



Appeal Decision

Site visit made on 5 August 2025

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/24/3354589

Land at 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 Mr Abideen Haider (Hot Wheelz) against an enforcement notice issued by Dudley Metropolitan Borough Council.
 - The notice was issued on 26 September 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission and within the last 10 years the change of use of the Land for the use of a hand car wash and car valeting area.
 - The requirements of the notice are to: Cease the use of the Land as a hand car wash and car valeting area.
 - The period for compliance with the requirements is: 28 (twenty-eight) days.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (e) 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 1990 Act as amended.

Preliminary Matters

2. The four-bay steel portal framed building which is situated to the rear of the site is the subject of a separate appeal ref. APP/C4615/C/25/3370696.

Ground (e)

3. This legal ground of appeal is that copies of the notice were not served as required by section 172 of the Act. Section 172(2) provides that a copy of the notice shall be served on the owner and occupier of the land to which it relates, and any other person having an interest in the land, including mortgagees, tenants and sub-tenants, being an interest which, in the opinion of the Local Planning Authority, is materially affected.
4. It appears from correspondence dated 23 April 2025 from the appellant's agent, Knights, that the appellant had learned about the notice relating to the material change of use of the site, which is the subject of this appeal, via a previous temporary stop notice relating to the site which had been affixed to a lamppost close to the site. However, I am not provided with any information detailing 'how' the appellant learned of the notice via the temporary stop notice. Despite that, they note that 'fortuitously, they managed to appeal against the notice within the requisite period'.

5. Section 329 of the Act sets out the legal framework for the service of a notice. Section 329(2) states that where the notice or document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice or document shall be taken to be duly served if— (a) it is addressed to him either by name or by the description of “the owner” or, as the case may be, “the occupier” of the premises (describing them) and is delivered or sent in the manner specified in subsection (1)(a), (b) or (c); or (b) it is so addressed and is marked in such a manner as may be prescribed for securing that it is plainly identifiable as a communication of importance and— (i) it is sent to the premises in a prepaid registered letter or by the recorded delivery service and is not returned to the authority sending it, or (ii) it is delivered to some person on those premises, or is affixed conspicuously to some object on those premises.
6. The Council has provided a copy of its ‘Certificate of Service’ which details that the Enforcement Notice dated ‘29 September’ and covering letter was sent by first class post on 27 September 2024. Three copies were sent to the appeal site at 1 Belgrave Road, addressed to the owner, the manager and ‘MB’. Two copies were sent to ‘BS’ and ‘KSD’ at 158 Greenhill Road, Halesowen. The certificate is signed and dated 27 September 2024. I note there are inconsistencies with the date of the notice which is formally dated 26 September 2024. I accept that this is probably a typographical error as the date on the letter and certificate is a day later and this would fit with the timings of service. A copy of a certificate of service for the stop notice had also been served on the same people at the same addresses on 13 August 2024.
7. The appellant is not aware of the named recipients and says that 1 Belgrave Road is the address of the shop. That may well be the case, but the shop also falls within the red line which indicates the extent of the enforcement notice on the land and the appellant’s submissions refer to ‘whilst being the same operator, the business is separate to the adjacent convenience store’. Thus, notwithstanding that the appellant has re-numbered their part as Unit 1, by addressing two copies of the notice to the manager and owner of 1 Belgrave Road, and with the contents providing clear information relating to the breach, I am satisfied that the council served the notice correctly. Moreover, the appellant has submitted their appeal against the notice within the timeframe and has had an opportunity to argue their case fully during the appeal proceedings. It cannot, therefore, be said that the appellant has suffered any substantial prejudice through the service of this notice.
8. For the reasons given above, I conclude that the appeal on ground (e) fails.

Main Issues

9. The main issues are the effect of the development on the living conditions of occupiers of neighbouring properties, highway safety, and drainage.

Reasons

Living conditions

10. The appeal relates to the change of use of land to a hand car wash and car valeting business. The appeal site is located within a defined Local Centre known as the Shell Corner Area of High Historic Townscape Value. The locality is

characterised by a mix of retail, commercial and residential properties. The previously verdant corner plot has been cleared of all vegetation, a hard surface has been laid, and buildings have been erected. It is enclosed by brick walls some 1.4m in height along its boundaries with Belgrave Road and Nimmings Road/Long Lane. A 1.8m high larch lap fence separates the site from the side and rear of adjoining residential properties on Nimmings Road and a high-level timber fence separates it from neighbouring occupiers along Belgrave Road.

11. To the front of the site is a detached brick building with a grocery store on the ground floor and residential above. There are two vehicular access points to the appeal site, positioned tightly on either side of the shop premises. One access leads onto the roundabout on Long Lane, while the other opens onto Belgrave Road, a one-way residential street. Between the appeal site and the beginning of the row of semi-detached and terraced houses on Belgrave Road lies a commercial vehicle workshop, set back from the road frontage and to the rear of the first residential property. Opposite the appeal site on Belgrave Road is a commercial premises, an area of domestic garages, and a yard. To the front of the site and surrounding the roundabout is a mix of commercial, retail, and residential properties.
12. In addition to the main car wash and valeting business, the appeal premises advertises other services including vehicle maintenance, light mechanical work, and sound system installation. The appellant states that the business operates strictly on a pre-booked appointment basis. A car wash and valet typically take between 30 and 60 minutes to complete, with up to a maximum of six vehicles accommodated per hour. More intensive valeting and detailing services can take between three and four hours. The business is said to operate between the hours of 09:00 and 17:00. As no specific days of operation have been provided, this could reasonably be interpreted as seven days a week.
13. I have no technical evidence from either party to demonstrate the precise impact of noise from the development on the occupiers of surrounding properties, nor any detailed information on the level of noise generated within the site. It is inevitable that some noise will arise from surrounding traffic, particularly given the site's location adjacent to a roundabout that distributes vehicles along three main thoroughfares. Furthermore, it is likely that a degree of external noise is generated by the mix of commercial properties interspersed with residential uses in the vicinity.
14. Nevertheless, concerns were raised with the Council regarding the noise and disturbance, traffic generation and conflict with the highway network caused by the development. Although I acknowledge that this is a busy location where a degree of ambient noise is present, noise generated by the appeal site is likely to be significant due to the use of pressure washing and vacuuming equipment. Such activities are prone to produce high levels of noise disturbance beyond what would reasonably be expected in this locality. Moreover, the nature of the noise, including the sound of jet wash motors and water being sprayed at high pressure, would be distinctive and intermittent, standing out from the general background traffic noise.
15. There are limited acoustic barriers on the site and no additional mitigating measures have been proposed. Even if some valeting were to occur under cover, the buildings appear to be largely open fronted with roller doors and of lightweight construction, offering minimal acoustic benefit. Some matters, including hours of

operation, could be controlled by planning conditions, and this could limit the effects of the development in terms of noise and disturbance. However, even during normal working hours, it is expected that the nature of the noise generated would be distinctive and of an intensity that would likely harm the living conditions of the occupiers of nearby properties.

16. While I appreciate that a presence on site is considered positive to the neighbouring business, in the absence of substantive evidence to the contrary, I am not satisfied that the effects of noise and disturbance from the unauthorised use does not cause material harm to the living conditions of those occupying nearby residential properties, and this may well extend to some commercial and retail occupiers in the vicinity.
17. For the reasons given, I consider that there is conflict with Policies D2, D5 and D11 of the Dudley Borough Development Strategy (2017) (DBDS), which collectively seek to protect the amenity of neighbouring occupiers and avoid development that would result in significant adverse impacts on health and quality of life.

Highway safety

18. The appellant states that the business operates on a pre-booked appointment only basis, although the submissions also refer to a high proportion of vehicle trips from passers-by. Such trips have the potential to cause peaks at certain times when demand for services could lead to queues forming on the highway. A Highways and Transport Technical Note accompanies the appellant's submissions. However, there is no impact assessment as such to support the appellant's view that it is unlikely that the car wash and valeting business presents any significant highways issues, in both capacity and safety terms.
19. To further facilitate the unauthorised use, part of the brick boundary wall on Long Lane has been demolished to widen the access for vehicular traffic to the site. This access is directly onto a small roundabout and immediately in front of a give-way entry point where recent safety improvements have been implemented. The scheme included enhanced road markings and pedestrian crossings. The widened access onto the roundabout does not align with the existing dropped kerb, and any extension of the dropped kerb to accommodate the widened access would bring the transition kerb closer to the give-way line.
20. Furthermore, visibility for vehicles exiting the site at this point is noted as being poor, and there is nothing to dispute this finding. The use of the access is likely to create potential hazards for pedestrians. This is particularly so given its position adjacent to a grocery shop whose customer entrance is immediately next to the access point, and its position directly onto a roundabout at a busy road junction with bus stops and pedestrian crossings nearby.
21. While I do not dispute that the space within the site allows for vehicles to enter and exit in a forward gear, the position of the access raises clear concerns regarding highway safety. The use of the access is likely to impact the operation of the roundabout with potential for conflicting and blocking movements. Although the appellant reports that there is no data for road traffic collisions within the vicinity of the appeal site, the Council counter claims that the collision history at this location is based on little or no use of this access, and I agree that it cannot be reflective of the current situation with the additional business in operation.

22. Another access to the site is in Belgrave Road, a narrow one-way street predominantly in residential use with on street parking for the houses along its entire length on each side. Safety concerns have been raised by residents relating to vehicles egressing, contrary to the one-way system, seemingly to avoid the residential street and more convoluted access route from the site.
23. While vehicle tracking diagrams are provided to demonstrate how an estate car/LGV can manoeuvre into and out of the site at the Belgrave Road access point, there is nothing to show how accessible it is for larger vehicles that may well utilise the site as customers or for deliveries. Indeed, at the time of my visit, a motorhome was parked on the hardstanding to the front of the portal framed building which indicates that the use is not restricted to smaller vehicles.
24. It also seems to me that access here could be compromised for some vehicles due mainly to the parking bays on the opposite side of the road and the proximity of parking on the same side of the road. The vehicle tracking drawings are provided for both an estate car and a 3.5t panel van. While the diagrams show how the vehicles could enter and exit the site, this may be compromised if a vehicle is parked by the entrance, as was the case when I visited the site. I also noted a signpost signalling “way in” at the Belgrave Road access which indicates to me that this may well be a more difficult route for exiting the site.
25. Although the appellant states that measures can be incorporated to prevent the use of the access onto the roundabout, I am not persuaded that the remaining access in Belgrave Road would function sufficiently. Stopping up the Shell Corner access would require all traffic to enter and exit the appeal site from and onto the narrow one-way residential street. As referred to already, it seems to me that exiting the site at this point could, at times, be difficult for some vehicles due to the provision of on-street parking at this location.
26. Overall, from the provided evidence, I cannot be satisfied that the traffic generated by the business would not have an unacceptable impact on the local highway network in this location, or that the site has safe and adequate access arrangements and that the impacts of the development on highway safety can be mitigated. In this regard, there is conflict with Policy TRAN2 of the Black Country Core Strategy 2011, and Policies S17 and D11 of the DBDS. These among other matters require that all new developments must address their transport impacts and demonstrate how they will minimize negative effects on the transport network.

Drainage

27. The drainage statement, prepared by Shaw Savage Ltd, a civil and environmental engineering consultancy, is provided following a review of the on-site facilities for the appeal site. It supplies details of the purpose-built drainage system which has been installed. The system is said to include pollution prevention measures in the form of three separator chambers. The drainage system has been constructed to include suitable cross-falls within the paving to ensure all runoff from the washing process is directed to the separator chambers to prevent flow onto the public highway and prevent pollution of surface water receptors nearby. Discharge from the separator chambers is to an existing foul drain on site and to enable the re-use of rainwater, a 1000 litre collection tank is provided to harvest water from the workshop roof.

28. The Statement concludes that it is considered that the purpose-built drainage system has been specifically designed and installed to overcome the potential issues arising from the vehicle washing process. Collection and treatment of runoff is included to prevent potential pollution of surface water receptors nearby. Photographic evidence is provided of the system, and an accompanying drawing shows its layout. I have not been made aware of issues of water run off to the highway or pollution problems. Consequently, I have no reason to dispute that relevant drainage solutions are in place as required by Policy D11 of the DBDS.

Conclusion

29. For the reasons given above, I conclude that the impact of the development is harmful to the living conditions of neighbouring properties and highway safety. Accordingly, the appeal cannot 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 1990 act as amended

S A Hanson

INSPECTOR