



Appeal Decision

Site visit made on 20 August 2025

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025

Appeal Ref: APP/P4605/W/25/3366756

Land rear of 75-115 Ralph Road, Birmingham B8 1NA

- 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 Abdul Rehman against the decision of Birmingham City Council.
- The application Ref. is 2024/07857/PA.
- The development proposed is Retrospective planning application for the change of use of undeveloped land for the storage and repair of vehicles and retention of a metal shed

Decision

1. The appeal is dismissed

Main Issue

2. The Main Issues are the effect of the development upon:
 - the character and appearance of the local area including upon neighbouring amenity and
 - the highway network and road safety.

Preliminary Matter

3. In consideration of the principle of the proposal the Council refer to the appeal site with reference to Policy TP19 suggesting the matter being addressed is an employment use which 'should be located within designated Core Employment Areas'; however the policy referred to is a protective, not directive, policy nor is it clear whether the appealed matter is a use which the quoted policy would support in those areas.

Reasons

Residential amenity and character and appearance of the area

4. The appeal site is an area of back-land between two residential streets, Ralph Road and Reginald Road which are populated by lines of two storey terraced housing located in an area of dense housing close to the eastern edge of Birmingham City Centre. The terraced housing has long rear gardens of 20-25 m length such that the rear elevation of each terrace row stands some 60m from the other, a width which includes the appeal site which is a long rectangle of land

running behind approximately 20 gardens in each street and at a width of around 15m. There is a reported earlier use of the land for garaging¹. The rear boundary of the Ralph Road properties varies along its length, whilst generally more than 2m in height but incomplete and in poor condition. Some parts of the boundary are occupied by incidental buildings within the garden areas. The boundary with Reginald Road properties provides incomplete screening of the long residential gardens which are overviewed in many places due to the east-west crossfall between the streets.

5. The Council refers to complaints from neighbouring users as to disturbance from the use of the site and from comings and goings of vehicles, including at night and also from overlooking. The appellant suggests the current use as having improved the quality of the environment and suggests there have been 'no formal complaints' such that what the Council report is anecdotal, also referring to a single employee at the site. However, the evidence I have before me² reports problems of disturbance from the use of the site and in the street and these are, from my observations, not unlikely consequences of the use of the site as proposed to be retained. At the time of my visit there were a large number of vehicles stored at the site³ and an active vehicle repair shop in progress with more than one person present.
6. Whilst the appeal site is not prominent in the street scene and thereby has little impact upon visual amenity in a general sense, the nature of the use is likely to generate noise and disturbance particularly where it operates without constraint in terms of hours of use. It has not been suggested how such concerns might be addressed, although these might include more suitable boundary treatments, control of working hours and lighting together with better access arrangements. Nevertheless, it is clear that the development sought to be approved conflicts with Policies PG3 and PG37 of the Birmingham Development Plan 2017 (BDP) which seeks the creation of a positive sense of place and healthy environments.

Highway use and safety

7. Ralph Road is a long one-way residential street where the many houses lack off-road parking. At the time of my visit cars were parked on both sides at almost full capacity with no identifiable passing or unloading spaces near the site. The appellant does not explain the nature of the vehicle storage business or what movements are generated thereby, however, in the absence of a suitable pull-in, unloading of vehicles for repair or storage, or those which are otherwise incapable of being driven in to the site from a congested street, would likely need to take place in the highway which would both cause conflict with the flow of traffic in Ralph Road, and noise disturbance if this were to take place outside the normal working day. The appellant has not indicated how such matters might be addressed other than in general terms.
8. In the absence of a Transport Statement or similar factual assessment of movements generated by the use and in particular, dealing with the problem of off-site loading/unloading that has been identified it would not be appropriate to grant

¹ As reported in the officer report, consequently although the appellant describes the site as undeveloped land which he has improved it is likely that the appeal site would meet the definition of previously developed land prior to its current use.

² which includes twenty-two pages of consultation responses to the planning application

³ The appellant refers to 'small-scale vehicle storage' although the number on site was not less than 40.

permission as I consider it is not clear that satisfactory solutions could be delivered by planning condition alone⁴ or that such conditions would meet the tests set out in the Framework. The development as proposed to be approved therefore is in significant conflict with Policy TP44 of the BDP which seeks to manage the optimum use of the existing highway network.

Conclusion

9. Whilst it is possible that some of the objections to the use of the site might be readily addressed through the application of suitably-worded conditions⁵ in relation to the operation of the site itself, the use of the site would (continue to) be accessed from an already stressed road network. In the absence of suitable mitigatory measures there would be harm to the operation of the local road network causing significant local disruption and stress, a matter to which I attach significant weight due to the dense built character of the inner city area where the appeal site is located. Therefore, taking into account all matters raised and for the reasons given, I conclude that the appeal cannot succeed.

Andrew Boughton

INSPECTOR

⁴ In that if works to the highway are required as part of measures these would not be enforceable as a planning condition.

⁵ None are suggested