
Appeal Decision

Site visit made on 7 January 2026

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 January 2026

Appeal Ref: APP/G4620/W/25/3372692

Cedar Court, Brasshouse Lane, Smethwick, Sandwell B66 1BA

- 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 Ms P Kaur against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref is DC/25/70763.
 - The development proposed is change of use of 1no. car parking space and adjacent amenity land to Sui Generis for the siting of a Mobile Food Outlet (Trailer) (Temporary Permission for 3 years).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, a mobile food trailer was situated at the appeal site, albeit occupying a larger footprint than indicated on the plans. For the avoidance of doubt, I have considered this appeal on the basis of the submitted plans and documents.
3. A revised plan has been submitted with the appeal which indicates the provision of an additional parking space to the southeast of the appeal site, accessed from Kimberley Road. In this instance, the revised scheme represents a significant difference to the scheme including works outside of the appeal site and has not been the subject of consultation. Therefore, accepting the revised plan would result in procedural unfairness. As such I have considered the appeal on the basis of the plans upon which the Council made their decision.

Main Issue

4. The main issue is the effect of the proposal on highway safety in respect of parking provision and pedestrian safety.

Reasons

5. The appeal site comprises part of an existing car park which serves Cedar Court, and an adjacent area which is partially enclosed by railings. It is proposed to change the use of the appeal site to allow for the stationing of a mobile food trailer with adjacent customer waiting area. Two parking spaces within the car park are indicated to be for visitor/customer use.
6. The plans indicate that 8 parking spaces would remain for tenant parking which would be sufficient for the 8 flats within Cedar Court. The parties agree that the parking standards indicate a requirement for 3 parking spaces for visitors. However, they disagree in respect of the spaces necessary for the food trailer. The

Council contend that 3 parking spaces would be needed for customers whereas the appellant considers that one parking space would be required.

7. Policy SAD TRAN 3 of the Site Allocations and Delivery Development Plan Document (Adopted December 2012) (SADDPD) and the Revised Residential Design Guide Supplementary Planning Document (Adopted January 2014) (SPD) set out parking requirements for residential and other uses. However, these standards do not include a specific parking requirement for a hot food takeaway use, and it is not clear on what basis the Council's requirements for customer parking have been calculated. The appellant refers to 'Appendix K' of the 'Transport Policy' however I have not been provided with a copy of this, and it is not clear that this is part of any adopted policy.
8. In any event, even using the appellants figures, the proposal would result in a shortfall of 2 parking spaces. As such there would be insufficient off-street parking to serve residents, visitors and customers. Although it may be the case that not all tenants own a car at present, this situation may change. At the time of my site visit the car park was fully occupied, even though the food trailer was not open, although this represents a snapshot in time and may not be representative.
9. Consequently, it is likely that many of the customers who visit the food truck by car would park on the street. The SPD states that consideration can be given to reducing off-street visitor parking provision if spaces can be safely accommodated on street without unduly affecting the movement of pedestrians and the free passage of vehicles.
10. Many of the roads in the vicinity of the appeal site have sections of double yellow lines. There are some sections where it is possible to park on the street, however I noted that particularly along Brasshouse Lane, cars park partially on the pavement to accommodate two-way traffic on the road. This narrows the available width of the pavement and whilst it was passable at the time of my visit, it would be challenging for wheelchair users or people with young children to comfortably navigate along the pavement in these areas. The surrounding streets are mixed in terms of house type but much of the housing stock nearby comprises terraced housing with no off-street parking. As such the area is one which experiences a high level of parking pressure.
11. I recognise that some customers would access the site on foot, public transport or cycle. However, the appeal site is not in a town centre location where a wide range of other facilities are available and as such it is likely that many customers would drive to pick up food. Customers who would visit by car, especially in the evening when most residents of the surrounding area would be at home, would find it challenging to park nearby. This would lead to more inappropriate parking in the area, including on the pavement which would result in harm to pedestrian safety.
12. It is proposed that customers would wait for their food within the area immediately to the northwest of the trailer. Because of the position of the trailer, vehicles exiting the car park would have limited visibility of customers waiting in this area. Similarly, customers would have limited visibility of cars leaving the car park. As such customers leaving the waiting area could step into the path of an exiting car, resulting in a significant risk of harm to pedestrian safety.
13. I acknowledge that the proposal is for a temporary consent and that it might be possible to operate on a short-term basis under permitted development rights.

Nevertheless, the proposal represents a risk to pedestrian safety, the consequences of which would be significant, this harm would not be acceptable even on a temporary basis. Although the proposal would provide a local service and result in modest economic benefits, this would not outweigh the harm I have identified.

14. I therefore conclude that the proposal would have a harmful effect on highway safety in respect of parking provision and pedestrian safety. It would therefore conflict with Policies TRAN2 and ENV3 of the Black Country Core Strategy (Adopted February 2011) and Policy SAD TRAN 3 and SAD EOS9 of the SADDPD. Together, these seek to ensure that proposals provide appropriate levels of parking, accessibility and safety.

Conclusion

15. The proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be determined other than in accordance with it. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR