



Appeal Decision

Site visit made on 24 April 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/P4605/W/25/3358767

19A Princip Street, Birmingham B4 6LE

- 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 Zak Jonah against the decision of Birmingham City Council.
 - The application Ref is 2024/06018/PA.
 - The development proposed is change of use to a school (Use Class F1).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the banner heading above has been taken from the Council's decision notice. It is a more accurate description of the proposal than the one given on the application form, which did not refer to the proposed change of use.

Main Issue

3. The main issue is whether the appeal property is a suitable location for the proposed development having regard to accessibility, safety, outdoor amenity space and the living conditions of nearby occupiers.

Reasons

4. The appeal property is a vacant three-storey mid terrace building fronting Princip Street. It is proposed to convert the property to a non-residential school, arranged with a reception and kitchen/games room at ground floor and classrooms at first floor. The school would accommodate twenty children aged between seven and eleven years old with Special Educational Needs (SEN). Very limited information has been provided by the appellant regarding the school catchment, how it would be accessed by students and staff, how the school would operate and the likely effects on neighbouring occupiers.
5. Paragraph 100 of the National Planning Policy Framework (the Framework) requires that local planning authorities take a proactive, positive and collaborative approach to meeting the requirement for school places, and to development that will widen choice in education. Great weight should also be given to the need to create or expand schools through decisions on applications. The Council accepts that there is a need for a SEN school, or additional SEN places in the city, and I have no reason to dispute this. However, the Calthorpe Academy is located nearby within the City Centre which provides 470 places for children aged between

two and nineteen years old. Given this, the appellant has not demonstrated that there is a need for the proposed development in this location.

6. Policy TP36 of the Birmingham Development Plan (2017) (BDP) recognises that as the City's population grows there will also be a need for additional Special Needs school provision. It states that proposals for development of new schools in locations where additional provision is required will be supported subject to the facilities having: i) safe access by cycle and walking as well as car and incorporate a school travel plan; ii) safe drop-off and pick-up provision; iii) outdoor facilities for sport and recreation; and iv) avoid conflict with adjoining uses.
7. No details of a school travel plan have been provided, so I have no evidence in respect of how students or staff would travel to the proposed school, or where students and staff may travel from. The appeal property is located within the City Centre, to the north of the very busy A4400 and A38 which moves traffic to and from the ring road and M6. Princip Street itself is also busy with construction traffic at the moment and entry only is permitted from its New Town Row end, a dual carriageway. Given this surrounding infrastructure, I am not satisfied that the location would provide safe access, particularly for the young age of children expected to attend the school.
8. Some parking restrictions and bays along Princip Street are suspended or altered because of construction work. However, to the front of the appeal property are three on-street parking bays, subject to a parking charge Monday to Saturday between 8am and 6pm. These were fully occupied at the time of my site visit. If available, these existing parking bays could be used by the proposed school, but I have no information in respect of the timings or frequency of the drop-offs and pick-ups. I am not therefore persuaded that the bays to the front of the appeal property would be sufficient. It is likely that at least some drop-offs and pick-ups would occur elsewhere on Princip Street, potentially in conflict with other road users.
9. I note the appellant's case that the appeal property has a rear garden which would provide an outdoor facility for the children, and I can identify this from the 'white area' on the Location Plan. However, this land is not included within the appeal site, and it is not clear whether the appellant has control of the rear garden such that it could be relied upon or used in association with the proposed school.
10. With regard adjoining uses, I observed that Princip Street is in a period of transition. There is a large construction site to the north-east extending up to the New Town Row junction, which appeared to include the adjoining property. There is also a cleared development site opposite the appeal property which is currently being used for car parking and storage, and several other properties on Princip Street appeared vacant, or partially vacant. However, from the Council's evidence, redevelopment in the immediate locality would predominantly deliver residential apartments or purpose-built student accommodation, which would not raise any particular in-principle conflict with an educational use.
11. For these reasons, whilst the proposal would not adversely affect the living conditions of nearby occupiers, it has not been demonstrated that it would be a suitable location, with particular regard to accessibility, safety and outdoor amenity space. Consequently, it would conflict with BDP Policy T36 because it fails to meet all of the requirements for proposals for development of new schools.

Other Matters

12. Paragraph 128 of the Framework requires local planning authorities to take a positive approach to applications for alternative uses of land where this would help to meet identified development needs and make more effective use of sites that provide community services, such as schools. However, because this relates to the use of sites which already provide a community service it offers little support or justification for the appeal proposal for a new school.
13. Finally, I note the appellant's concern that the Council has not worked to resolve key planning issues, or taken a proactive, positive or collaborative approach. I have no evidence of this before me, but, in any event, it is a matter which has no bearing on this appeal which I have determined on its own planning merits.

Conclusion

14. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

R Gravett

INSPECTOR