



Appeal Decision

Site visit made on 11 January 2022

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2022

Appeal Ref: APP/G4620/W/21/3284861

Land Adjacent 124 Oldbury Road, Rowley Regis B65 0PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Alhaffar against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/21/65633, dated 7 May 2021, was refused by notice dated 30 July 2021.
 - The development proposed is open car display and sales area.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposal on the character and appearance of the area and on highway safety.

Reasons

Character and appearance

3. South west of the appeal site, Oldbury Road is largely commercial in character. This character changes about the point of the appeal site; commercial uses give way to an area that is notably residential in character, given the prevalence of houses and the open area of green space which includes the appeal site. The green space is visually pleasing in an otherwise built-up area. The space also provides an attractive setting to the houses nearby which overlook the appeal site.
4. The appeal site is visually and physically separate from the commercial uses nearby and therefore the proposal would not be appreciated in a commercial context, but a residential one. And so, the open storage of cars together with the associated paraphernalia, including gates, fencing and an office building would appear unduly commercial and conspicuous in a residential context. The open storage of cars alone would create visual clutter which would appear incongruous with the more pleasing and attractive setting of the houses. The fence proposed is more suited to an industrial area and the commercial nature of the site overall with its comings and goings of people and vehicles would jar awkwardly with the residential area around.
5. The appellant's suggestion to provide planting along the site boundary facing Regis Heath Road would provide some visual screening. However, this would

not mitigate the harmful effects identified which relate to the use of the site and the activities that would take place on it.

6. Irrespective of the status of the site and its potential for development, for the reasons given the development would be unduly harmful to the character and appearance of the area, contrary to Policies ENV3 and CSP4 of the Core Strategy (2011) and Policy SAD EOS9 of the Site Allocations and Delivery Plan Document (2021) which, amongst other things, seek development of a high design quality and that respects the visual qualities of an area.

Highway safety

7. Oldbury Road is an A-road which carries high volumes of traffic. Given the number of cars to be stored on site and the provisions for staff and customer parking, the site would attract notable levels of vehicular activity.
8. The appellant suggests that the vehicular activity would be limited to 4 or 5 cars being sold per week but it is not clear how the appellant intends to limit business in this way. Any permission with a condition to this effect would be unreasonable as it would restrict business and so there is every possibility that more than 4 or 5 cars could be sold each week. Added to this would be 1 or 2 replacement cars per day.
9. Whilst customers may be able to view cars online, there would be nothing to stop passing trade, despite the appellant suggesting that this is not intended. Given the prominent position of the site and its location on a major through route, passing trade is highly likely.
10. And so, the site would be subject to a notable number of vehicles moving on and off the site. These movements would be concentrated at one point of access and egress and would interfere unduly with the flow of traffic along Oldbury Road and the safe movement of vehicles.
11. In the absence of a swept-path analysis to demonstrate sufficient turning space in the site for all vehicles, vehicles may need to leave the site in reverse gear. This would be hazardous to pedestrians using the footpath and would cause a further slowing down of and therefore a conflict with traffic on Oldbury Road.
12. Without further details about the parking requirements for customers and staff, 5 spaces for both suggests that there would also be a demand for parking which would create a competition for parking in the surrounding area. This would impede the flow of traffic and jeopardise highway safety.
13. And so, I find that the development would lead to a detrimental impact on highway safety. The Council have not referred to the development plan in refusing the planning application on highways grounds. Nonetheless, the National Planning Policy Framework (2021) (the Framework) is a material consideration. The Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. For the reasons given I have found that this would be the case.

Conclusion

14. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination,

that outweigh the identified harm and associated conflict with the development plan and the Framework. For the above reasons, the appeal is dismissed.

R Walmsley

INSPECTOR