
Appeal Decision

Site visit made on 11 November 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 November 2025

Appeal Ref: APP/P1805/W/25/3372794

7 Rock Hill, Bromsgrove B61 7LL

- 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 R Gupta against the decision of Bromsgrove District Council.
 - The application Ref is 21/01749/FUL.
 - The development proposed is two-storey rear and side extension and internal changes to existing first-floor layout to create 4 additional flats and separate ground floor shop (Use Class E(a)).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development above from the Council's Decision Notice, which more accurately describes the proposal than the application form, including in respect of the number of additional flats. I am satisfied that no party would be prejudiced as a result. The proposal does not include a hot food take-away element, notwithstanding representations about such a use.

Main Issue

3. The main issue is the effect of the proposal on highway safety and use.

Reasons

4. The site consists of an existing shop with flats above, located in a suburban part of Bromsgrove. The proposal seeks to extend the appeal building to form six flats in total, and to create a second retail unit. The site lies opposite what is currently a priority T-junction, where Fox Lane meets Rock Hill, part of the B4091. There is an access point off Rock Hill onto an area of hardstanding within the appeal site, and a lay-by outside of the shop and beyond.
5. There is no dispute that the road network hereabouts is congested, with slow-moving queues, particularly at peak periods. To cope with the additional traffic from large-scale residential development elsewhere, the existing T-junction is in the process of being replaced by a roundabout. Its construction had started at the time of my visit.
6. By reducing the length of the lay-by, the proposed roundabout would reduce on-street vehicle parking. However, in its final consultation response, this was not a concern of the Highway Authority, and previous Inspectors¹ have confirmed that

¹ PINS references APP/P1805/W/20/3245111 and APP/P1805/W/21/3268752

the roundabout would not prejudice the existing customer parking or servicing operations of the shop. Nevertheless, given its constraints, the approved roundabout arrangement involves compromises, with a limited degree of resilience to changes.

7. Currently, vehicles entering or leaving the hardstanding area must reverse into the carriageway, and absent the proposal would still need to reverse once the roundabout is completed. The roundabout design includes a 'grasscrete' area into which vehicles leaving the hardstanding and number 5 Rock Hill (No. 5) would reverse, before joining the roundabout in forward gear. Although unusual, and a possible source of conflict, at appeal² this was found to be not materially worse in highway safety terms than the existing arrangements.
8. The proposal before me would have an access road and parking spaces for residents and visitors. The width of the parking area would be sufficient to allow vehicles to enter and leave in forward gear. By removing the need for vehicles to reverse, the proposal would include a highway safety benefit, although the grasscrete arrangement would presumably remain for the occupiers of No. 5.
9. The data before me is that the access serving the hardstanding is used by four two-way trips per day. The existing access, hardstanding and parking arrangements at the appeal site were accounted for in the design of the new roundabout. However, on the evidence I have, the effects of the proposal before me, and its additional traffic generation, were not taken into account, because they were not known about at that time.
10. The proposal would result in an intensification of use of the access by vehicles. The site is well located for services and facilities, and the proposal includes measures to encourage sustainable transport use. Nonetheless, the undisputed data suggests that use of the access would increase to 12 two-way trips per day, albeit mostly off-peak.
11. Greater use of the private access at the roundabout would increase the risk of accidents, because drivers using the roundabout may well not anticipate vehicles entering or leaving from this access, given their relative infrequency compared to the other arms. This would lead to uncertainty and confusion, and result in drivers braking suddenly, and/or undertaking avoidance manoeuvres. This would risk collisions, for example rear-end shunts. Notwithstanding the available visibility, such complications and conflicts would also put at risk other road users, such as pedestrians and cyclists.
12. In addition, the intensification of the use of the private access, and the resultant slowing or stopping of drivers, would risk disrupting traffic flow and reducing the efficiency of the roundabout. Consequently, the adverse effects of the proposal would outweigh its highway benefits. I therefore share the concerns of the Highway Authority.
13. For the reasons given above, the proposal would harm highway safety and use. On this basis, it would conflict with policy BDP16 of the Bromsgrove District Plan (the Local Plan), adopted January 2017, which requires safe and convenient access. Similarly, the proposal would conflict with paragraphs 115 to 117 of the National Planning Policy Framework (the Framework), which require safe and

² PINS reference APP/P1805/W/20/3245111

suitable access. I therefore give this conflict substantial negative weight. I shall consider Local Plan policy BDP1 below.

Other Considerations

14. The Council accepts that it cannot currently demonstrate an adequate supply of housing land. It has a shortfall that is significantly below five years, with just 2.24 years of supply, and is failing the Housing Delivery Test by a large amount. As such, Framework paragraph 11 requires that I determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing additional residential units to assist in addressing the undersupply. Local Plan policy BDP1 makes a similar requirement.
15. I have found conflict with Local Plan policy BDP16, which is consistent with the Framework. Against that, the proposal would make a positive contribution to the supply of housing by four additional units, making more efficient use of brownfield land within a settlement. Their construction and occupation, and the provision of an additional retail facility, would make positive social and economic contributions to the area. The development could be built out quickly.
16. However, given the relatively minor scale of the proposal, these benefits attract only moderate weight in favour of it. Given my findings above, the site and its access would not be suitable for the proposal. Accordingly, and given the substantial harm that I have identified, Framework paragraphs 73, 125 and 129 do not provide support of sufficient weight to overcome my concerns. I reach the same conclusion in respect of Local Plan policy BDP1.

Conclusion

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Given the harm identified, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework read in the round.
18. The proposal would conflict with the Development Plan, read as a whole. The material considerations in this case, including the Framework, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR