
Appeal Decision

Site visit made on 19 October 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/X3025/W/21/3277905

Ladybrook Service Station, 51 Ladybrook Lane, Mansfield NG18 5JF

- 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 Fahmi Hakim against the decision of Mansfield District Council.
 - The application Ref 2021/0119/FUL, dated 11 February 2021, was refused by notice dated 17 May 2021.
 - The development proposed is erection of standalone structure (car valeting bay).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of standalone structure (car valeting bay) at Ladybrook Service Station, 51 Ladybrook Lane, Mansfield NG18 5JF in accordance with the terms of application Ref 2021/0119/FUL, dated 11 February 2021, and subject to the following conditions:
 - 1) The development hereby permitted shall be in accordance with the following approved plans: As Built Information, Ref: PG/FH/21/005/1 Rev A.
 - 2) Details of any lighting scheme for the car valeting bay shall be submitted to and agreed in writing by the Local Planning Authority. Implementation of any lighting scheme shall thereafter be undertaken in accordance with these details unless otherwise agreed in writing with the Local Planning Authority.
 - 3) No use of jet spraying equipment shall be undertaken in the car valeting bay subject to this appeal. Jet spraying shall only take place under the large canopy of the former fuel station.

Preliminary Matters

2. During the course of the appeal, the revised National Planning Policy Framework (July 2021) (the Framework) was published. Parties were provided with an opportunity to comment on the relevance of this, and I have taken any subsequent comments received into account in my determination of this appeal.
3. At the time of my site visit, the structure was completed. I have considered the development accordingly on this basis.
4. The reason for refusal in the decision notice references Policy P3 of the Mansfield District Local Plan (adopted September 2020) (the LP). However, this appears to be a mistake as P3 is not relevant to the development. Policy P2 is

referenced in the officer report as one of the relevant policies and I have instead considered the development against its requirements alongside Policy P1.

Main Issues

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

Reasons

6. The appeal site operates as a car wash and valeting centre located in a former fuel station in a predominantly residential area. Houses along Ladybrook Lane and Oakland Road generally feature a mixture of low brick walls and hedges to their front and side boundaries. Alongside grass verges which line the roads, the area has an open and spacious character.
7. The appeal site includes the standalone structure subject to the appeal as well as a shop/waiting area and the canopy over the forecourt of the fuel station which previously operated on the site. The standalone structure comprises eight steel columns with a sloping corrugated metal roof located close to the junction with Oakdale Road.
8. The valeting bay is open to all sides and falls below the height of the former forecourt canopy and adjacent houses. It does not appear prominent in the local area as a result. I note the Council agrees that the structure is not substantial. Moreover, its design reflects its function and does not appear visually discordant given its location within a car valeting centre and former fuel station. Furthermore, due to the open design and appearance of the structure it does not reduce the spacious and open character of the area.
9. Based on the above, I am satisfied the development does not harm the character and appearance of the area. It therefore accords with policies P1 and P2 of the LP. These seek, among other things, to ensure development is appropriate to its context.

Other Matters

10. The Council has indicated that the location of the structure subject to the appeal is outside of the application site which was defined when planning permission was granted¹ for the change of use from the petrol station to car wash and valeting centre. It is therefore claimed this area of the site requires a change of use. Similarly, it is advised that the metal mesh and wooden fence boundary treatments do not have planning permission. However, I have determined the appeal based on the proposal before me. Without prejudice, it is open to the Council to pursue any necessary action against any alleged breaches of planning control.
11. I have considered the representations submitted by interested parties, including occupiers of neighbouring properties. The effect of the development from noise emanating from machinery associated with the business was considered acceptable by the Council's environmental health advisor. Based on the evidence before me, I have no reason to disagree.

¹ 2016/0013/ST

12. While it is claimed lights are in operation in the valeting bay which is impacting on the living conditions of nearby occupiers, these are not indicated on the submitted plan nor did the Council bring this to my attention. In any event, the Council is agreeable to a condition to agree any details of a lighting scheme were it to come forward. I understand there are further concerns regarding impacts on property prices as a result of the structure, but there is no evidence of this before me.

Conditions

13. The Council has suggested conditions in the event of the appeal being allowed. I have considered these, although I have altered the wording where necessary to better reflect the advice set out in the Planning Practice Guidance concerning the use of planning conditions, without changing their overall intention.
14. Alongside the standard condition to identify the approved plans, conditions to agree details for any proposed lighting and to prohibit the use of jet spraying machinery in the valeting bay are necessary to ensure the living conditions of occupiers of nearby dwellings are not harmed.
15. Conditions to prohibit the use of radios or amplified music within the appeal site and to formally establish the opening hours of the business are also suggested. However, these are not relevant to the development before me, which relates only to an ancillary structure, nor should conditions be used to remedy pre-existing issues regarding the business. As such these have not been attached to the grant of permission.

Conclusion

16. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions detailed at the start of this decision.

C McDonagh

INSPECTOR