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## Appeal Decision

Site visit made on 12 August 2025

by **G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 September 2025

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**Appeal Ref: APP/G4620/W/25/3364368**

**113 City Road, Tividale, Sandwell, Oldbury, B69 1QS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
  - The appeal is made by Miss Samera Nawaz against the decision of the Sandwell Metropolitan Borough Council.
  - The application Ref DC/24/69963 was approved on 12 March 2025 and planning permission was granted subject to conditions.
  - The development permitted is change of use from residential dwelling to family assessment home with a maximum of 3 No. parents and 3 No children for 12-16 week assessment periods.
  - The conditions in dispute are Nos 2 & 3. The conditions and the reasons given for their imposition are set out in full in Schedule 2 to this decision.
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### Decision

1. The appeal is allowed, and planning permission is granted for change of use from residential dwelling to family assessment home with a maximum of 3 No. parents and 3 No children for 12-16 week assessment periods without complying with conditions attached to planning permission Ref DC/24/69963, dated 12 March 2025 at 113 City Road, Tividale, Sandwell, Oldbury, B69 1QS, but subject to the new or varied conditions set out in the accompanying Schedule 1.

### Preliminary and procedural matters

2. Although the appellant has not specifically identified the conditions in dispute, the thrust of her appeal is directed to the temporary nature of the permission. Condition 2 and the final sentence of Condition 3 specify the temporary nature of the permission granted, and accordingly these are the ones identified in the banner heading above.
3. The Council relies on its officer report and associated documents and has not therefore produced an appeal statement. Nor has it commented on the appellant's grounds of appeal.

### Main Issue

4. The main issue is the effect of deleting or amending the conditions in dispute on local residential living conditions with reference to noise and other disturbance, and on highway safety.

### Reasons

5. The appeal property is a semi-detached dwelling set in a predominantly residential area. It stands next to a hot food takeaway shop and a short distance in the other

direction are a small convenience store and a barber. These are facilities found in many residential neighbourhoods. The use proposed is also normally found in residential areas, that is, within the community, and the Council has no objection to the principle of development.

6. The proposed use is fully described in the appellant's submissions, but in essence, it is a facility where a maximum of three single parents, accompanied by their children, would be trained and assessed for their capabilities as responsible carers. Placements here would be made via the courts or local authorities. There would be three staff members, with two staying at night on a rota/shift basis.
7. The Council proposed a trial period in view of its concerns that the use has the potential to cause problems in terms of the effect on neighbouring living conditions and parking. It would use the period specified in the permission to monitor the effects of the development on the locality.
8. Regarding local living conditions, the officer report expresses concern at the anticipated increased levels of activity in comparison with a 'normal' residential use and an increase in comings and goings. However, this is a part of Tividale where residents are well used to comings and goings during the day and well into the evening, given the nearby presence of a take-away and convenience shop.
9. It is improbable in my opinion that the likely level of activity of the proposed social care use would result in harm to local living conditions, given the existing level of activity experienced locally. I note that the Council's Pollution Control - Public Health Department, whilst expressing some concern, did not object to the development, but suggested the imposition of a condition. Such condition was imposed on the original permission, and I consider it to be sufficient safeguard to ensure that the use would not be the source of unacceptable nuisance.
10. The drawings show 3 car parking spaces to be provided, and these are primarily meant for staff and visitors. The Highway Authority expresses concern that this could be insufficient, since travel patterns associated with such uses are largely unknown. For example, the Authority, and indeed the West Midlands Police, on consultation, consider it a possibility that the single parents themselves may be car owners and that the proposed car parking provision may therefore be insufficient. The appellant says that the single parents would not be allowed to bring cars, and that this would be controlled by the Statement of Purpose<sup>1</sup>.
11. My site visit took place in the evening when the take-away and convenience shop were open, and at a time when local residents who used their cars to travel to work were most likely to be at home. Parking restrictions apply outside the take-away at the junction of Poplar Rise and City Road, otherwise City Road's kerbsides are available for on-street parking. The convenience store has some off-street parking provision. On-street parking is available on both sides of the road, although opportunities are more restricted on the nearside because of the presence of dropped kerbs. However, at the time of my visit, a generous level of vacant on-street parking spaces were available on the other side of the street, for some distance up and down the hill.

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<sup>1</sup> A document under which Ofstead would regulate the facility

12. The Statement of Purpose is not a document prepared for planning purposes. However, it appears to me that its content, as applied to travel and parking, could be adapted and embodied in a separate parking and travel plan to be prepared by the appellant. This could be the subject of a condition, so that the Council could exert a level of control on travel patterns. I am satisfied that ample opportunity exists and road conditions are such that, should the need arise, the local highway could accommodate any overflow parking without materially affecting highway safety. Whilst I note the view of the Police, its data shows this to be a low crime area, and more on-street parking, should it arise, is unlikely to prove problematical in this regard.
13. For the above reasons I conclude that the Council's conditions directed to applying a trial run to be unjustified and unnecessary. This conclusion is further strengthened given the time and costs involved in setting up the facility; that the temporary period runs from the date of the permission and not the date of implementation and the uncertainty inherent in a temporary permission.
14. I do not consider the proposal to conflict with those provisions and criteria of acceptability set out in policy SAD H4 of The Site Allocations and Delivery Development Plan Document directed to the provision of housing for those with special needs. Accordingly, the proposal conforms with the relevant provisions of the development plan as identified by the Council.

### **Conditions**

15. Since the appeal succeeds, I am required to consider the issue of conditions, which includes a review of the conditions imposed on the extant permission. Conditions 1, 4 & 5 imposed previously shall be reimposed, for the same reasons as before, albeit that their wording is modified. Condition 2 is deleted in its entirety, as is the final sentence of condition 3. However, the bulk of condition 3 is reimposed in the interests of certainty.
16. Condition 6 is unnecessary since the issue of dropped kerbs is covered by other legislation, as clarified in a comment provided in one of the Highway Authority's responses on the original application. A new condition shall be imposed in respect of the preparation of a travel and parking plan, to minimise travel by private car. The new condition 1 reflects the statutory provisions on time-limits.

### **Other matters**

17. I have taken account of all other matters raised in the representations including the views of local residents. I have already dealt with the planning-related points raised. No other matter is of such strength or significance as to outweigh the considerations leading to my conclusions.
18. Accordingly, the appeal is allowed subject to conditions.

***G Powys Jones***

INSPECTOR

## **SCHEDULE 1: The conditions imposed on the appeal permission**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Ref 2024-01; 2024-02; 2024-03 & 2024-04.
- 3) Prior to the implementation of the development hereby permitted, a noise management plan shall be submitted for the approval of the Local Planning Authority to be obtained in writing. The noise management plan shall include measures employed to control noise from all activities at the home together with a procedure to investigate any complaints that may arise. The measures contained in the approved noise management plan shall thereafter be implemented and adhered to for the duration of the use.
- 4) Prior to the implementation of the development hereby permitted, a travel and parking plan shall be submitted for the approval of the Local Planning Authority to be obtained in writing. The plan shall include measures to control and minimise travel and parking by private vehicles to, from and at the property. The measures contained in the approved travel and parking plan shall thereafter be implemented and adhered to for the duration of the use.
- 5) The use hereby permitted shall not commence until the space shown on plan Ref 2024-04 for the parking and manoeuvring of vehicles has been provided. Once provided the space for the parking and manoeuvring of vehicles shall thereafter be retained for the duration of the use.
- 6) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification), the premises shall be used only as a family assessment home for a maximum of 3 No. parents and 3 No. children and up to 3 staff (including a manager) and for no other purpose (including any other use falling within Class C2 of the Order).

## **SCHEDULE 2: The Conditions in dispute**

*2. The use authorised by this permission shall be discontinued at the expiration of a period of three years from the date of this permission.*

*Reason - To enable the Local Planning Authority to review the development at the expiration of the permitted period in the light of its impact on residential amenity and highway safety.*

*3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification), the premises shall be used only as a family assessment home for a maximum of 3 No. parents and 3 No. children and up to 3 staff (including a manager) and for no other purpose (including any other use falling within Class C2 of the Order. At the expiration of a period of three years from the date of this permission, the use shall revert back C3 (dwellinghouse)*

*Reason - In the interests of protecting the amenity of adjoining neighbours from undue noise and disturbance.*

