



Appeal Decision

Site visit made on 19 February 2019

by Michael Wood RIBA

an Inspector appointed by the Secretary of State

Decision date: 26th July 2019

Appeal Ref: APP/V4630/W/18/3214979

Car Servicing Area, BSC Building, 62 New Road, Willenhall, WV13 2AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent of a planning permission.
 - The appeal is made by Mr Satnam Singh against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 18/1034, dated 01 August 2018, was refused by notice dated 26 September 2018.
 - The development proposed is the Retention of change of use from Garage/workshop/MOT bay ancillary to car showroom to separate class B1 Light Industry use
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Decision

- 1 The appeal is dismissed.

Main Issues

- 2 The main issues are the effect of the development on; firstly, the living conditions of nearby residents; and secondly, the character and appearance of the area within which the appeal property is situated.

Reasons

Living conditions of nearby residents

- 3 The building on the appeal site is used as car showrooms and for other associated purposes. The premises occupy a triangular site with two long frontages. There is a busy main road to the south of the premises where cars can turn in and access a parking area at the eastern end of the site. On the far side of this main road there are rear gardens to a cul-de-sac housing development. The long northern frontage has residential properties on the opposite side which face the road and garage. Much of the northern side of the garage is enclosed by walls. The appeal relates to a relatively small workshop on this northern side which has been used for repairs where welding has been undertaken. The workshop has access from a yard which is a general parking, delivery and manoeuvring space. This yard is gated but open on the northern boundary and allows a through route for vehicles.
- 4 The appeal is against a refusal to permit a B1 industrial use where work which is unrelated to the motor trade can be carried out. The existing classification has allowed welding activities associated with motor repairs to take place and it

is not disputed that the unrelated B1 work has also been taking place. The Council have received complaints and have stated that the disturbance from the business is likely to be to the detriment of the residential amenity of surrounding occupiers. The Council's Pollution Control Officer has confirmed that complaints have been received from nearby residents regarding metal impact noises. A significant number of objections were received in connection with the planning application. It is understood from these objections that there are neighbours who find the noise intolerable. Loud and sudden noises of the type associated with metalworking could be very disturbing. The Appellant has expressed a willingness to consider measures which would allow light industrial activities to take place but has not put forward any suggestions for conditions that could provide control over these activities. Without adequate measures to mitigate possible sound disturbance or to set operational limits, I consider that these activities would be harmful to the living conditions of nearby residents. The development is therefore contrary to saved policies ENV10, ENV32 and JP8 of the Walsall Unitary Development Plan of 2019 (the UDP).

Character and appearance of the area

- 5 If the appeal were allowed, there would be little change to the appearance of the area. The use proposed is, however, contrary to saved policy JP8 of the UDP which discourages the location of industrial activities where they will cause problems for occupants of residential areas. Without adequate mitigation measures there would be a detrimental effect on the character of the area and the proposed use would not be in accordance with saved policy ENV32 of the UDP which requires proposals to take account of their context and surroundings which, in this case, are predominantly residential.

Conclusion

- 6 For the above reasons the appeal is dismissed.

Michael Wood

Inspector