be dismissed.

E Fawcett

INSPECTOR