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## Appeal Decision

Site visit made on 11 February 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 March 2025

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**Appeal Ref: APP/D4635/W/24/3352620**

**Former Network House, School Street, Wolverhampton WV1 4LF**

- 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 Matt Frow against the decision of Wolverhampton City Council.
  - The application Ref is 24/00399/FUL.
  - The development proposed is change of use of land to be used as a 24 hour car park.
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### Decision

1. The appeal is allowed and a temporary planning permission for twelve months is granted for change of use of land to be used as a 24 hour car park at Former Network House, School Street, Wolverhampton WV1 4LF in accordance with the terms of the application, Ref 24/00399/FUL, subject to the following condition:
  - 1) The car parking use hereby permitted shall cease on or before 12 months from the date of this decision.

### Preliminary Matters

2. I have not included the full description of development from the appellant's planning application form as it makes reference to the proposal being retrospective and that is not in itself development. I was able to see on my site visit that the development has taken place and therefore I have determined this appeal on that basis. For certainty, I have taken the full address of the proposed development from the Council's decision notice and the appeal form.

### Main Issue

3. The main issue is whether the proposed development is acceptable in the light of local plan policies for a comprehensive mixed-use development.

### Reasons

4. The appeal relates to a car park, on the site of a demolished building, Network House. The site forms part of a larger area, Westside, as set out in Policy CA2 of the Wolverhampton City Centre Area Action Plan 2015-2026 (2016) (AAP). Policy CA2 highlights that it is intended that by 2026 Westside will be developed as a new quarter for the city centre, providing a variety of uses that will bring life and activity to the area, including leisure, office, cultural, retail and residential facilities.

5. Planning permission<sup>1</sup> was granted in 2019 at the appeal site for the demolition of Network House and the erection of a six-storey building comprising 113 dwellings and associated works.
6. The Council consider that the proposed development would conflict with AAP Policy CA2 as it would discourage the redevelopment of the Westside Quarter and would not promote sustainable development.
7. I have not been provided with any substantive evidence to demonstrate that the proposed use as a car park is discouraging the redevelopment of Westside. The developer of the proposed housing scheme has detailed that they have been unable to secure the necessary funding to commence the project, but that their intention remains to develop the site in line with the regeneration vision for the area. Moreover, I note that the car park has been taken on a short-term agreement which includes a 28-day break clause for potential development, which would ensure that the housing development could begin when funds are secured.
8. The Planning Practice Guidance sets out that a temporary planning permission may be appropriate on vacant land to enable use for a temporary period prior to any longer-term regeneration plans coming forward. There is no presumption that a temporary grant of planning permission will then be granted permanently. Although the application was not for a temporary permission, the appellant has indicated in his appeal statement that a temporary permission would be acceptable.
9. A temporary permission for use as a car park would be a short-term solution for the site, which would otherwise remain vacant and unsightly. I have given weight to the proposed use as a car park maintaining the site in beneficial use, and generating revenue which could contribute towards funding the approved housing scheme.
10. AAP Policy CA2 has a key priority of improving accessibility for a variety of transport modes, including improving cycling facilities and pedestrian routes. It does, however, highlight that new multi-storey car parking facilities are a priority. Whilst the proposed car park would not be a multi-storey facility, Policy CA2 indicates that car parking within the city centre is required. I observed on my site visit that the car park was almost full, despite there being another car park immediately adjacent, which was also very well used, suggesting that there is a need for such uses at the current time at this location.
11. To conclude, I consider that the proposed development would be acceptable for a temporary twelve month period, in the light of local plan policies for a comprehensive mixed-use development, and would not conflict with AAP Policy CA2.

### **Other Matters**

12. The appeal site is adjacent to the City Centre Conservation Area (the CA). In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special regard to the desirability of preserving or enhancing the character or appearance of the CA. As it relates to this appeal, I consider that the significance of the CA lies in the city's historic street patterns and the architectural

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<sup>1</sup> 19/00807/FUL

and historic quality of the area's buildings. The appeal proposal would not be an intensive alteration, and would be in keeping with the wider context of the street scene, which includes an adjacent car park. The appeal proposal would have a neutral effect on the CA and its setting, so would preserve both its character and its appearance.

### **Conditions**

13. The Council did not provide any proposed conditions in the event that the appeal was allowed. I have therefore prepared conditions in the light of the advice in the Framework and Planning Practice Guidance. As the change of use has already occurred, a commencement condition and the requirement for the scheme to accord with the submitted plans would serve no planning purpose.
14. The PPG allows for temporary permissions to be conditioned for vacant land to enable use for a temporary period prior to any longer-term regeneration plans coming forward. A condition ensuring that the permission is for a temporary period of up to twelve months is reasonable and necessary to enable the local planning authority to review the permission in the light of its intended regeneration plans for the site.

### **Conclusion**

15. For the reasons given above, I conclude that the proposal would comply with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
16. As a result, the appeal is allowed.

*L C Hughes*

INSPECTOR