



Appeal Decision

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 09 December 2025

Appeal Ref: APP/C4615/C/25/3370696

1 Belgrave Road, Halesowen, West Midlands B62 9HA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Hot Wheelz Car Wash Ltd against an enforcement notice issued by Dudley Metropolitan Borough Council.
 - The notice was issued on 25 June 2025.
 - The breach of planning control as alleged in the notice is: Within the last ten years and without the benefit of planning permission:
 - a) The construction on part of the Land of a building (shown in Photograph 1 attached to this notice) (the Building) used to facilitate a hand car wash and car valeting service and
 - b) The demolition of a section of wall situated on the Land, and the erection of new access gates which has resulted in an extended access into the Land off Long Lane.
 - The requirements of the notice are to:
 - 1. Remove in its entirety the Building from the Land
 - 2. Clear away and dispose of lawfully any debris arising from carrying out step 5.1
 - 3. Remove the access gates and reinstate the section of wall which has been demolished in order to widen the access from the Land onto Long Lane (as indicated in Enclosure 2, Enclosure 3 and Enclosure 4 attached to this notice)
 - The period for compliance with the requirements is: Twenty-eight days (28 days)
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c) of the Town and Country Planning Act 1990 (as amended) (the Act). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act as amended.

Preliminary Matters

2. I carried out a site visit on 5 August 2025 in connection with an enforcement notice relating to the change of use of the land to a hand car wash and car valeting business. That matter is the subject of a separate appeal decision (Ref. APP/C4615/C/24/3354589).
3. The current appeal was lodged after the site visit had taken place. As both appeals concern the same parcel of land, it was considered appropriate to determine them concurrently. I am satisfied that a further site visit was not necessary for the purposes of this appeal.
4. The emerging Dudley Local Plan (DLP) (Part One and Two) was submitted for examination in February 2025, and both the stage 1 and stage 2 hearings are now complete. The Inspector, in a post hearing letter, has indicated that with main modifications, the DLP: Parts One and Two is capable of being found sound. The letter indicates that the legal tests have been met, including the Duty to Co-operate. Accordingly, I afford the DLP policies referred to moderate weight.

Ground (c)

5. An appeal on ground (c) is that the matters stated in the notice do not constitute a breach of planning control. This is a legal ground where the burden of proof is on the appellant to make out the case that there has not been a breach of planning control. The relevant test for the evidence is on the balance of probability.
6. The appellant's case is that the partial demolition of the boundary wall, widening of the vehicular access and installation of the new access would fall squarely within the permitted development rights established by Class A, Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO)¹, such that enforcement action cannot be taken in respect of those matters.
7. While such works may be permitted under Class A of Part 2, the proviso in Article 3(6) of the GPDO states that the permission granted by Schedule 2 does not, except in relation to development permitted by Classes A, B, D and E of Part 9 and Class A of Part 18 of that Schedule, authorise any development which requires or involves the formation, laying out or *material widening* (my emphasis) of a means of access to an existing highway which is a trunk road or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.
8. The gateway previously allowed access to a domestic garden. It has been materially widened to allow for use by larger vehicles. Accordingly, the works to the access onto the classified road is development that requires express planning permission.
9. The appeal on ground (c) therefore fails.

Ground (a) and the Deemed Planning Application

Main Issue

10. The appeal relates to an enforcement notice issued in respect of operational development at the site. A separate decision has been made on an appeal against an enforcement notice concerning the material change of use of the land (Ref. APP/C4615/C/24/3354589). That decision considered the impact of the development on the living conditions of neighbouring occupiers and on highway safety.
11. Given that matters relating to living conditions and highway safety have already been addressed in the separate decision, and to avoid unnecessary repetition, the main issue in this appeal is the effect of the development on the character and appearance of the street scene and the immediate area.

Reasons

12. The appeal site lies within an Area of High Historic Townscape Value (AHHTV), a local designation identifying areas where built heritage, such as historic buildings, street patterns, and spaces, makes a significant contribution to local character and distinctiveness. The purpose of this designation is to manage change sensitively, ensuring development respects historic character and does not harm the qualities

¹ The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

that make these areas special. AHHTVs often include historic street layouts, industrial heritage, or clusters of locally significant buildings that shape the townscape.

13. The AHHTV includes the settlement of Shell Corner, which developed as a small commercial centre at the meeting point of several roads in the early 20th century. The centre is defined by historic roads such as Long Lane, creating a gradual bend leading up to the junction at the focal point of the area, resulting in unfolding views. Around the junction stand houses with inserted shopfronts, several retaining traditional features such as engaged pilasters with consoles. Surrounding houses exhibit high-quality detailing, including moulded brick or terracotta work over windows and doors, dentilled wall plates, and some moulded tile stringcourses. A notable proportion of cottages on Malt Mill Lane have wagon arches, suggesting a busy area of home industry during the Edwardian era. The locality displays a diverse character, with a dense and varied mix of housing, small industrial workshops, and retail premises.
14. The appeal building, by virtue of its large steel-framed portal structure, flat roof, and four roller shutter doors, introduces a utilitarian and industrial form that is at odds with the established more traditional character of the Shell Corner AHHTV. Its siting on a prominent corner plot with wide public views exacerbates its visual impact, making it a conspicuous and intrusive feature within the street scene. While metal sheeting is present on parts of some commercial buildings nearby and is occasionally used for security shutters along the main thoroughfares, these elements are generally limited in scale and integrated into traditional façades. In contrast, the appeal building's extensive use of metal cladding and its stark, functional design lack any architectural articulation or detailing that relate to the historic context of its immediate setting.
15. The backdrop of period brick-built houses on Belgrave Road further heightens the incongruity, as the building fails to respect the Edwardian character that defines the locality. The juxtaposition between the industrial form of the appeal building and the traditional residential architecture creates a discordant relationship, undermining the cohesive townscape qualities that the AHHTV seeks to protect. This harm is not mitigated by the presence of other commercial structures, as those are generally smaller in scale and less visually dominant. Consequently, the development fails to assimilate with its surroundings and erodes the historic character and sense of place that contribute to the significance of the AHHTV.
16. Policy S12 of the Dudley Borough Development Strategy (DBDS) requires that new development within an AHHTV consolidates or enhances the existing positive characteristics of the locality and creates complementary, high-quality design. It states that development that fails to respond adequately to the character and context of an AHHTV or that prejudices significant views into, out of, or within such an area will not be permitted.
17. The building itself, by reason of its scale, massing, and utilitarian appearance, creates a discordant feature within the street scene. Its stark industrial form fails to assimilate with the established pattern of development, which is characterised by modest brick-built properties with traditional detailing, and its prominent corner position amplifies the harm caused.

18. Further to the erection of the building, physical alterations have been made to the site's boundary treatment, notably the widening of an existing gateway on Long Lane that previously served a domestic garden. This has involved the partial demolition of a feature brick-built boundary wall and the removal of one of its original pillars. Solid timber gates have been replaced by black metal gates. Although the section of wall removed is relatively limited in size in terms of its entire length, its partial removal with the loss of the pillar have diminished the integrity of the historic boundary treatment. Furthermore, the resulting state of disrepair further detracts from its visual quality and historic value.
19. Boundary walls and gate piers are important components of the townscape, providing enclosure and reinforcing the traditional street pattern. Their erosion, even in part, weakens the sense of historic continuity and undermines the cohesive appearance of the street scene. These changes detract from the historic townscape setting and conflict with the objectives of Policy S12 of the DBDS, Policy ENV2 of the Black Country Core Strategy, and the design principles of the National Planning Policy Framework. These policies collectively seek to ensure that developments adopt a high quality of design that makes a positive contribution to placemaking, protects and promotes historic character and local distinctiveness, and ensures that new development within an AHHTV consolidates or enhances the existing positive characteristics of the locality, including respecting views into, out of and within the AHHTV. These principles are reflected in Policy DLP59 of the emerging DLP with which the development would also conflict.

Conclusion

20. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act (as amended).

S A Hanson

INSPECTOR