



Appeal Decision

Site visit made on 7 August 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025.

Appeal Ref: APP/C4615/W/25/3364907

91 Bridgnorth Road, Wollaston, Dudley, DY8 3PZ

- 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 ALDI Stores Limited against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P23/1265.
 - The development proposed is a detailed planning application for the extension of the existing class E Aldi food store, and provision of landscaping, new plant and associated engineering works.
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Decision

1. The appeal is allowed and planning permission is granted for a detailed planning application for the extension of the existing class E Aldi food store, and provision of landscaping, new plant and associated engineering works at 91 Bridgnorth Road, Wollaston, Dudley, DY8 3PZ in accordance with the terms of the application, Ref P23/1265, subject to the conditions in the attached schedule.

Main Issue

2. The main issues are the effect of the proposed development on the living conditions of local residents, with particular regard to access to public open space, and the effect of the proposed development on highway safety on Bridgnorth Road.

Reasons

Public Open Space

3. The appeal site is an area of public open space which is situated at the end of The Dell, a residential cul-de-sac. The proposed development would involve the extension of the existing Aldi store onto part of the open space.
4. Policy CSP3 of the Black Country Core Strategy, February 2011 (the CS) seeks to protect and enhance the quality of environmental infrastructure in the area, including open spaces. In particular, it sets out that development proposals will be required to improve the quality and quantity of environmental infrastructure. This is reflective of paragraph 104 of the National Planning Policy Framework (the Framework), which in part, states that open space should not be built on unless, among other things, the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

5. In this instance, the proposed development would clearly result in the loss of part of the existing open space, thereby causing a reduction in quantity. As such, the proposal would conflict with the aforementioned policies in this regard.
6. I now turn to the consideration of quality. At present, the southern part of the open space has a fairly significant slope before it then flattens out towards the top. As such, only part of the space is currently easily usable for informal recreation. The proposed extension would be built upon the flatter area of open space. However, as part of the proposals, the remaining sloping area would be flattened out in order to make it more usable. As such, it seems to me that the amount of open space that could easily be utilised for informal recreation, such as ball games or community gatherings, would remain broadly the same.
7. Furthermore, the approved plans show a detailed landscaping scheme which would involve the provision of flower rich grass banks and areas of meadow grass that would likely make this a more attractive space to use in future years once the planting has matured. Crucially, the appellant has committed to managing the open space in perpetuity, thereby ensuring that its quality would not degrade over time. This ongoing management could be secured via an appropriately worded condition. On this basis, I do not consider that the quality of The Dell open space would be reduced as a result of the proposed development.
8. As part of the appeal process, the appellant has provided a unilateral undertaking (the UU) which, in part, secures a payment of £38,000 which would be put towards improving off-site public open space in the vicinity. The Council has set out that this sum of money would be put towards the provision of static gym equipment, benches and bins at Wollaston Recreation Ground (WRG). As such, I find that the proposed changes to the open space at The Dell, in combination with the provision of equipment and street furniture at WRG, would enhance the overall quality of open space available to local residents in the area.
9. Policy S29 of the Dudley Borough Development Strategy, March 2017 (the DS), references the need for proposals that would impact areas of open space to conform with the requirements of CS Policy ENV6. The latter policy states that some loss in the quantity of open space may be acceptable if compensatory gains in quality can be secured which would be of greater value. For the reasons given, I am satisfied that the proposal would not conflict with these aims, and I therefore do not find a lack of conformity with DS Policy S29 or CS Policy ENV6. I also do not find conflict with CS Policy ENV3 which seeks to ensure that development schemes are well designed.
10. Nevertheless, the reduction in the quantity of open space does conflict with CS Policy CSP3, as well as the relevant aspects of the Framework.

Highway Safety

11. I have already concluded that the open space at The Dell would be broadly as usable for informal recreation post development. On that basis, it would be unlikely that users of the open space would feel the need to access the larger recreation area at WRG as a direct alternative.
12. However, even if that were the case, the WRG can be accessed from The Dell and surrounding streets fairly easily on foot. The most obvious and direct route would be to cross Bridgnorth Road opposite the footpath that runs alongside the village

hall. I acknowledge that there is no formal crossing at this point on the road. However, while only a snapshot in time, I did observe on my site visit that it is possible to cross the road safely by waiting a short time for a suitable gap in traffic. I also observed several people making that crossing when I was there. Indeed, it is notable that, in that particular location, there is good visibility in both directions for pedestrians and that vehicle speeds are relatively low as a result of the 30mph limit.

13. Furthermore, the appellant has provided a Collision Data Review (TN02, Connect Consultants December 2024). This sets out that, over a five-year period, there was only one accident involving a pedestrian within the study area, and that that occurred to the east of Lowndes Road rather than in the vicinity of the village hall. On that basis there is no substantive evidence before me that would lead me to conclude that crossing Bridgnorth Road in that location is dangerous. In addition, should they so wish, pedestrians are able to use a crossing point further along Bridgnorth Road in order to access WRG from High Street which would only add a limited amount of time to their journey.
14. My attention has been drawn towards a representation received from a third party which provides the results of a traffic survey undertaken on behalf of the Save The Dell Green group. The survey appears to have been undertaken by volunteers and information regarding the methodology used is fairly limited. I note that it does outline the number of vehicles using Bridgnorth Road over a twelve-hour period. The conclusion reached is that a vehicle passes along the road once every few seconds. However, this appears to be an average figure and does not take account of gaps in the traffic which would allow pedestrians to cross safely. The survey therefore does not lead me to reach a different conclusion.
15. On this basis it is simply not possible for me to conclude that the proposed development would result in harm in relation to highway safety. As such, the proposal would conform with DS Policy S17, which in part, seeks to ensure that developments do not cause safety issues for highway users.

Planning Balance

16. I have concluded that the proposed development would involve the loss of part of the existing open space at The Dell, and therefore that it would conflict with CS Policy CSP3, as well as the relevant aspects of the Framework. The proposal would therefore conflict with the development plan when read as a whole, notwithstanding that I have not found conflict with other policies relating to open space or in relation to highway safety.
17. In this instance, I have set out that the functional usability of the open space for informal recreation would be broadly the same post development as it is now. As such, I find that the level of harm associated with the loss of part of the open space would be limited.
18. On the other hand, the development would provide new landscaping to The Dell open space and financial contributions towards enhancements at WRG. Through the UU, a further financial contribution of £9,500 would be made to improving the quality of the public realm with the potential for that money to be used to upgrade the existing pathway that links Bridgnorth Road to WRG alongside the village hall. Furthermore, the proposal would provide economic benefits in relation to an enlarged store, while also enhancing consumer choice. The nature of these

benefits leads me to attribute significant weight to them in totality. A Community Infrastructure Levy payment of £37,987.82 would also be made which could help fund infrastructure although this is a charge rather than a planning benefit as such.

19. As a result of these factors, I find that the above material considerations, in this instance, strongly outweigh the limited conflict with the development plan that I have identified and indicate that permission should be granted, notwithstanding that the development does not accord with Policy CSP3.

Other Matters

20. The appellant has provided a complete and signed UU to secure the aforementioned financial contributions towards public realm and off-site open space. The UU also provides money for monitoring and the Council's legal costs. Having regard to the development plan and the Planning Obligations Supplementary Planning Document, I am satisfied that the provisions are necessary to make the development acceptable in planning terms.
21. I note that a previous appeal for a scheme¹ to extend the Aldi store was dismissed in 2009, in part due to the effect of the proposal on the character and appearance of the area. However, there are key differences between the two appeals that lead me to reach a different conclusion from the Inspector in that case. Firstly, the proposed extension in this instance would not follow the profile of the existing store and would be more limited in height. Therefore, despite the fact that the extension would protrude slightly further into the open space than was previously proposed, I am of the view that it would be less dominant when viewed from The Dell. In addition, the landscaping and planting that is now proposed can be secured via condition, including its ongoing management. I am therefore satisfied that the scheme would not harm the character and appearance of the area.
22. The site is adjacent to the boundary of the Wollaston Conservation Area (the CA). The significance of the CA is derived from the development of the settlement over many years and the architectural styles and tastes of the time. In this instance, any views into the CA are limited by existing homes on The Dell and I do not consider that an extension to an existing food store would result in harm to its setting.
23. I am satisfied that there would be sufficient distance between the proposed extension to the store and existing homes so as to ensure that the living conditions of residents would not be negatively affected to an unacceptable degree in terms of loss of outlook or loss of light. With regards to noise, the appellant has provided a Noise Impact Assessment (NSL, June 2023) which considered the impacts of the proposed external plant. The assessment concludes that the plant will comply with the noise requirements associated with the existing plant, and therefore, that the nearest residents would not be affected to an unacceptable degree. I can see no reason to disagree with the findings of the assessment, and I note that the Council's Environmental Safety and Health Officer has not disagreed with that position. The proposals also include the provision of an acoustic barrier around the plant. These matters can be controlled by condition.
24. There is no substantive evidence before me to indicate that the proposal would lead to unacceptable harm in relation to traffic congestion in the area or parking, including any potential for additional pollution.

¹ Appeal Ref: APP/C4615/A/09/2106663

25. The appellant has provided a Dusk Emergence and Dawn Re-entry Bat Survey (Middlemarch, June 2023). The survey concludes that the open space is utilised by foraging and commuting bats. However, it concludes that the loss of part of the open space would be compensated for by the planting scheme proposed. Again, I have no reason to disagree with this conclusion, and I am satisfied that the proposal would not result in harm to protected species.
26. There is no substantive evidence before me to suggest that there would be any harm in relation to contaminated land, or that the proposed change in the level of the land within the open space would increase security concerns. There is also no reason for me to conclude that the proposed extension would harm the vitality or viability of other existing shops, and I note that the Council is in agreement with that position.

Conditions

27. I have imposed conditions to identify the relevant timescales and plans in the interests of certainty. Conditions are required in relation to noise emitting from the proposed plant, including an acoustic barrier, in order to preserve living conditions. Various conditions have been imposed in the interests of character and appearance, including those pertaining to materials, landscaping, trees and fences. Nature conservation works are required in the interests of the natural environment and ongoing management of the public space is necessary to preserve the quality of the space for the benefit of local residents. A final condition is required to secure electric vehicle charging points in the interests of sustainability.

Conclusion

28. For the reasons given, the appeal is allowed.

C Butcher

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: C15A117 STO XX XX DR A P003-SO P07 – Proposed Site Plan; C15A117 STO XX XX DR A P200-XX P02 – Proposed Floor Plan; C15A117 STO XX XX DR A P005-SO XX – Boundary Treatment Plan; C15A117 STO XX XX DR A P202 XX P02 Proposed Elevations; C15A117 STO XX XX DR A P300 XX P01 Proposed Site Sections; AD5305 Acoustic Timber Fence; AD5304 Paladin Fence and Gate Details; AD3600 Retractable Bollard; AD5302 Close Boarded Fence; MEL 568 001 P2 Detailed Soft Landscaping Plan; RT 568 001 P1 Landscape Management Plan; ASL1679 01-DS 002A Drainage Strategy; RT-MME-160042-02 Arboricultural Impact Assessment; RT-MME-160042-01 Rev A Preliminary Arboricultural Assessment.
- 3) The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 at any sound sensitive premises and shall not exceed the background sound level between 2300-0700 at any sound sensitive premises. All measurements shall be made in accordance with the methodology of BS4142: 2014+A1:2019 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.
- 4) Prior to commencement of the permitted use, a scheme for a continuous acoustic barrier around the external plant area (as shown on Proposed Site Plan drawing number C15A117 STO XX XX DR A P003-SO P07) of minimum height of 2.4 metres and minimum surface density of 10 kg/m² shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before the approved use commences. The barrier shall be retained throughout the life of the development.
- 5) No materials other than those indicated on the approved plans shall be used without the approval in writing of the Local Planning Authority.
- 6) The development hereby approved shall not be first occupied until the nature conservation enhancement and/or mitigation works which are recommended within the submitted Preliminary Ecological Appraisal 160042 (Middlemarch, June 2023), Dusk Emergence & Dawn Re-entry Bat Surveys (Middlemarch, June 2023) and Detailed Soft Landscaping plan (MEL-568-001 P2) have been completed. The nature conservation enhancement and/or mitigation works shall thereafter be retained and maintained for the lifetime of the development.

- 7) The soft landscaping scheme shall be implemented in accordance with drawing no. MEL 568 001 P2 within the first planting season following the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. Any trees or shrubs planted in pursuance of this permission including any planting in replacement for it which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.
- 8) The public open space located at the head of The Dell shall be managed and maintained for access by the public for the life of the development in complete accordance with document RT 568 001 P1 Landscape management plan.
- 9) The landscaped areas shall be retained in the form shown on the approved plan throughout the life of the development and shall not be used for any other purpose, unless otherwise agreed in writing by the Local Planning Authority.
- 10) The fences and means of enclosure shall be provided in accordance with drawing no. C15A117 STO XX XX DR A P005-SO XX – Boundary Treatment Plan, prior to the first occupation of the development. The fences and means of enclosure shall thereafter be maintained and retained for the lifetime of the development.
- 11) Prior to first occupation of the development, the electric vehicle charging points and bays shall be installed in accordance with the approved details and shall thereafter be maintained for the lifetime of the development.
- 12) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, details of the tree protection measures on site. The agreed tree protection measures shall be erected / installed prior to the commencement of the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery), and shall not be taken down moved or amended in any way without prior written approval of the local planning authority. The tree protection details shall include:
 - a) A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
 - b) A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
 - c) A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 4.6 of British Standard BS:5837 – 2012 ‘Trees in Relation to Design, Demolition and Construction– Recommendations’.

d) Design details of the proposed protective barriers and ground protection to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 6.2 of British Standard BS:5837 – 2012 ‘Trees in Relation to Design, Demolition and Construction– Recommendations’.

- 13) No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. The Method Statement shall include full details of the following: Implementation, supervision and monitoring of the approved Tree Protection Plan; Implementation, supervision and monitoring of the approved Treework Specification; Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Plan; Timing and phasing of arboricultural works in relation to the approved development.
- 14) All excavations to be undertaken within the Root Protection Area (as defined by Clause 4.6 of British Standard BS:5837 – 2012 ‘Trees in Relation to Design, Demolition and Construction– Recommendations’) of any existing trees on site shall be undertaken in accordance with NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (NJUG Volume 4).
- 15) The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without prior written consent of the Local Planning Authority. Any trees removed without such consent or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as may be agreed in writing by the Local Planning Authority.