
Appeal Decision

Site visit made on 7 February 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2020

Appeal Ref: APP/C3240/W/19/3238542

The Venue, Queen Street, Madeley, Telford, Shropshire TF7 4BL

- 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 Sundeep Patel against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2019/0512, dated 15 June 2019, was refused by notice dated 7 August 2019.
 - The development proposed is the retention of an existing carwash, catering van and canopy.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The submitted drawings SP3/1A and SP3/3 include an existing container which is currently being used as a customer waiting shelter. Although this has not been included within the appellant's description of development on the application form, it is clear from the plans and the appellant's supporting documentation that they also seek planning permission to retain this.
3. The appellant has indicated in the description of development that the application was applied for retrospectively. The development has already been carried out, and at the time of my site visit the car wash was in operation. The catering trailer is shown on the submitted drawing SP3/1A as proposed and was not on site at the time of my visit, however, I understand that its previous use has been occasional, and its mobile nature means that it can be brought to and from the site. Other than that, I am satisfied that the development that has been carried out is the same as that which has been applied for.
4. Therefore, I have proceeded on this basis and treated the development as already being carried out, with the exception of the catering trailer which is proposed.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site forms part of a car park area, associated with a club known as 'The Venue'. The prevailing character of the area is residential, with the

- exception of the adjacent shops and surrounding buildings are traditionally constructed in brick with tiled pitched roofs.
7. Three temporary planning permissions have previously been granted for the use of part of the site for a car wash, the siting of a catering trailer, and a storage container used as a customer waiting shelter. The appeal proposal additionally includes the retention of a canopy which has been erected on the site since the previous permissions.
 8. The containerised customer waiting room is positioned along the western boundary of the site, adjacent to the garages and service areas associated with the adjoining shops and flats. The container is set back from the road and there are various free standing signs, sections of fencing and associated paraphernalia between it and the road. However, the waiting room is in full view to passers-by, and from the residential properties' opposite. The industrial appearance of the container appears in stark contrast to the surrounding buildings which are predominantly constructed in brick.
 9. Whilst I accept that the container is kept in good order and decoration, and it screens the service yard to the rear of the shops, its utilitarian appearance is not in keeping with the residential character of the area.
 10. The canopy is a steel framed structure, with a metal mono-pitched roof. Although it is set back within the site, it is of a substantial scale, and the car parking area to the front enables clear views of the structure from the street. It is therefore a prominent and incongruous feature within the street scene. Furthermore, the metal frame and profiled sheeting roof give the structure a rudimentary industrial appearance which is at odds with the predominantly brick buildings surrounding the site.
 11. The proposed siting of a catering trailer would add an additional feature which is temporary in appearance to the site. The submitted drawings show that this would be of a utilitarian box like form, which would be out of kilter with the appearance of neighbouring properties and would appear as additional paraphernalia that would be incongruous within the surrounding area. I acknowledge that the Council have accepted that the catering van could operate on the site for a maximum of 28 days per calendar year without requiring planning permission. However, the appellant seeks permission for it to be open 09:00 to 18:00 seven days a week, including bank holidays, meaning it would appear as a relatively permanent feature.
 12. I understand that the Council has previously granted planning permission on a temporary basis for the container and the catering trailer. However, based on the evidence before me, this was to allow for more permanent solutions to be devised by the appellant. However, based on the evidence before me this has not been forthcoming, and temporary permissions do not provide justification to allow the proposal on a permanent basis.
 13. For the above reasons, the proposal would harm to the character and appearance of the area. The development does not accord with Policy BE1 of the Local Plan which seeks to ensure that the scale and design of development respects and responds positively to its setting within the local area.

Other Matters

14. I have considered the appellant's submission with regards to the support of provided by Policy EC7 of the Local Plan. Whilst I accept there are benefits in the form of employment and provision of services to the local community, I consider these to be limited, and do not outweigh the harm I have identified above.
15. I have been provided copies of e-mail correspondence between the appellant's agent and the Council's case officer, in relation to the likelihood of the proposals being supported, lack of pre-application discussions, and the subsequent recommendation for refusal (appendix 1 of the appellant's statement). However, these are not matters relevant to assessing the planning merits of the appeal proposal or are matters between the parties concerned and would not affect the outcome of this appeal.

Conclusion

16. For the reasons given above, the appeal is dismissed.

R Cooper

INSPECTOR