



Appeal Decision

Site visit made on 12 November 2025

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 December 2025

Appeal Ref: APP/G4620/W/25/3359074

134 House Franchise Street, Wednesbury, Sandwell WS10 9RG

- 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 Gul Nawaz of West Midlands Cars Ltd against the decision of Sandwell Metropolitan Borough Council.
- The application Ref is DC/23/68374.
- The development proposed is retention of use from warehouse to car sales, external alterations to front, and entrance gates.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development above from the decision notice as it more accurately describes the proposal. This description has also been used by the appellant on their appeal form.
3. The appeal site is already in use as car sales, and the external alterations and gates are in situ. I have determined the appeal on that basis. There are ongoing enforcement proceedings including appeals¹ in respect of the appeal site. These have no bearing on my consideration of the proposal before me which I have considered on its own merits.
4. No development plan policies were cited in the Decision Notice. As such I have concluded against the provisions of the National Planning Policy Framework (the Framework).

Main Issues

5. The main issues are the effect of the development on highway safety and the living conditions of local residents in respect of activity associated with the proposed use.

Reasons

Highway Safety

6. The appeal site comprises land and an existing building accessed from Franchise Street. The street is characterised by a mix of residential and commercial uses. Some properties in the area benefit from off-street parking, however there are

¹ APP/G4620/C/25/3371094-6

many which do not have a dedicated area to park and so would be reliant on on-street parking.

7. The appeal site comprises a roughly rectangular area with a single access point from Franchise Street located between residential development and a former public house. The site is narrow in width but is relatively deep and backs onto the Fallings Heath Cemetery. Towards the rear of the site is a pitched roof, single storey workshop and sales building. Beyond the building is an open area which is indicated on the plans as amenity space for the adjacent dwelling but comprises a hardstanding area with some open storage. The sales area where cars are parked is located between the building and the road. To the northeast of this a modestly sized open area remains. No defined area is set aside for visitor or staff parking.
8. I observed that several cars in the area were parked partially on the pavement to leave sufficient space on the carriageway for vehicles to pass. Cars parked in this manner impede accessibility for pedestrians and other pavement users, causing inconvenience and potential highway safety issues if they need to step into the road because they are unable to pass. In places it would not be possible to pass along the pavement in a wheelchair or with a buggy due to the presence of parked cars on the pavement. Whilst my observations from my site visit are just a snapshot in time, the fact that cars are parked in this manner is indicative that there is parking pressure locally.
9. The hard standing area to the frontage of the site provides space for several cars and at the time of my site visit this area was occupied with numerous closely parked cars. The Council suggest that overspill parking from the business has been observed on the highway or on private land near to the site. However, I have no firm evidence of this, nor that the cars that I noted parked on the street were linked to the business at the appeal site.
10. However, the nature of the car sales business is such that there would inevitably be a varying flow of stock, that deliveries and collections would take place and that customers would visit to view cars. These activities are likely to involve vehicles manoeuvring and parking within and near to the site.
11. The evidence submitted in support of the appeal does not sufficiently explain how the business operates, the capacity of the site, and how the number of cars on the site at any one time is controlled. Limited evidence has been supplied in terms of the number of vehicular movements associated with the use or how staff and customer parking is provided. Furthermore, the frequency and management of deliveries including the parking and turning arrangements for any vehicle transporters or similar vehicles has not been explained.
12. As a result, it has not been demonstrated that the site has the capacity to provide sufficient parking and adequate space to accommodate turning requirements associated with the use. In the absence of substantive evidence to the contrary, the use results in parking and manoeuvring of cars and delivery vehicles on adjacent streets.
13. Consequently, the proposal results in increased parking pressure and demand in the locality. It also results in the presence of inappropriately parked cars and delivery vehicles manoeuvring in the highway. This affects the free flow of traffic, impedes visibility and results in inconvenience for pedestrians, increasing the risk

of conflict between all users of the highway and resulting in a harmful effect on highway safety for all road users.

14. For the reasons given, I conclude that the proposal has a harmful effect on highway safety. It therefore conflicts with the Framework which seeks to ensure that developments function well and create places that are safe.

Living Conditions

15. Although there are some commercial uses in the vicinity of the appeal site, the majority of development in the immediate context comprises residential dwellings which front Franchise Street and other roads which lead off of it.
16. In addition to the frustration and inconvenience associated with increased parking pressure, the use gives rise to noise associated with the loading and unloading of cars from transporters along with general noise and disturbance from activities associated with the use such as visiting customers and moving cars in and around the site. This results in disturbance to occupiers of dwellings in close proximity to the appeal site.
17. I therefore conclude that the proposal has a harmful effect on the living conditions of local residents in respect of activity associated with the use. It therefore conflicts with the Framework which seeks to ensure that development is appropriate for its location, taking into account the effect on living conditions.

Other Matters

18. I have given careful consideration as to whether the harm I have identified could be mitigated through the imposition of conditions. Conditions have been suggested from both parties including in respect of opening hours, provision of parking and a management plan.
19. However, I am not satisfied that such conditions would fully address the matters of concern because I am not convinced that there is sufficient space within the site to provide the required parking and manoeuvring areas. Furthermore, I am not convinced it would be practical to enforce these conditions or that they would be capable of being complied with, in the absence of detailed information in respect of the operation of the business and how deliveries and collections take place.
20. The appellant contends that the appeal site benefits from an unfettered Class B8 use which represents a fallback position which should be a material consideration in the appeal. The planning history which has been referred to includes applications, some granted and some refused, relating to the provision and alteration of refrigerated storage and compressors. These applications are dated between 1983 and 1997.
21. Aside from the planning history, the information supplied in respect of the previous use of the site is limited and there is no evidence that the site would be used in the same way were the appeal to be dismissed. It is not within the remit of this appeal to determine the lawful use of the appeal site which can only be formally determined by a lawful certificate application.
22. In any event, the use of the site as car sales is a *sui generis* use, which by its very nature, would have different effects in respect of highway safety and living conditions than a B8 use. Notably, no assessment has been carried out comparing

the quantum and nature of the vehicular movements, parking demand and noise associated with the previous and proposed uses. As such, I attach limited weight to this as a fallback position.

23. I acknowledge that the proposal makes use of previously developed land and that the physical works which have taken place in respect of the building on the site and the gates, are acceptable in terms of character and appearance. I also note that the proposal results in economic benefits by providing jobs. However, these benefits are not sufficient to outweigh the harm I have found in respect of the main issues.

Conclusion

24. For the reasons given above the appeal should be dismissed.

E Pickernell

INSPECTOR