



Appeal Decision

Site visit made on 2 March 2022

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 7 March 2022

Appeal ref: APP/D4635/C/21/3284458

Land at 289 Wood End Road, Wednesfield, Wolverhampton WV11 1YQ

- The appeal is made by Cardtronics UK Ltd under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Wolverhampton City Council.
- The notice was issued on 2 September 2021 under reference No. 21/00087/ENCOMP.
- The breach of planning control was, Without planning permission, the installation of an ATM (Automated Teller Machine) with associated signage.
- The requirements of the notice are:
 1. Remove the unauthorised ATM and associated signage.
 2. Return the property frontage to the physical condition which existed prior to the breach of planning control occurring.
- The period for compliance with the requirements is one month.
- The appeal was made on ground (a). Since the appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of decision: The appeal is allowed. The enforcement notice is quashed. Planning permission granted to retain the ATM.

Appeal project

1. The enforcement notice relates to the installation of an automatic teller machine, (ATM), installed to the left hand side of the entrance to the Family Shopper retail shop, No. 289 Wood End Road, Wednesfield. No. 289 is at the southern end of a short retail shop service road that runs alongside the roundabout junction of Lower Prestwood Road and Wood End Road.

The appeal on ground (a)

2. The appeal on ground (a) asks that planning permission is granted to retain the ATM as installed in the façade of the Family Shopper as built.
3. The Council said the ATM was in an unacceptable location. I disagree. I am not persuaded that the ATM is likely to generate any significantly more vehicular traffic than that already arising from existing customers visiting the Family Shopper or the other retail shops and fast food outlets that front the one way service road. There is parking available all along the service road, although fully occupied at the time of my visit in mid-afternoon. The only concern on this point expressed by the Council's transport department was a wish to see the footway at the front of the Family Shopper extended to the boundary with the house next door, No. 287. Whilst that might be of some help for pedestrian access, it could

take away one car parking space. I do not consider it necessary to the acceptability of the retention of the ATM. I see no unacceptable conflict with UDP policies AM12 and AM15.

4. The Council's said the design of the ATM fails to promote community safety, resulting in an unacceptable security risk to the public due to poor workmanship and a lack of reasonable security measures to prevent crime. I am at a loss to understand this unexplained concern. The ATM blends in well enough with the somewhat brash look of the Family Shopper façade. As to security concerns, there are crime problems associated with proximity to ATM customers, including distraction theft, shoulder surfing and pickpocketing. ATMs can also be targets for criminals intent on attacking the ATM itself, a problem, I understand, more prevalent in rural areas, rather than this urban situation where there are more people about and maybe more security cameras. I see nothing about the location, design and access to the appeal ATM which suggests a likelihood of it resulting in an increase in crime in the area. The ATM has been in place for some time without any apparent security problems arising. I do not agree with the Council that provision of the ATM was contrary to BCCS policy ENV3 or UDP policy D10.
5. The Council were further concerned that use of the ATM during late night/early morning activity generates a noise nuisance at unsocial hours. The Family Shopper store is currently open every day between 7am and 9pm. The ATM is available at all times. The Appellants short survey of the ATM's use showed 38 transactions in a week, 17 of them before 10pm. It suggests the ATM is a useful facility. But it has evidently not been on such a scale as to cause disturbance at night. I note the Council's concern on this point, but I do not find it sufficient to impose a time restricting condition on a planning permission.
6. For the reasons given above, I conclude that the appeal should succeed on ground (a). Planning permission is granted for the retention of the ATM.

FORMAL DECISION

7. The appeal on ground (a) is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the installation of an ATM (Automated Teller Machine) with associated signage in the premises at 289 Wood End Road, Wednesfield, Wolverhampton WV11 1YQ.

John Whalley

INSPECTOR