



Appeal Decision

Site visit made on 15 April 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/C4615/W/24/3358057

Rollers Arms, Foundry Street, Coseley, Dudley WV14 8XW

- 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 C J Haliburton against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P24/0865.
 - The development proposed is siting of 14 additional containers within car park.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has provided a revised site plan during the consideration of the appeal, changing parts of the parking layout. While there has been no change to the proposed access itself, the variation in layout and provision could lead to material differences in the way that the traffic utilises the site. As the plans have not been subject to formal consultation, interested parties may be unaware of the changes and denied the opportunity to comment, causing injustice to them. The Procedural Guide: Planning Appeals – England advises that if an appeal is made, then the appeal process should not be used to evolve a scheme. Given that the scheme is different in substance and the change could result in procedural unfairness, I have determined the appeal on the basis of the plans submitted to the Council.

Main Issues

3. The main issues relevant to this appeal are:
 - the effect of the proposal upon highway safety
 - whether the proposal should secure Biodiversity Net Gain (BNG) and if so whether it could make adequate provision for BNG; and
 - the effect of the proposal upon the character and appearance of the area.

Reasons

Highway Safety

4. The Rollers Arms is a large two storey building that has been built up against the roadside and either side of it is open space that is covered by hardstanding and in front of these areas of hardstanding is timber fencing and gates. The parking area

for the site would be located on the northern side of the building, opposite where the containers are proposed.

5. The Council partly identified concerns with the use of the appeal building as a public house and the effect the containers could have upon the safety of those using the public house.
6. Permission was granted in 2021 to change the use from public house (A4) to a self-storage facility (B8) and the siting of 10 containers¹ (2021 permission). The Council state that the 2021 permission was not commenced within three years of the date of the decision. However, the appellant states that the appeal building has been used for storage purposes and I also saw a storage container on site during my site visit, although this was not sited in accordance with the approved plans for the 2021 permission. Given that planning permission was granted for a B8 Use² the use of the building for storage purposes would accord with that permission. Additionally, it is noted that the building has been rated as storage for Business Rates by Dudley Council since 2023. There are also security cameras, fencing and signage associated with the approved use around the building.
7. Based on the information before me, on the balance of probability, for the purposes of this appeal, the building and wider site is in B8 use in accordance with the 2021 permission. For the avoidance of doubt, I am not categorically finding that the use of the building and wider site is lawful.
8. Consequently, I am not concerned regarding the effect the proposed containers would have upon the safe use of the appeal building as a public house, given that for the purposes of this appeal the building is in B8 use.
9. The appeal building is located off Foundry Street which is in effect a cul-de-sac with onward access only for a commercial unit. As such, it is likely that there would be very little through traffic on this road. The road is relatively narrow and there are single yellow lines along either side of it which should prevent long term on street parking.
10. Based on the information before me the Council do not have parking standards for self-storage facilities. However, Table 10 of the Council's Parking Standards Supplementary Planning Document (SPD) identifies that for B8 uses one car parking space should be provided for every 150 square metres of that use and the 2021 permission, which was for a B8 use, included 7 parking spaces.
11. Given that the proposal seeks to increase the amount of B8 storage space it is likely that the proposed containers, alongside the 2021 permission, would result in a greater demand for parking. This greater parking demand would also come alongside the loss of several parking spaces that were permitted as part of the 2021 permission, to make space for the proposed containers. As such, the 2 parking spaces proposed would not comply with the Council's parking standards. Even if the revised plan had been taken into consideration, this would only have provided 4 parking spaces and thus would also not comply with the standards.
12. The appellant has provided a Quick Guide from the Self Storage Association UK for parking and traffic in rural self-storage. This identified that the average rural self-storage site would need a maximum of 3 parking spaces which was based

¹ Application Reference: P21/0677

² The Town and Country Planning (Use Classes) Order 1987

upon surveys undertaken on a rural self-storage site. However, the appeal is not located in a rural area and as such, the evidence to support this recommendation is not entirely relevant to the development before me which is located in a metropolitan area. The Quick Guide identified that the volume of traffic for a metropolitan site, like the appeal site, would be around twice the volume of a rural site. As a result, there is evidence that the parking demand would be greater than that suggested in the Quick Guide and thus the amount of parking proposed would not be appropriate for the development.

13. The Council also identify that the size of the parking spaces proposed would not comply with the Council's parking standards and there is no technical evidence that would lead me to come to a different conclusion on this matter. Consequently, it is not evident that the parking spaces would be appropriate. The land to the north of the appeal building where the parking is proposed would be relatively constrained by the appeal building, the containers approved in the 2021 permission and the boundaries of the site and technical evidence has not been provided to show that vehicles could turn around within the site to exit in forward gear. As such, this may result in vehicle users having to exit the site, onto the public highway, in a reverse gear. Whilst acknowledging that Foundry Street would appear to be a lightly trafficked road, based on the information submitted, this layout would not make adequate and safe provision for access and egress for vehicle and other users.
14. Consequently, insufficient parking would be provided on site for the proposed use and given the parking restrictions of Foundry Street and the surrounding roads the increased competition for spaces on the roads where there is no parking restrictions would be likely to result in extra travel, with drivers cruising nearby roads seeking available spaces and with attention diverted towards finding somewhere to park rather than on the road conditions. This would lead to increased instances of dangerous and obstructive parking, to the detriment of the free flow of traffic.
15. Therefore, the need for off street parking spaces would be essential and the lack of appropriate parking provision on site would have an unacceptable impact on highway safety and thus the proposed development would conflict with Policy TRAN2 of the Black Country Core Strategy (CS) and Policy S17 of the Dudley Borough Development Strategy (DS). These expect development, amongst other matters, to make adequate and safe provision for access and egress by vehicle users, cyclists, pedestrians and other users.

Biodiversity Net Gain

16. BNG is a mandatory requirement of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) (as amended).
17. The proposal does not contain the minimum information required by Article 7(1A) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 for the purposes of the statutory BNG condition.
18. The Planning Practice Guidance indicates that, when providing reasons for the de minimis exemption, the appellant should provide sufficient evidence to support their justification.

19. The appellant has indicated on the application form that the development is subject to the de minimis exemption where the statutory BNG condition does not apply as it would impact less than 25 square metres(sqm) of habitat. However, the application form identifies that the size of the total site is 0.10 hectares and thus greater than 25sqm. The containers would be located on only one part of the site but neither party has provided me with the size of the site where the containers would be located. However, taking a precautionary approach that parcel of land would appear to be greater than 25sqm.
20. The appellant notes that this land is covered hardstanding and based on the historic images of the public house this was the case but as identified on the pictures provided by the Council and what I saw on site the land has become overgrown with shrubs and weeds which covers a considerable area of this part of the appeal site. As such, it is clear that there is existing vegetation on the site and the habitat value of the appeal site is likely to be greater than zero. Whilst it is not likely that the site contains priority habitat, there is insufficient evidence to conclude that the site would fall within the exemption as being de minimis.
21. There is no evidence that the biodiversity metric has been calculated to establish the baseline for the appeal site and if provision for BNG could be achieved, how it would be delivered, managed or monitored to ensure provision for the long term.
22. Therefore, it has not been demonstrated that the proposal would be exempt from the BNG condition, and the minimum information required to support the application in this regard has not been provided. I am therefore not satisfied, on the very limited information provided, that the statutory BNG condition would be capable of being complied with in this instance.

Character and Appearance

23. The appeal building is sited towards the edge of an industrial estate that has a mix of large commercial buildings that are generally covered by corrugated metal and are set within large sites with courtyards covered by hardstanding or gravel. These sites are often bound by metal fencing and security gates. Near to the site on Foundry Street is a single detached dwelling set back from the roadside but other than this dwelling, the appeal site is most closely associated with this commercial development around the industrial estate. The appeal site and wider area has a commercial character.
24. Taking into consideration my conclusion above regard the use of the building, 10 containers could be installed on the opposite side of the building to the proposed containers. Those were approved to be stacked one on top of another which would mean they would be around the same height as the public house, as well as the surrounding commercial buildings.
25. The proposed storage containers would be corrugated metal containers that would also be stacked in twos and again would be similar in height as the appeal building and those nearby. Given the siting of the appeal building and the surrounding buildings there are limited views of the appeal site, other than from Foundry Street, Webb Street and partly from Gough Road but only in glimpsed views given the distance of this road from the appeal site and the intervening buildings and vegetation. Foundry Street and Webb Street are within the industrial estate and views from Gough Road would include the industrial estate. As such, views of corrugated metal covered buildings are common throughout and as a result, the

appearance of the containers would not appear out of character in this commercial context.

26. The scheme would result containers stored further forward towards the front of the appeal site compared to the 2021 permission. While the proposal would result in the appeal building being enclosed by the containers, the overall scale of the associated development would still be relatively limited compared to the significant size of the surrounding commercial buildings. There would also be gaps retained between the containers as well as the appeal building itself which would ensure the development would not harmfully enclose views through the site and of the building itself and as such the containers would not appear unduly prominent. Taking into consideration the industrial context the site is within, the scale of the development and gaps maintained between the containers would retain a modest level of openness around the site and thus not overdevelop it.
27. Therefore, the design, siting and scale of the proposed containers, even when viewed alongside the 10 containers approved in the 2021 permission would appear appropriate within this commercial context and would not overdevelop the site. Consequently, the proposal would not harm the character and appearance of the area and would comply with Policies CSP4 and ENV2 of the CS and Policy S6 of the DS. These expect development, amongst other matters, to demonstrate a clear understanding of the local distinctiveness of the area and show how proposals make a positive contribution to place-making.

Planning Balance

28. The proposal would provide short term and long term benefits to the area, through the construction works on site as well as through the services the business would provide, including jobs. Given that this scheme seeks to supplement the development approved by the 2021 permission the benefits this would deliver would be limited.
29. While the development would not harm the character or appearance of the area, this would be expected of any development and this weighs neither for nor against the scheme.
30. The proposal would cause harm to highway safety and biodiversity and this would lead to a conflict with relevant development plan policies and this counts significantly against allowing the appeal.
31. Therefore, I attribute significant weight to the harms identified above and find that the proposal would conflict with the development plan as a whole. The limited benefits of the proposal would not outweigh these harms and overall, they do not indicate that a decision should be taken other than in accordance with the development plan.

Conclusion

32. The proposed development would conflict with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

G Sibley INSPECTOR