

Mr [REDACTED] B [REDACTED] - v - Rochdale Borough Council

Appeal Details

Case number:	RE00015-2304	Appeal Raised:	05/04/2023
Vehicle:	[REDACTED]	Hearing:	There was no hearing
Representative:	N/A	Decision:	05/05/2023
Number of PCNs:	1	Adjudicator:	Jill Yates

Decision - PCN RE11430273

Mr [REDACTED] B [REDACTED], you have lost this appeal.

You need to pay the penalty charge to Rochdale Borough Council.

Penalty Charge Amount: £70.00

Issued: 13/02/2023

Contravention: 13/02/2023 17:51

Tintern Road

1 - Parked in a restricted street during prescribed hours

Please see the next page for the Adjudicator's Reasons

Adjudicator's Reasons

1. Mr B■■■■ said that, due to the lack of parking outside his house, where there are double yellow lines, he has, since 2007, parked on the pavement at the corner of Tintern Road and Abbey Road, where he has never received penalty charge notices, so he was shocked to find the notice on his car.
2. Mr B■■■■ went on to say that he has seen officers patrolling the road and not issuing notices to his vehicle parked at that location.
3. Mr B■■■■ also submitted that the yellow lines are broken as a result of maintenance work carried out several years ago and that there are many broken lines along the road so that the restriction was not enforceable. Mr B■■■■ concluded by saying that the notice was very unfair in the circumstances.
4. The council said that the fact that he had not previously receive a penalty charge notice does not render this notice unenforceable and that the lines were sufficiently visible, although they accepted that there was a break.
5. I note Mr B■■■■'s concerns about the lack of available parking close to his home but, whilst I appreciate that it must be inconvenient, there is no entitlement to park outside ones home and the lack of appropriate parking spaces does not justify parking in breach of a restriction.
6. I also note that Mr B■■■■ has parked at that location regularly for several years. However, the fact that he may have 'got away with it' in the past does not mean that he has an entitlement to park as he did. I see that, in the Google street view image at Evidence 2, the parked car has been placed so that it is beyond the end of the yellow lines on Tintern Road, so there would have been no breach of the restriction on that occasion.
7. I have considered the photographs provided of the lines and the various breaks. The council must mark and sign parking restrictions in a manner which is substantially compliant with the traffic signs regulations and which is adequate to let drivers know of the restriction and where it applies. There is no requirement to maintain lines and signs in pristine condition at all times.
8. The double yellow lines adjacent to the pavement where Mr B■■■■ parked do have a visible break, but this is narrow. The lines are in reasonable condition and are clearly visible and I find that their condition was adequate to let drivers know that parking was not permitted there.
9. There are other points along the road where there are more substantial breaks and it may be the case that these would render the restriction unenforceable at those locations, but that does not affect the enforceability of the restriction at the Abbey Road junction.
10. For all the reasons given I find that the contravention did occur.
11. The council do have discretion to cancel a penalty charge notice if they consider it appropriate, but as an adjudicator I have no such discretion and I may only allow an appeal if one of the grounds of appeal is made out. I am satisfied that the council have considered the representations made and cannot interfere with their decision to reject them.

Adjudicator's Decision

12. I dismiss the appeal, which means that Mr B [REDACTED] is required to pay the penalty charge to the council within 28 days.

Jill Yates
Adjudicator
05/05/2023