



Appeal Decision

Site visit made on 29 July 2025

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

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Appeal Ref: APP/V4630/W/25/3365918

**Unit H, Maybrook Industrial Estate, Maybrook Road, Walsall Wood, Walsall
WS8 7DG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mrs Emma Prince, Little P's Play Town against the decision of Walsall Metropolitan Borough Council.
 - The application Ref is 25/0136.
 - The development proposed is change of use from general industrial (Class B2) to a children's play centre (Sui Generis).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed reference to the proposal being retrospective from the banner heading above, as that is not in itself development. I saw on my site visit that the development has taken place and I have determined this appeal on that basis.
3. The appellant contends that the proposed use as a children's play centre would not be Sui Generis, but rather Class E, and that the previous use classification is incorrect and would also fall under a Class E use. As such, the appellant suggests that the proposed development does not need planning permission. Nonetheless, the proposed change of use from B2 to Sui Generis is included in the description of development and I have dealt with the proposal on the basis on which it was submitted to, consulted upon, and determined by the Council.
4. Within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether the proposed development requires planning permission. To that end, it is open to the appellant to apply for a separate determination under sections 191 or 192 of the Act, independently of the outcome of this appeal.

Main Issues

5. The main issues are:
 - whether the proposed development would be sited in an appropriate location; and
 - the effect of the proposed development on highway and pedestrian safety.

Reasons

Location

6. The appeal site is located at a unit within Maybrook Industrial Estate, which is allocated and safeguarded as Potential High Quality Industry under Policy IND2 of the Walsall Site Allocation Document (2019) (SAD). The policy states that proposals for non-industrial uses will not be permitted, except where allowed by Policy EMP2 of the Black Country Core Strategy (2011) (BCCS).
7. Policy EMP2 of the BCCS stresses that development which dilutes employment uses on actual and potential strategic high quality employment areas will be discouraged, and the sites will be protected from redevelopment for other non-employment uses.
8. Although dated, these policies are broadly consistent with paragraph 85 of the National Planning Policy Framework (the Framework) which says that decisions should help create the conditions in which businesses can invest, expand, and adapt, and that significant weight should be placed on the need to support economic growth, including local business needs. The Framework also requires that planning policies and decisions recognise and address the specific locational requirements of different sectors.
9. The proposed children's play centre would generate employment and make use of a site which had been vacant for some months. However, Policy EMP2 of the BCCS specifically states that the high quality employment areas will be safeguarded for manufacturing and logistics uses which fall within the previous Use Classes B1(b) and B1(c), which are premises for Research and Development, and industrial processes which can take place within a residential area without damaging the amenity of that area; and within Use Classes B2 general industrial and B8 storage or distribution. It does not therefore include the proposed use for a children's play centre which would not fall under any of these use classes.
10. Despite the proposal providing a number of jobs and bringing a vacant site back to use, there is no substantive evidence before me to demonstrate that the use of the site as a children's play centre would specifically support, maintain or enhance the business and employment function of the high quality industrial area, as required by Policy EMP2 for non Class B uses to be permitted at the sites.
11. Policy CEN7 of the BCCS and Saved Policy S7 of the Walsall Unitary Development Plan (2005) (UDP) set out a presumption in favour of focussing development in centres and highlight that proposals for out of centre development will have to demonstrate that development cannot be provided in-centre or at edge-of-centre locations. This is consistent with the Framework. The BCCS clarifies that town centre uses include sui generis uses which are considered appropriate for centres.
12. Examples of other children's play centres outside of the town centre have been put forward.¹ I do not have the full details of these play centres before me, but I note that the centres located within Walsall were permitted in a different policy context, before the adoption of the BCCS, the SAD and the Framework. The development in Lichfield would have been determined with regard to different local plan policies.

¹ 05/0765/FL/E2; 05/1048/FL/E6; 05/1380/FL/W5 (Walsall Metropolitan Borough Council) and 23/00929/COU (Lichfield District Council)

As such, the schemes are not directly comparable to that before me, which I have determined on its own merits, site-specific circumstances and with regard to current local and national policies.

13. Whilst it is likely that play facilities will have certain operational requirements in terms of factors such as overall space and ceiling height, the proposal would see the loss of an industrial use at the appeal site and there is no sequential assessment before me to indicate that there are no more centrally located sites which could be used for the proposed development. By being located out of centre, the proposal would reduce footfall in centres in a limited way and would reduce the potential for linked trips. There would therefore be some harm to the vitality and viability of nearby centres.
14. The proposal would therefore not be sited in an appropriate location. The proposal would conflict with IND2 of the SAD, Policies EMP2 and CEN7 of the BCCS and S7 of the UDP insofar as it would lead to the loss of an industrial use and would harm the vitality and viability of nearby centres.

Highway and Pedestrian Safety

15. Whilst there are public transport routes and bus stops within walking distance of the proposal, and some visitors may walk or cycle to the play centre, a travel survey undertaken by the appellant indicated that most visitors arrive by car.
16. The proposal would have four spaces to the front of the unit, solely for its use. There are 18 car parking spaces located close to the unit, which could be used by customers. However, these spaces are for the shared use of all the units at this part of the industrial estate. It is unlikely that they would all be available for the proposed use, and whilst the sharing of parking spaces can be appropriate, in this instance there is no substantive evidence before me which demonstrates that an adequate number of the spaces would be available for the proposed use without compromising the availability of parking for neighbouring operations. This would have a knock-on effect on on-street parking, and such an increase may restrict visibility and safe vehicular movements out of adjacent service yards and car parks and impact the free flow of traffic to the detriment of highway safety.
17. There are no parking restrictions on Maybrook Road in proximity to the site. However, Maybrook Road is an arterial road through the industrial estate and frequented by commercial vehicles. There is no designated crossing from the opposite side of Maybrook Road from the unit, where I observed on-street parking to be more common. On-street parking at this location would not be a safe environment for families with young children entering and exiting their cars and accessing the play centre. Moreover, Saved UDP Policy T13 highlights that development should provide adequate on-site car parking to meet its own needs.
18. Access to the play centre would be through the rear door of the unit. The parking spaces to the front of the unit would necessitate visitors to the scheme walking through the main shared service yard, which would not provide adequate segregation between pedestrians and the vehicular traffic associated with the neighbouring industrial uses.
19. The shared car park is located close to the proposed development, and visitors parking in this car park would not need to enter the shared service yard. Visitors parking in the far 10 spaces of the car park would, however, have to cross the

vehicular entrance to the yard, used by commercial vehicles. There is a pavement which fronts the parking spaces which would allow access to the entrance at the rear of the building without walking through the car park. However, this would require visitors to walk over a section of grass which would not be appealing in wet weather, particularly with prams or push chairs. The proposal does therefore not provide an adequate segregated route for pedestrians to the unit.

20. Although there are no cycling facilities proposed at the site, and there is no provision for disabled parking, had I been minded to allow the appeal their provision at the appeal site could have been suitably dealt with by way of planning conditions.
21. The proposal however, lacks sufficient information regarding parking and fails to demonstrate that it would be safe for pedestrians. As such it has not been demonstrated that the proposal would not harm highway or pedestrian safety. It would conflict with Saved UDP Policies T7 and T13 and BCCS Policy TRAN2 which seek to ensure that development provides an adequate level of car parking to meet its operational needs, demonstrates that there will be no adverse effect upon highway safety, and provides an acceptable level of accessibility and safety, including by walking.

Other Matters

22. There have been letters of support from visitors to the play centre. However, these do not alter my findings and are a neutral matter in my determination of the appeal.

Planning Balance

23. The proposal would be served by public transport routes and would be accessible to local communities. It would provide economic benefits through the provision of jobs and social benefits through the creation of a play space for families. It would create a child friendly facility which are encouraged in the Borough.
24. Whilst I attribute these benefits modest weight in the overall planning balance, they do not outweigh the conflict with the development plan and harm that I have identified in the main issues.

Conclusion

25. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan.
26. As a result, the appeal should be dismissed.

L C Hughes

INSPECTOR