
Appeal Decision

Site visit made on 26 January 2026

by **N Robinson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 February 2026

Appeal Ref: APP/P4605/W/25/3370885

20 Sheaf Lane, Birmingham B26 3HD

- 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 Tauqeer Khaliq (T & S properties) against the decision of Birmingham City Council.
 - The application Ref is 2024/07293/PA.
 - The development proposed is change of use from Commercial A1 Retail to C3 Residential - 3 Studio Apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At my site visit I saw that works had taken place to the property including alterations to fenestration and the erection of a dormer window and extension. In the interests of clarity, I have determined the appeal on the basis of the submitted plans.
3. The appellant's case includes marketing evidence which did not form part of the planning application. The Council has been given the opportunity to comment on this. On this basis, I do not consider that any party would be unfairly prejudiced. I have had consideration to this document in determining this appeal.

Main Issues

4. The main issues are:
 - whether the proposal would provide acceptable living conditions for future occupiers with particular regard to room sizes, outlook, light levels, noise and disturbance and the quality of private amenity space;
 - the effect of the proposal on the character and appearance of the host property and the surrounding area; and
 - the effect of the proposal on the vitality and viability of the district centre.

Reasons

Living conditions

5. 20 Sheaf Lane is a 2-storey building which has a commercial use to the ground floor with residential accommodation above and a garage/ store to the rear. The building is currently vacant and was last used as a motorbike repair workshop. The

site adjoins a tyre-fitting workshop and a car park. The proposal is for the conversion of the building to 3 flats comprising a studio flat to the ground floor, a one-bedroom flat to the first floor and a studio flat within the converted roof space.

6. Amenity space for future occupiers would be provided to the rear, with a bike/ bin store sited within the ground floor of the building accessed via a lobby. Whilst limited in scale, this amenity space would nonetheless provide a space for future occupiers to access daylight and fresh air and a space to socialise and would appear to be of sufficient size to meet future occupiers' needs. There is no indication that it would be used as a circulation route to the bin/ bike store.
7. Policy DM10 of the Development Management in Birmingham Development Plan Document (2021) (DPD) requires that housing reflect the standards in the Government's Nationally Described Space Standards (NDSS). This requires that one-bedroom units are provided with 37m² gross internal floor area (where a studio has a shower room instead of a bathroom). Flats 2 and 3 would fail to provide this minimum standard. The NDSS requires a minimum floor to ceiling height of 2.3m for at least 75% of the gross internal floor area. Flat 3 is formed within the roof space and part of the accommodation would be provided within the eaves where the head height would be reduced, resulting in notable a shortfall in the usable gross internal floor area against the space standards in the NDSS.
8. There is no indication that the proposed windows, which would have outlook onto Sheaf Lane and the rear of the site, would provide poor outlook from the rooms they serve. Nonetheless, the plans show that flats 1 and 3 would be served by one window. These openings would provide limited levels of natural light to the front parts of flat 3 and the rear parts of flat 1, which would make these rooms dark and uninviting spaces in which to spend time.
9. I accept that it is common for residential accommodation to sit alongside commercial premises, including within town and district centres. However, the site borders noise generating activities including the neighbouring tyre workshop, and, in the absence of technical evidence to demonstrate otherwise, I find it likely that the effects of noise and disturbance from the neighbouring noise-generating activities would be sufficiently intense to cause harm to the living conditions of future occupiers. In the absence of detailed calculations of the noise levels within the flats, it is not possible to know whether the mitigation proposed would be successful in achieving an acceptable noise environment within the units.
10. Amended plans are referenced, which, it is stated, would overcome the concerns raised by the Council regarding the quality of living accommodation. However, no such plans are before me to give substantial credence to.
11. The proposal would fail to provide units of adequate size with adequate levels of natural light, and it has not been evidenced that future occupiers would not experience harmful noise disturbance from the surrounding land uses. Given this, the development would fail to provide an acceptable standard of living accommodation for future occupiers. Conflict therefore arises with those aims of policy PG3 of the Birmingham Development Plan (2017) (BDP) and DPD policies DM2, DM6 and DM10 which seek to ensure that development does not result in unacceptable adverse impacts on the amenity of occupiers, including exposure to noise and vibration, and ensures adequate daylight to dwellings. I also find conflict

with the Birmingham Design Guide Supplementary Planning Document (2022) (SPD) which has similar aims.

12. Conflict also arises with the National Planning Policy Framework (the Framework) which requires that decisions ensure that developments create spaces with a high standard of amenity for future users.

Character and appearance

13. The existing plans indicate that the property incorporated a shop front window and decorative archway entrance door to the front displaying a characteristically commercial appearance, consistent with its location within a District Centre.
14. The proposal includes the replacement of the existing shopfront and decorative archway door with a hipped roof porch and bay window. At my visit I observed that the archway had been removed. The porch, in combination with the alterations to the front elevation, gives the building an inherently residential appearance. In this commercial context, the residential appearance of the property would appear as somewhat of an anomaly within its inherently commercial site setting, detracting from the character and appearance of the area.
15. Based on the information before me it appears that the archway was an attractive feature which would have contributed positively to the appearance of the building. In the absence of substantive evidence to the contrary I find that the removal of this feature and replacement with an uncharacteristically residential porch results in harm to the character and appearance of the property.
16. In support of the proposal the appellant references permitted development (PD) rights for the erection of a porch under Class D, Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 which allows for the erection or construction of a porch outside any external door to a dwellinghouse. The building has a commercial use. This is not therefore a PD right that applies to it. This is not a matter which weighs in favour of the proposal.
17. Whilst the appellant has expressed a willingness to amend the design to retain the decorative arch, no such plans are before me to give substantial credence to.
18. The proposal results in harm to the character and appearance of the host building and the surrounding area. Conflict therefore arises with those aims of BDP policy PG3 which seek to reinforce local distinctiveness. I also find conflict with the SPD which seeks to ensure that development delivers site-specific, coherent architecture that positively responds to the site and enhances its surroundings.
19. Conflict also arises with the Framework, which seeks to ensure that developments are visually attractive as a result of good architecture.

Vitality and viability

20. The site is located within the primary shopping area of Sheldon District Centre. The development would result in the loss of a commercial use. BDP policy TP21 seeks to maintain the viability and vitality of district centres, which the supporting text states act as a focus for local community life and ensure that services are available in accessible locations. BDP policy TP21 states that residential development within these centres will be supported having regard to the provisions of BDP policy TP24 which seek to protect the retail function within primary

shopping areas in district centres by retaining 50% of all ground floor units in retail use. The policy states that applications for the change of use out of retail use will normally be refused if this would reduce this threshold, unless exceptional circumstances can be demonstrated. The appellant does not appear to dispute the requirement to demonstrate exceptional circumstances and has prepared a marketing report in support of the proposed change of use.

21. The marketing report states that the property was marketed for a 12-month period between June 2023 and May 2024 for a rent of £14,500pa, reduced to £12,000pa in January 2024. It is stated that the building was advertised online, on the agent's website, in the local press and via a direct mail shot which resulted in no offers being made. No evidence of active marketing has been provided, and it appears that the premises were only advertised for rent and not for sale. No valuation report is before me giving evidence of how the rental price was determined and there is no analysis on whether this was comparable to similar premises in the area. These deficiencies in the marketing evidence bring into question whether the marketing was sufficient to highlight the availability of the property and whether the marketing was undertaken on the basis of reasonable terms and conditions.
22. In light of the above, I cannot be satisfied that there are no reasonable prospects of the use of the property for commercial use. Therefore, the development would lead to an unacceptable loss of a commercial unit within a primary shopping area, thereby harming the vitality and viability of the district centre. Conflict therefore arises with those aims of BDP policies TP21 and TP24 set out above.
23. I also find conflict with the Framework, which requires that decisions support the role that town centres play at the heart of local communities.

Other Matters

24. The proposal would bring a vacant building back into active use and would deliver 3 market dwellings in a location which is highly accessible to facilities, services and public transport. The dwellings would contribute to boosting the supply of new housing. However, these benefits would be limited given the scale of the development and would fail to outweigh the harm I have identified in relation to the standard of living accommodation or the development's effect on the character and appearance of the host building and the surrounding area and the vitality and viability of the district centre.
25. The appellants' dissatisfaction with the handling of the planning application is noted. However, this is not a matter for consideration in this appeal which focusses on the planning merits of the proposal.

Conclusion

26. For the reasons given above I conclude that the appeal should be dismissed.

N Robinson

INSPECTOR