



Appeal Decision

Site visit made on 11 November 2025

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2025

Appeal Ref: APP/C4615/W/25/3371803

ABC Hand Car Wash, 433 Stourbridge Road, Brierley Hill, Dudley DY5 1LB

- 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 Khalil Seyam against the decision of Dudley Metropolitan Borough Council.
 - The application reference is P24/1228.
 - The development proposed is the erection of a single storey building for use as a MOT centre with a total unit size of 108 square meters on the existing Hand Car Wash site, which spans an area of 780 square meters. This addition is intended to enhance the functionality of the site, allowing for the operation of vehicle testing services alongside the current car wash activities.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appellant has described the proposal as in the above heading. The Council has, however, additionally referred to a new vehicular access, which is shown the submitted plans. I have determined the appeal on that basis.
3. The proposed building is complete. It appears to be broadly in accordance with the drawings. A new vehicle crossover is also proposed that was not in place at the time of the site visit. The proposal is, therefore, partly retrospective.
4. The appellant has submitted a Transport Appeal Statement (TAS) that includes new trip generation data and additional plans that show new vehicle swept paths and amended visibility splays. This information was not before the Council when it determined the application nor has it formally consulted others on it, including the Council's highways advisor. Consequently, interested parties could be prejudiced if I were to consider this new technical evidence. Therefore, in the interests of fairness, I have not done so. For the avoidance of doubt, I have determined the appeal based on the plans and written material that accompanied the planning application. I have also considered the TAS apart from the trip generation data and the drawings that show new vehicle swept paths and revised visibility splays.

Main Issue

5. The main issue is the effect of the proposed development on highway safety, with regard to vehicle parking, access and circulation, and pedestrian safety.

Reasons

Vehicle parking

6. This appeal relates to a single storey building in use as an MOT centre. It stands alongside an existing hand car wash within a row of commercial and business premises on Stourbridge Road. During the mid-day site visit, I saw that Stourbridge Road was busy and that the wide footway on either side of the site was well used for vehicle parking.
7. The appeal plans show three on-site parking spaces, which the appellant considers to be adequate to serve both the car wash and the MOT centre. However, few details have been provided to support this assertion. Given that both uses appear to currently operate from the site, it is surprising that evidence of parking demand informed by, for instance, a survey of existing customers did not accompany the planning application to substantiate the appellant's position.
8. Parking space may be required for vehicles awaiting or following an MOT inspection. That outcome may arise if customers arrive unexpectedly early for their appointment or late for vehicle collection. It could also occur if customers leave their cars for an extended time to allow the vehicle to also be washed and valeted. The TAS also notes that the uses on-site would operate with seven staff in total albeit I note that the parking spaces would be reserved solely for customer use.
9. Against that background, and in the absence of evidence to the contrary, I share the Council's concern that there is insufficient evidence to demonstrate that the level of on-site parking would be sufficient to meet demand. If all the parking spaces within the site were fully occupied, it is likely that drivers would park their vehicle as close to the site for ease and convenience. There is, therefore, considerable potential for overspill parking on the adjacent footway that would cause an obvious and significant obstruction to pedestrians.
10. To avoid these problems, the appellant states that MOTs would all be pre-booked, with up to 10 appointments allocated in hourly slots through the day. Even so, this arrangement would not necessarily prevent unpredictable arrival patterns nor prevent customers from leaving their vehicles on-site for a longer period for the reasons given. As such, a booking system is not on its own a reliable mechanism to avoid overspill parking.
11. I note that the operating hours of the MOT centre would be staggered to limit the overlap with those of the car wash facility. However, no convincing evidence has been provided to demonstrate that the demand for parking on-site would be adequate while the two uses were operating at the same time.
12. A Parking Management Plan (PMP) is also referred to as a way to ensure that the parking spaces on-site remain available for use. In the absence of a PCP, it is unclear what enforceable measures would be employed to ensure effective implementation. Without such measures, I am unable to attach more than limited weight to a PMP.
13. The appellant has suggested that signage and temporary bollards could deter motorists from using the adjacent footway for parking. However, I am not persuaded that such measures would be effective given that footway parking may take place further away from the site, just beyond the bollards. While the Council

has powers to implement formal parking restrictions and traffic controls, no such details are before me. Therefore, I am unable to conclude that such measures would be an adequate and appropriate response to issue of overspill parking.

14. I appreciate that the site is in an accessible location and that staff may travel to and from work by means other than the private car. However, the nature of the uses on the site does necessitate a car journey and a potential need for vehicle parking.
15. On the evidence before me, I find that the information provided is insufficient to demonstrate that the MOT centre and the car wash would operate without creating additional overspill parking in an area that is already affected by indiscriminate pavement parking. This arrangement would cause an obstruction and a significant safety hazard to pedestrians passing the site.

Access and circulation

16. The submitted layout shows a one-way circulation system in which vehicles would enter the MOT bay from Stourbridge Road over a new crossover and exit the site in forward gear via an existing dropped kerb. Users of the existing car wash would use the same entry and exit points to the site. Access to the three on-site parking bays would rely on the route through the car wash remaining free from obstruction.
17. The original swept-path drawings show a family-sized car passing through the car wash with the MOT centre in place. The route taken, however, slightly encroaches into one of the on-site parking spaces. If that space were to be occupied, the flow of vehicles through the car wash could be interrupted. Other obstructions, such as queuing vehicles or the tyre racks within the site that I saw but are not fully shown on the plans could have the same effect. There is, therefore, some uncertainty that the manoeuvring space within the site is sufficient to ensure that all the on-site parking spaces would remain available for use.
18. I have considered whether a condition could be imposed to require the Council's approval of a Transport Statement that fully addresses all these considerations prior to the commencement of development. However, the acceptability of the development is largely dependent on the findings of that exercise. Therefore, it would be inappropriate to do so.

Conclusion on the main issue

19. On the main issue, I conclude that the proposed development fails to demonstrate that it would operate safely in terms of parking provision, circulation and access. There would be an unacceptable risk to pedestrians from overspill parking on the adjacent footway, to the detriment of highway safety. As such, the appeal scheme is contrary to Policy TRAN2 of the Black Country Core Strategy, Policy S17 of the Dudley Borough Development Strategy and the Council's Parking Standards Supplementary Planning Document. These policies and guidance aim to ensure that development provides adequate parking, safe access and egress, and is not detrimental to highway safety. These principles are reflected in Policies DLP67, DL68 and DLP69 of the draft Dudley Local Plan with which the development would also conflict.
20. The National Planning Policy Framework (the Framework) states that development should be refused on highway grounds only if there would be an unacceptable

impact on highway safety. On the evidence before me, that would be the case with the appeal scheme.

Other matters

21. The appellant has referred to an MOT centre at Hayes Lane, Lye, which I am advised has planning permission and is regarded as a precedent. From the limited information provided, it is unclear whether this example is directly comparable with the appeal scheme in terms of its layout, operation and location. In any event, each development should be assessed on its own merits, which I have done.
22. The development is in keeping with the predominantly commercial character of this part of Stourbridge Road. It will not adversely affect the living conditions of others. I note that the existing site accesses have been in use for several years. The Framework includes policies that encourage business growth. However, these matters do not outweigh the significant harm that I have identified.
23. The appellant expresses a willingness to accept various conditions and to adhere to additional voluntary measures. While this cooperative approach is noted, conditions cannot be used in this case to resolve a lack of essential information or to remedy my concerns about highway safety.

Conclusion

24. Overall, the proposed development conflicts with the development plan, when read as a whole. There are no material considerations, including those of the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
25. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR