



Appeal Decision

Site visit made on 4 January 2023

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/D4635/W/22/3303598

247-255 Parkfield Road, Wolverhampton WV4 6EG

- 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 Haroon Ravat (Autoshop Ltd) against the decision of City of Wolverhampton Council.
 - The application Ref 21/01545/FUL, dated 3 November 2021, was refused by notice dated 8 March 2022.
 - The development proposed is the continuation of use of the site for a car hand washing facility and car sales.
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Decision

1. The appeal is allowed and planning permission is granted for the continuation of use of the site for a car hand washing facility and car sales at 247-255 Parkfield Road, Wolverhampton WV4 6EG in accordance with the terms of the application, Ref 21/01545/FUL, dated 3 November 2021, subject to the conditions set out in the attached schedule.

Procedural Matters

2. Planning permission was first granted for the use of the site as a hand car wash in November 2009 for a temporary period of three years, with a second temporary planning permission being granted in May 2014. A further planning permission was granted on appeal¹ in March 2018 for the continuation of a hand car wash facility and car sales at the appeal site for a temporary period of four years. Although now time expired, I observed during my site visit that the hand car wash facility was continuing to operate from the site. However, the area of the site set aside for car sales was vacant and did not appear to be operating. I have therefore dealt with the appeal on that basis.

Main Issue

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

Reasons

4. The appeal site is located on the north side of Parkfield Road on the site of a former petrol filling station. It is situated between a medical centre and residential properties in an area of mixed-use development, which also includes a parade of retail units and a factory workshop. The site contains four

¹ APP/D4635/W/18/3192508

structures comprising a brick-built building with a flat roof, two open canopy structures, and a free standing portable building.

5. The appeal proposal seeks the continued use of the site for a hand car wash and car sales business, with the existing structures and buildings remaining unchanged. Given the sites planning history along with the nature and variety of different uses in the vicinity, the use of the site as a hand car wash and car sales business would not appear out of place. Consequently, I do not consider that the proposed use of the site would give rise to any significant adverse effect on the character and appearance of the area.
6. Whilst the existing structures and buildings are somewhat utilitarian in design and of little architectural merit, they are generally set back from the road frontage and are not overly prominent within the wider street scene. The open sided valet canopy is structure located nearest to the road frontage, however by virtue of its simple design and lack of bulk, the canopy has no significant adverse effect on the street scene.
7. The Council has previously granted planning permission for residential development on the appeal site, and it is clear that the Council would like to see the site re-developed and a residential development brought forward. Nevertheless, from the information before me it is apparent that these previous planning permissions have now expired. Furthermore, the appellant has indicated that prior to any future planning applications for residential development on the site, further investigations in relation to ground conditions and financial viability would need to be undertaken.
8. Therefore, whilst the Council's intentions and aspirations for the site are commendable, there appears to be little prospect of the site being re-developed for such purposes in the near future. Neither the use of the site as a hand car wash and car sales business or the existing structures would cause any significant harm to the character and appearance of the area, and the continued use of the site would be advantageous over the site being left vacant and abandoned.
9. Accordingly, I find no conflict with saved Policies D4, D6 and D9 of the Wolverhampton Unitary Development Plan (adopted June 2006) and Policies CSP4 and ENV3 of the Black Country Core Strategy (adopted February 2011). These policies, amongst other matters, seek to ensure that developments respond to local context and townscape and make a positive contribution to place-making.

Conditions

10. I have had regard to the conditions suggested by the Council, which repeat all those imposed on the previous temporary permission granted on appeal in 2018. I have considered these in light of advice in the National Planning Policy Framework and Planning Practice Guidance (PPG) and, in the interests of clarity and enforceability, I have amended the wording of some of the suggested conditions and omitted others.
11. One of the suggested conditions sought to restrict the period during which the uses could take place, and I note that the appellant seeks permission for a further temporary period of five years. As outlined above there have been three

temporary permissions previously granted at the appeal site. The PPG² advises that *'It will rarely be justifiable to grant a second temporary permission'* and that *'Further permissions can normally be granted permanently or refused if there is clear justification for doing so'*.

12. As I have found no harm with respect to the effect of the proposal on the character and appearance of the area, it is unnecessary to limit the lifetime of the development and there is clear justification for granting permission permanently. The inclusion of such a condition would, therefore, be unnecessary and fails to pass the necessary tests.
13. A condition requiring the submission of details relating to the disposal of surface water, foul sewage, and detergents generated by the use was suggested by the Council. However, as detailed above the car wash use has now been operating on the site for several years and the Council has not indicated that the site's drainage is of any concern. Furthermore, the proposed site layout plan submitted with the application clearly details the drainage layout. As a result, the imposing of this condition is not necessary. Similarly, a condition requiring the details of boundary treatments on the site to be submitted is also not necessary as the existing boundary treatments are adequate.
14. In the interests of clarity, I have imposed a condition concerning the approved plans and a condition that defines the use of the site. I have imposed a condition which restricts the hours of operation at the site, and a further condition requiring the submission and approval of details of any floodlighting prior to their erection on site. These conditions are necessary to protect the living conditions of nearby residents.
15. A condition requiring the provision of clear signage encouraging customers to reduce noise through turning engines and radios off whilst being washed/valeted has been imposed. Two further conditions precluding the use of diesel powered tools, and the carrying out of vehicle repairs or any other commercial activity on the site have also been imposed. These conditions are necessary to protect the living conditions of occupiers of nearby residential properties.
16. To ensure adequate provision for the storage of trade waste and to safeguard the living conditions of nearby residents, a condition is imposed requiring the retention of a waste storage unit on the site. Finally, in the interests of highway safety a condition is imposed requiring that the one-way system is clearly marked, and that a scheme of signage in respect of this one-way system is submitted to and approved in writing by the local planning authority with the approved scheme being provided on site thereafter.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

David Jones

INSPECTOR

² Paragraph: 014 Reference ID: 21a-014-20140306

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following plans: 18/052/01 Exg Site Layout & Location Plan, 18/052/02 Proposed Site Layout.
- 2) The premises shall be used for the washing and valeting of cars and car sales only and for no other purpose.
- 3) The premises shall not be open for business and no washing and valeting equipment shall be operated at the site outside the hours of 0900 to 1800 hours Mondays to Saturdays and 1000 to 1700 hours Sundays, Bank and Public Holidays.
- 4) Prior to the installation of any floodlighting, details (including a plan showing the luminance values in and around the floodlit area, the angle of the main beam, and drawings of the lamp assembly and columns) shall be submitted to and approved in writing by the local planning authority. Floodlighting shall accord with the approved details.
- 5) Clear signage must be displayed and thereafter maintained requesting that vehicle engines and audio equipment are turned off during the cleaning process or waiting to enter the washing area. Details of this signage shall be submitted to the local planning authority for approval within one month of the date of this decision, with the approved signage being provided on site within a period of one month following the approval of such details by the local planning authority and shall be retained as such thereafter.
- 6) No diesel powered tools shall be used on site at any time.
- 7) No vehicle repairs or other commercial activity shall take place on site at any time.
- 8) Trade waste emanating from the car wash and awaiting disposal shall be stored within the waste storage unit as shown on approved drawing 18/052/02 Proposed Site Layout. The waste storage unit shall be retained on site as shown on the approved drawing unless otherwise agreed in writing by the local planning authority.
- 9) Details of the one-way system should be clearly marked as shown on approved drawing 18/052/02 Proposed Site Layout. Details of a scheme of signage in respect of this one-way system to include clear identification signs at the entrance/exit and clear directional signs shall be submitted to the local planning authority within one month of the date of this decision. The approved signage scheme shall be provided on site in full within one month following the approval of such details by the local planning authority and shall be retained as such thereafter.