

# Report to the Planning Committee

**27 March 2024**

<b>Subject:</b>	Decisions of the Planning Inspectorate
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## **1 Recommendations**

- 1.1 That Planning Committee notes the decisions of the Planning Inspectorate as detailed in the attached appendices.

## **2 Reasons for Recommendations**

- 2.1 This report is submitted to inform the Committee of the outcomes of appeals that have been made to the Planning Inspectorate by applicants who were unhappy with the Committee's decision on their application.

### 3 How does this deliver objectives of the Corporate Plan?

		We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.
		Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.
		Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people's lives and communities.

### 4 Context and Key Issues

- 4.1 Applicants who disagree with the local authority's decision on their planning application may submit an appeal to the Planning Inspectorate. An appeal may also be made where the local authority has failed to determine the application within the statutory timeframe.
- 4.2 Appeals must be submitted within 3 months (householder proposals) six months (commercial developments) of the date of the local authority's decision notice.
- 4.3 Decisions on the following appeals are reported, with further detailed set out in the attached decision notice:-

Application Ref	Site Address	Inspectorate
DC/23/68077	The Forge 144 Franchise Street Wednesbury WS10 9RG	Dismissed

## 5 Alternative Options

5.1 There are no alternative options.

## 6 Implications

<b>Resources:</b>	There are no direct implications in terms of the Council's strategic resources. If the Planning Inspectorate overturns the Committee's decision and grants consent, the Council may be required to pay the costs of such an appeal, for which there is no designated budget.
<b>Legal and Governance:</b>	The Planning Committee has delegated powers to determine planning applications within current Council policy. Section 78 of the Town and Country Planning Act 1990 gives applicants a right to appeal when they disagree with the local authority's decision on their application, or where the local authority has failed to determine the application within the statutory timeframe
<b>Risk:</b>	There are no risks associated with this report.
<b>Equality:</b>	There are no equality implications associated with this report.
<b>Health and Wellbeing:</b>	There are no health and wellbeing implications associated with this report.
<b>Social Value</b>	There are no implications linked to social value with this report.
<b>Climate Change</b>	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

## 7. Appendices

APP/G4620/W/23/3327156



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## Appeal Decision

Site visit made on 22 January 2024

by **K Ford MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2024

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**Appeal Ref: APP/G4620/W/23/3327156**

**The Forge 144 Franchise Street, Wednesbury, Sandwell WS10 9RG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Mohammed Foiz Uddin against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref DC/23/68077, dated 2 March 2023, was refused by notice dated 10 May 2023.
  - The development proposed is change of use from public house to community hub at ground floor and 2 No self-contained flats at first floor, food bank unit, covered cycle/bin store and electric charging points on car park.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. I have used the description of development in the banner above as it appears on the Council's Decision notice as it comprehensively describes the development proposed.

### Main Issues

3. The main issues are:
  - Whether the location is appropriate for the development proposed.
  - The effect on highway safety.

### Reasons

#### *Location*

4. The appeal site comprises a 2 storey detached vacant building formerly housing the Forge Tavern public house with residential accommodation above. It is located on the corner of Franchise Street and Beebee Road in a predominantly residential area with some nearby commercial uses. There are notable levels of on street parking in the vicinity of the site.
5. Policy SAD DM6 of the Site Allocations and Delivery Development Plan Document directs proposals for community facilities to sites with main road frontages at the fringes of commercial areas, particularly district or local centres. As the site is not located on a main road in either a district or local centre it would conflict with policy in this regard.

### *Highway Safety*

6. The scheme proposes the provision of 15 car parking spaces including 2 electric vehicle charging points and disabled parking spaces. It has not been demonstrated that the proposed spaces would be sufficient given the capacity of the rooms is identified as 124 people. Even if the site is unlikely to operate at full capacity, as suggested by the appellant, there would still likely be a conflict for space given that the identified peak times of usage in the evenings and at weekends are when the surrounding residents are likely to be at home. I note the close proximity of a bus stop and that the appellant identifies that users would mainly travel to the site by walking and cycling with the scheme making provision for cycle storage. However, there is little before me to substantiate this.
7. The appellant has provided information of accidents in the vicinity of the site which in part were caused by parked vehicles. The absence of off street parking means users of the site would need to park on the street when on site capacity is exceeded, leading to a risk to highway safety. It has not been demonstrated that visitors travelling to the site would not cause severe problems to users of the highway. The proposed one way system in and out of the site would not overcome the risk associated with the parked vehicles.
8. The development would harm highway safety. As such it would conflict with Policy TRAN2 of the Black Country Core Strategy which amongst other things requires new development to provide an acceptable level of accessibility and safety by all modes of transport.

### **Other Matters**

9. The appellant has referenced the lack of viable alternative uses for the site. However, there is little before me to substantiate this. I consequently give this limited weight.
10. The appellant has referred to the reopening of the former public house as the fallback position. I accept that this is a possibility. However, on the information before me I am not convinced that this would be more harmful than the proposal before me which limits the weight I attach to it.

### **Conclusion**

11. For the reasons identified, I conclude that the appeal should be dismissed.

*K Ford*

INSPECTOR