



Appeal Decision

Site visit made on 21 October 2025

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2025

Appeal Ref: APP/P4605/W/25/3371106

33 Jiggins Lane, Birmingham B32 3LE

- 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 Manjit Singh against the decision of Birmingham City Council.
 - The application Ref is 2024/02567/PA.
 - The development is described as 'retrospective planning application - the removal of a bowling green and installation of hardstanding, a grassed (*sic*) and timber posts to create an extension of the beer garden'.
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Decision

1. The appeal is dismissed.

Background and Procedural Matters

2. The description of the development in my banner is taken from the application form.
3. As depicted on submitted drawings TW/053/101B and TW/053/102, land to the north of the Cock Inn has been converted from a bowling green to form a beer garden, with lawned and hard surfaced seating areas and a children's play area. The plans also depict overflow parking spaces which would be constructed along the site's north-western boundary.
4. The beer garden is lit by LED floodlights on 5.5 metre poles. The appellant says that these have been in place for over 10 years as they served the former bowling green and car park. However, there is a separate mechanism under section 191 of the Town and Country Planning Act 1990 (as amended) to ascertain the lawfulness of existing uses of land or buildings, as well as operations carried out on the land.
5. As the appeal is made under section 78 of the Act against a refusal to grant planning permission, and as the floodlights and the festoon lights attached to the timber posts are depicted on the submitted drawings, and the planning application was accompanied by a Lighting Assessment by Strenger Limited ('the SLA'), I have considered the impacts of those elements of the scheme in my reasoning.

Main Issues

6. The main issues are the impact of the development on:
 - nearby residents' living conditions, with particular regard to noise and light pollution; and
 - the character and appearance of the area.

Reasons

Living conditions

7. The Cock Inn is situated within a predominantly residential area, with a scattering of other uses including a medical centre to the south-west, but with houses fronting on to Jiggins Lane to the north, and a terrace of houses on Willow Coppice to the north-west.
8. Policy DM2 of the Development Management in Birmingham DPD 2021 ('DMB') sets out that development needs to be appropriate to its location and should not result in unacceptable adverse impacts on neighbours' amenities, having regard to matters including noise and artificial light pollution.
9. DMB Policy DM6 sets out that applications for noise-generating development must, where relevant, be accompanied by an assessment of the potential impact of any noise generated by the development on the amenity of nearby residents and other noise sensitive uses. It continues that where potential adverse impact is identified, the proposal shall include details of how the adverse impact will be reduced and/or mitigated.
10. The application was accompanied by a Noise Impact Assessment by Anglia Consultants ('the ANIA'). This recorded ambient noise from equipment positioned on the southeastern site boundary for a period from 11:28 to 14:13 on 4 March 2024. That data was used to estimate background noise levels in the rear garden of the nearest adjacent residential receptor at 49 Jiggins Lane ('No 49').
11. The ANIA makes assumptions regarding noise within No 49's garden based on over 100 people within the beer garden at various distances from the shared boundary, as depicted in Table 2 and Figure 2. Whilst acknowledging that there are no recognised criteria for assessing the impact of sound from human voices, assuming that 25% of people in the beer garden would have raised voices, it calculated that the cumulative noise level in No 49's garden would be 59.1 dB(A), and that an acoustic barrier would therefore be necessary. Calculations based on differing height barriers showed that the ambient noise levels in No 49's garden could be kept below a 'significant observed effect level' of a 5dB increase.
12. Whilst I appreciate the security concerns of leaving monitoring equipment unattended overnight, it is reasonable to assume that, as recorded background noise was dominated by road traffic on Jiggins Lane, background noise levels could be significantly lower in the evenings and at night, which is a time when nearby residents are most likely to be at home and could expect to peacefully enjoy their properties. That would include summertime evenings, when the beer garden may be at its busiest, and nearby local residents may wish to make most use of their gardens.
13. Furthermore, local residents refer to instances of harmfully loud noise from an outdoor PA system, an outside television showing football matches, live entertainment, people shouting and laughing at events, children playing, and an air generator associated with a bouncy castle. None of this was addressed in the ANIA. In that context, and contrary to the appellant's claim at paragraph 3.6 of his statement, it appears to me highly unlikely that the use of the site as a beer garden results in no greater noise than its previous use as a bowling green; and I am not

- persuaded that the ANIA gives an accurate representation of the noise associated with this use.
14. Given that the beer garden has been in place for over 5 years, and that a similar previous application for the retention of the unauthorised works on the site was refused partly due to the noise impact¹, it would appear to me that, rather than using assumptions, an assessment of the noise generated by the use at various times with different activities taking place could have been undertaken.
 15. Moreover, even if an acoustic barrier close to the boundary with No 49 would reduce noise in its garden to an acceptable level, no details of it have been provided, it is not depicted on the submitted drawings which show existing hedges and fences along the perimeters retained, and it is not included in the description of the development. Given that a 2 or more metre high acoustic barrier with a solid construction on the boundary would have a significant visual impact, interested parties could reasonably expect to have an opportunity to comment on it. Its provision could not therefore be reasonably required by a planning condition.
 16. Thus, notwithstanding the largely seasonal nature of the beer garden use, having regard to the requirements of DMB Policy DM6, I am not persuaded from the evidence before me that it does not result in a harmfully adverse impact on neighbouring occupiers due to noise; and I have not been provided with details of appropriate measures to mitigate its noise impact.
 17. Turning to lighting, DMB Policy DM5 states that development incorporating external lighting should make a positive contribution to the city's environment and must seek to avoid or mitigate any potential adverse impacts on amenity. It continues at parts 2 a) and b) that external lighting needs to demonstrate that it is appropriate for its purpose in its setting, and that it is designed to avoid or limit its impact on nearby residents and other light sensitive uses. At paragraph 2.46 it says that lighting assessments should include measures which will be implemented to minimise and control the level of illumination and that appropriate planning conditions may be imposed to restrict lighting levels and hours of use.
 18. Using ILP Guidance², the SLA identifies the Cock Inn as falling within Environmental Zone E3, which is a suburban area with a medium brightness lighting environment. At paragraph 2.7 the SLA summarises the ILP's 'pre-curfew' limits for criteria relating to light intrusion, glare and sky glow. Drawing No SK-01 identifies key residential receptors which could be impacted by the development.
 19. The tables at SLA paragraphs 7.1, 7.3 and 7.5 demonstrate that high performance Philips Clear Flood floodlights to replace the existing LED floodlights would be compliant with the ILP pre-curfew limits for each of those three criteria at the nearest residential receptors. I have no cogent reason to doubt that, but the SLA's 'assessed scheme of lighting' is not the same as what is on site and depicted on submitted drawings TW/053/101B and TW/053/102, and which formed the basis of the Council's decision.
 20. Additionally, the SLA does not assess the impact of the installed festoon lights but instead, in order to achieve a suitable upward light ratio, assesses the impact of 22 Philips Clear Lustre lights, which it says would be installed in a location which is not

¹ Ref: 2023/03525/PA

² Institute of Lighting Professionals Guidance Note 01/21

viewable at close distance from surrounding residential receptors. As depicted on drawing SK-02 that location would be in a single line running from south-west to north-east within the site. That is markedly different from the location of the currently installed festoon lights as depicted on the submitted drawings.

21. I have therefore based my decision on the submitted drawings, which show the existing undirected bare bulbs strung between the timber posts, some of which are parallel to the boundary with No 49, and some of which are around the central area. Whilst they may have a much lower illumination intensity than the floodlights, representations, including photographs, from local residents attest to their harmful impact. I have no doubt that they also contribute to light intrusion and glare to nearby properties, and having regard to paragraph 2.3 of the appellant's rebuttal, it is unclear what planning condition he is suggesting to control them.
22. Additionally, although the SLA refers to a generally adopted lighting curfew time of 23:00, local residents refer to instances of the existing lights being left on long after that, and the appellant has not suggested an appropriate curfew time, or an appropriate mechanism to ensure that it would be complied with.
23. As Policy TP11 of the Birmingham Development Plan 2017 ('BDP') addresses sports facilities, including lighting, it is of little if any relevance on this issue. However, notwithstanding some floodlights in the wider area, based on the available evidence, and having regard to DMB Policy DM5 and paragraph 198 of the National Planning Policy Framework ('Framework'), I am not satisfied that this scheme in this location appropriately avoids or mitigates adverse impacts from artificial lighting on amenity.
24. I therefore conclude on this issue, that the scheme has not appropriately demonstrated that it does not cause a harmfully adverse impact on nearby residents' living conditions due to noise and light pollution. It therefore conflicts with DMB Policies DM2, DM5 and DM6; along with the similar Framework requirement to create places with a high standard of amenity for all users.

Character and appearance

25. Development on the stretch of Jiggins Lane near the site is typically set back from the highway, with grass verges, gardens and trees giving the area a reasonably spacious, landscaped character. The Cock Inn sits on a large plot close to the road, but with the beer garden and the proposed overflow parking spaces well screened by a combination of hedgerows to the front and side boundaries, and a close boarded timber fence to the rear.
26. Although parts of the beer garden are hard surfaced, other sections are laid to lawn. The posts on the site are slender structures which therefore have a limited visual impact. Given the boundary treatment, the existing beer garden and the site of the proposed overflow parking area, are barely visible, if at all, from public vantage points, and there are only limited views of it from private properties.
27. I understand that the proportion of grass cover was greater when the site was used as a bowling green, but I have limited evidence that it became an eyesore and attracted fly tipping when that ceased. However, for the above reasons I am satisfied that the scheme does not harm the character and appearance of the area.

28. On this issue, there is therefore no conflict with those parts of BDP Policy PG3 and DMB Policy DM4 which require high quality design, with appropriate landscaping, which contributes to the local context, a strong sense of place and local distinctiveness. Neither does it conflict with the Framework's broadly similar stance on high quality design which is sympathetic to local character.

Other matters

29. Although not referred to in its decision or appeal statement, the Council's delegated report states, by reference to BDP Policy TP11, that a financial contribution must be paid to compensate for the loss of the bowling green. However, it has not provided any evidence as to how the requested £75,000 contribution was calculated, how it would be secured, or what it would be spent on. The appellant has not responded, but having regard to my findings on the main issues in this appeal, I have not found it necessary to reach a conclusion on this matter.
30. Section 6 of the Framework seeks to build a strong and competitive economy, and sets out that planning decisions should help to create the conditions in which businesses can invest, expand and adapt. Whilst I have limited evidence on this matter, I do not doubt that the beer garden and proposed overflow parking supports this local business, and the scheme thereby finds a limited measure of support from the Framework and the development plan, including BDP Policy TP26.

Planning Balance and Conclusion

31. Summing up, I have found that the development does not have an adverse impact on the character and appearance of the area, but based on the submitted evidence, I cannot conclude that it does not harmfully impact nearby residents' living conditions with regards noise and light pollution. The scheme's limited benefits do not outweigh the harm that it causes.
32. For these reasons, and having regard to all other matters raised, including all representations by interested parties, the appeal is dismissed.

Chris Couper

INSPECTOR