

Appeal Decision

Site visit made on 24 September 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2024

Appeal Ref: APP/G4620/W/24/3346993

47 Edgbaston Road, Smethwick, England B66 4LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Hassan against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref is DC/24/69116.
 - The development proposed is described as the "change of use of existing storage/garage space into a single storey barber shop."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, on 30 July 2024, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and a written ministerial statement, "Building the homes we need" (WMS). While a direction of travel has been outlined within the WMS, which is a material consideration, the changes to the Framework can only be given limited weight, given that no final document has been published. Therefore, I consider that there is no requirement for me to seek further submissions in respect of these matters. I am satisfied that no party's interests would be prejudiced by my taking this approach.
3. The development applied for has already been carried out. The application is retrospective, and I have therefore considered the appeal on that basis.

Main Issues

4. The main issues are:
 - whether the appeal site is a suitable location for the development, having regard to local and national planning policies, and
 - the effect of the development on highway safety.

Reasons

Whether the site is in a suitable location

5. The appeal site comprises a single storey building, located to the rear of 47 Edgbaston Road, which, due to its corner plot location, has a frontage onto

Grange Road. While there are commercial uses and a school nearby, the area is predominately residential in character. The appeal development comprises a barber's shop and there is no dispute between the main parties that it comprises a main town centre use.

6. In order to ensure local needs for shopping and services are met, Policy CEN6 of the Black County Core Strategy Adopted 2011 (BCCS) states, among other things, that new small scale local facilities outside defined centres of up to 200 square metres will be permitted if it can be shown that all of a stipulated set of requirements are met.
7. Paragraph 91 of the Framework states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
8. While the appellant contends the appeal scheme is for very minor commercial purposes, nevertheless, it proposes a main town centre use outside of a defined centre. No sequential test has been submitted and no substantive information has been provided which demonstrates that the development meets all the requirements stipulated within BCCS Policy CEN6.
9. Consequently, it has not been adequately demonstrated that there are no more sequentially preferable sites available, and that the development meets local needs for shopping and services. Moreover, in the absence of a robust justification, it has also not been adequately demonstrated that the barber's shop is compatible with the residential character of the area.
10. While the appellant asserts that small businesses rarely survive in the commercial and retail areas, little substantive evidence to support this has been submitted.
11. Although the appellant asserts that the Council has previously granted permission for very similar developments, with the same circumstances and conditions, no further details have been provided. Therefore, I cannot be certain that these other permissions are directly comparable to the scheme before me. In any case, I have considered the appeal on its own merits.
12. For these reasons, I conclude that the development is not in a suitable location for the proposed development, contrary to BCCS Policy CEN6 and the Framework, as set out above. The development is also contrary to Policy SAD EOS 9 of the Site Allocations and Delivery Development Plan Document Adopted 2019 which states, among other things, that the Council will reject development which is incompatible with their surroundings.

Highway safety

13. The appeal site is located on Grange Road, in a predominately residential area, where not all properties have access to off-street parking provision. Grange Road is a one-way street, with on-street parking bays on both sides of the carriageway, which I observed are for resident permit holders only, at

any time. There are further parking restrictions, in the form of double yellow lines, to the front of the appeal site.

14. While only a snapshot in time, during a quieter part of the day, the demand for on-street parking along Grange Road, and in the wider area, was visible during my site visit. The lack of off-street parking for some properties and the proximity of the school and other commercial uses are all likely to contribute towards the demand for on-street parking in the area. Further evening demand would be likely to come from residents returning from work. Interested party comments also raise issues in respect of existing on-street parking pressure within the vicinity of the appeal site.
15. The appellant asserts that the commercial nature of the development is not dependant on customers driving or using public transport, as it caters for local people who would walk. While this is noted, there is nothing before me that could reasonably restrict how customers travel to the appeal site. Therefore, the development is likely to have increased the demand for on-street parking in the area.
16. Limited evidence has been submitted which demonstrates that there is sufficient capacity to safely accommodate the additional demand for on-street parking that results from the development. In the absence of such evidence and having regard to the existing demand for on-street parking, the development is likely to have increased on-street parking in the vicinity of the appeal site.
17. To conclude, the development has an unacceptably harmful effect on highway safety. While the Council have not provided any specific policies in respect of this main issue, the development conflicts with the Framework, which, among other things, states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

18. The appellant states that the appeal scheme generates revenue for the local authority, including through rates, and brings into use an otherwise dormant space. They further assert that the appeal scheme has had a positive impact on the area, that there is support from local residents and that there have been no complaints while the barber's shop has been operating. Even cumulatively, these matters carry only limited weight in favour of the appeal scheme.

Conclusion

19. For the reasons given, I conclude that the appeal scheme conflicts with the development plan as a whole. The material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Consequently, I conclude the appeal should be dismissed.

S Pearce

INSPECTOR