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## Appeal Decision

Site visit made on 5 September 2025

**by Hannah Guest BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 02 October 2025**

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**Appeal Ref: APP/G4620/W/25/3366838**

**17 Willow Court, Crystal Drive, Sandwell, Smethwick B66 1RD**

- 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 C Douglas against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref is DC/25/70266.
  - The development proposed is change of use from light industrial /storage unit (Class B2) to Private Club / Function Room (Class F2).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of development set out on the application form and appeal form refers to the proposed use as a private club/function room (Class F2). Class F.2 Local Community uses include the following: Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres; Halls or meeting places for the principal use of the local community; Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms); and Indoor or outdoor swimming pools or skating rinks<sup>1</sup>.
3. The appellant's statement explains that the proposal would be a pre-bookable, business orientated, multi-use space for events such as corporate training and conferencing, religious gatherings, small-scale and community celebrations, civic functions, training and educational programmes and family gatherings. I have assessed the proposal on this basis.

### Main Issues

4. The main issues in this appeal are the effect of the proposal on:
  - the provision of employment land, including the business and employment function of the area, with specific regard to parking provision; and
  - the living conditions of nearby residents, with specific regard to noise and disturbance.

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<sup>1</sup> The Town and Country Planning (Use Classes) Order 1987

## Reasons

### *Employment land*

5. Policy EMP1 of the Black Country Core Strategy (2011) (Core Strategy) seeks to ensure there is a sufficient stock of employment land to meet demand and support the growth and diversification of the economy, by ensuring that the quantity of employment land does not fall below 2,858 hectares.
6. The appeal property and wider area is allocated as a High Quality Strategic Employment Area for the purposes of Policy EMP2 of the Core Strategy. Policy EMP2 seeks to safeguard these areas for manufacturing and logistics uses within Use Classes B1 (b) and (c), B2 and B8 and protect these areas from redevelopment of non-employment uses. The policy permits some employment generating non Class B uses, where they can be shown to support, maintain or enhance the business and employment function of the area.
7. In this case, the proposed multi-use space would be an employment generating non Class B use. Nonetheless, based on the evidence before me and my observations on site, I am of a similar view to the Council that the proposal would likely have a significant detrimental impact on the parking of the adjacent businesses.
8. While the appeal property is in a reasonably accessible location that would offer some sustainable transport options for prospective users, it is likely that some of these users would choose to drive to the proposed multi-use space.
9. I saw on my visit that there were not many available parking spaces within Willow Court, other than a few spaces located to the front of the appeal property and the neighbouring unit, No. 18. There was however some on-street parking available in the immediate area, specifically along Crystal Drive.
10. It is not entirely clear from the evidence before me, what the intended maximum number of people per event would be. The Design and Access Statement refers to a maximum of 50 people, whereas the appellant's statement of case refers to a maximum occupancy of 150.
11. Taking the worst-case scenario of 150 people attending a single event, despite the accessibility of the appeal site, I am of the view that the 8 dedicated parking spaces and amount of on-street parking within a convenient walking distance of the appeal property, would be unlikely to accommodate the attendees without resulting in a detrimental impact on the parking of the adjacent businesses.
12. It has been put to me by the appellant that he owns the neighbouring unit, No. 18, which, together with the appeal property, would provide 15 dedicated parking spaces. Also, that he has received permission from neighbouring businesses to use their surplus parking spaces during events, which would secure a total of approximately 25 spaces. However, there is nothing before me to ensure these spaces would be available for users of the proposal in perpetuity. The ownership and use of these neighbouring businesses may change in the future and the parking spaces needed once more to serve their users. Although it may be that sufficient parking could be provided by means of shared parking agreements or a parking management plan, I do not have either of these documents before me.

13. The appellant also contends that most of the events taking place would occur in the evenings or at weekends when the surrounding businesses would be closed and parking spaces would be more freely available. Nonetheless, there is no mechanism before me to ensure this. It is set out in the application form that the proposal would be open daily from 11:00. I also note that the events listed in the letter from EADSpace Training and Consultancy Ltd, include events on weekdays, which would have started by 3pm or before, a time when the neighbouring businesses would likely still be open and operating.
14. I appreciate that there may be other venues in the wider area that generate a far greater need for parking than the proposal. However, I have not been provided with any details of the large religious and training centres referred to by the appellant. The operation of the Hawthorns football stadium for the West Bromwich Albion Football Club would be very different to the proposed multi-use space in terms of the number of attendees and frequency of events and is therefore not comparable to the proposal. I therefore afford this very limited weight in my decision. In any event, I have assessed the proposal on its own merits.
15. For the reasons above, based on the information before me, I cannot be certain that the proposal would not result in a significant detrimental impact on the parking of the adjacent businesses. This would undermine the business and employment function of the area and could also compromise highway safety.
16. While I recognise that the proposed multi-use space could be utilised by the surrounding businesses, the proposal is not specifically targeted at these businesses. The benefits arising in this respect would therefore be limited and would not outweigh the harm to the business and employment function of the area arising from the lack of adequate parking.
17. Accordingly, the proposal would fail to support, maintain or enhance the business and employment function of the area and would therefore conflict with Policy EMP2 of the Core Strategy.

#### *Noise and Disturbance*

18. The appeal property is not far from residential uses on Chance Drive and Narel Sharpe Close. It is separated from these residential uses by other industrial units and Spon Lane South.
19. I saw on my visit that there are frequent vehicle movements along Spon Lane South, which creates a reasonably high level of background noise. Given this, together with noise arising from the neighbouring industrial units, in my view, it would be unlikely that, during the day, any noise arising from the proposed multi-use space would be at a level that would harm the living conditions of nearby residents.
20. Nevertheless, it is set out in the application form that the multi-use space would be open until 03:00, Monday to Saturday, and 22:00 on Sundays and Bank Holidays. It is likely that later in the evening and in the early hours of the morning the level of background noise would significantly reduce, as there would be fewer vehicle movements and the neighbouring industrial units would be closed. Given this, there would be a real risk that evening events and those finishing in the early hours of the morning, especially those accommodating close to 150 people, would result in levels of noise that could harm the living conditions of nearby residents.

21. I note that the appellant intends to implement some noise mitigation measures. Nonetheless, there is no substantive evidence to demonstrate how effective these measures would be.
22. It has also been put to me by the appellant that the majority of bookings would be low-noise daytime activities. However, this appears to be at odds with the appellant's statement in relation to parking provision, that most of the events would occur in the evenings or weekends when the surrounding businesses would be closed and parking spaces would be more freely available. Also, that the proposal would enhance the vibrancy of the employment area by attracting legitimate footfall outside normal business hours.
23. Accordingly, in the absence of evidence, such as a noise survey, to demonstrate the contrary, the proposal would harm the living conditions of nearby residents with regards to noise and disturbance.
24. While the Council has not referred to a specific policy conflict in this regard, this would conflict with Paragraph 135 (f) of the National Planning Policy Framework, which seeks to ensure that developments create places with a high standard of amenity for existing and future users.

### **Conclusion**

25. From the evidence before me and my observations on site, I have found that the proposal would harm the business and employment function of the immediate area due to inadequate parking provision. It would also harm the living conditions of nearby residents with regards to noise and disturbance.
26. Although there is some demand for the multi-use space from the wider public and business communities, this would not outweigh the harm I have identified.
27. The proposal would conflict with the development plan, read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

*Hannah Guest*

INSPECTOR