



Appeal Decision

Site visit made on 11 March 2024

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th April 2024

Appeal Ref: APP/H4315/W/23/3326708

Ace of Hearts Garage, Warrington Road, Bold Heath, St Helens WA8 3XN

- 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 Zubair Khurshid of Euro Stars Ace of Hearts Garage against the decision of St Helens Metropolitan Borough Council.
 - The application Ref is P/2022/0469/FUL.
 - The development proposed is the change of use to sui generis hand car wash facility to include retention of structures.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2023 and is therefore a material consideration. Whilst the relevant sections of the new Framework have not changed in respect of the main issues of concern in this appeal, the paragraph numbering has changed. Accordingly, I have referred to the updated Framework paragraph numbering.
3. The development for which permission is sought is already in operation and the associated structures in situ, along with signage related thereto. Whilst the signage does not form part of this appeal application, it is attached to the structures that are to be retained as part of the appeal scheme.

Main Issues

4. The main issues are:
 - whether the appeal scheme is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the surrounding area; and,
 - whether harm by reason of inappropriateness and any other harm, are clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Inappropriate development

5. The Framework explains that inappropriate development is, by definition, harmful to the Green Belt and should not be agreed except in very special circumstances. Paragraph 154 of the Framework sets out that the construction of new buildings is inappropriate in the Green Belt, subject to certain exceptions. Paragraph 155 explains that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness.
6. A car wash facility and the associated structures are not an exception within paragraph 154, nor a form of development that is not inappropriate in the Green Belt. Whilst the development includes the material change of use of land, it also includes operational development. As such, it cannot benefit from Framework paragraph 155 (e).
7. Whilst some of the associated structures are of a temporary nature, temporary permission is not sought for them and they form a composite part of the appeal scheme. Furthermore, such structures do not meet any of the exceptions in respect of the construction of new buildings, as set out in paragraph 154 of the Framework.
8. The appellant asserts that the development is not inappropriate as the proposal meets the purposes of including land within the Green Belt. The appellant considers that the car wash facility does not result in unrestricted sprawl of a large built-up area, does not merge neighbouring towns, safeguards the countryside from encroachment due to its specific location and association with the wider garage site, does not impact on the setting or special character of an historic town and, does not have adverse implications for urban regeneration.
9. However, whilst the car wash does not cause large built up areas to merge, it does partly infill an area of open land between existing built form and moreover it does expand development into the open countryside. It changes the use of land beyond the boundaries of the existing garage and adds urbanising built form, including buildings, means of enclosure, and tarmac hardstanding to such area. Therefore, this does not assist in safeguarding the countryside from encroachment. Also, the appeal scheme is not typically an intrinsic rural form of development, and I do not have any substantive evidence to demonstrate that the scheme assists in urban regeneration, by encouraging the recycling of derelict and other urban land.
10. Consequently, I find that the appeal scheme is inappropriate development in the Green Belt having regard to the Framework. Consequently, the scheme also conflicts with Policy LPA01 of the St Helens Borough Local Plan up to 2037 (July 2022) (SHBLP), which amongst other things, regards new development in the Green Belt as inappropriate unless it falls within one of the exceptions set out in the Framework.

Openness of the Green Belt

11. Paragraph 142 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

12. The appeal site comprises a large open tarmacked area with a drainage gully, and various structures, including a modular building, a metal container, a timber store, and a large metal canopy area. There is also a solid, approximately 1.2 metres high boundary fence along most of the road frontage, which includes signage for the car wash facility. Notwithstanding that most of the structures are of single-storey design, the combined mass of the structures, including the height and scale of the large canopy is significant. The structures are visible from some distance away and interrupt open views into and across the site from public vantage points. This makes the development unduly prominent within the countryside and reduces the open character of the site.
13. Whilst much of the appeal site is open tarmac, the nature of the use means there are vehicles parked and/or being cleaned within the tarmacked area, thereby reducing its openness.
14. There are other buildings and commercial uses nearby, which are also within the Green Belt, including at the adjacent service station garage and the petrol filling station. However, that such buildings and uses exist does not justify further development within the Green Belt. Rather, the addition and expansion of commercial development in this location has led to urban sprawl and subsequently does not ensure land within the Green Belt is kept permanently open.
15. The appeal site is located between the commercial garage uses and residential cottages and a pig farm along Warrington Road, and thereby infills an otherwise area of open land between established development. This consequently reduces the sense of spaciousness and views through to open fields beyond, resulting in visual encroachment into the countryside. The consolidation of development adds to the harm caused to the openness of this part of the Green Belt.
16. Whilst car washes are often co-located with car garages and petrol filling stations, due to the complimentary service they offer, this does not reduce or justify the harm caused to the openness of the Green Belt. Therefore, even though the car wash facility is not seen in isolation due to the adjacent existing development, the appeal scheme reduces openness by closing a gap between existing built development.
17. In view of the above, I consider the development causes harm to the openness of the Green Belt, in conflict with the Framework and Policy LPA01 of the SHBLP, which requires compliance with the Framework with regard to the Green Belt.

Character and appearance

18. The site is within the countryside and whilst there is commercial development adjacent, as noted above, the car wash facility extends development out into the countryside. Thereby, this reduces the open character of this part of the countryside by consolidating development form along the road.
19. The appeal structures are utilitarian and not particularly attractive in their appearance, constructed principally of metal and wood and, from my observations, some of them appear to be in a poor state of repair. Also, there is extensive signage on the associated structures, including the canopy, stores

and both sides of the front boundary fencing which is overly bright and prominent. The structures therefore detract from the character and appearance of the rural area, having an appearance of development more akin to that typically found within an industrial area. The development is therefore incongruous within its rural setting.

20. Whilst some of the structures are of a more temporary nature, they add built form to the appeal site and permission is sought to site them permanently in association with the car wash facility. Also, even though the development shares vehicular access with the adjacent garage and filling station, the structures, and the use of the land as a car wash changes the character and appearance of the site. The area of tarmac hardstanding is extensive and is of more urban form, and so detracts from the rural character of the surrounding countryside. Furthermore, there is no existing natural vegetation and no landscaping is proposed around the boundaries of the appeal site to soften the appearance of the development.
21. Policy LPD06 of the SHBLP sets out that along prominent gateway corridors, including 'A' roads, along which the appeal site is located, priority will be given as appropriate to improve the delivery of measures that will improve the visual appearance of the area. This policy stipulates that, all proposals for new development that would be visible from one or more prominent gateway corridor(s) must, as appropriate, having regard to its scale and nature: a) be of high architectural quality, ensuring that the density, design, height, and layout of any buildings respond positively to the site and its setting; and b) provide appropriate landscaping as an integral part of its design and layout.
22. Whilst conditions could require landscaping within the site, I do not have any substantive details of how this could be achieved or whether this would ensure that the development is appropriately landscaped, so it would assimilate the development successfully within the rural character of the surrounding area. Furthermore, planting would require removal of some of the existing areas of tarmac, thereby requiring changes to the development, which relevant parties have not had the opportunity to consider. Landscaping is not therefore an integral part of the design and layout of the development scheme. It would not would not overcome the concerns I have found in relation to harm caused to the Green Belt by reason of inappropriateness or loss of openness.
23. In addition, the structures within the appeal site are not of a high architectural quality and the development, as a whole, does not positively respond to the site and its rural setting.
24. Having regard to the above, the development has a harmful effect on the character and appearance of the surrounding area, in conflict with Policy LPD06 of the SHBLP, as it does not improve the visual appearance of the area, is not of high architectural quality, nor does it include landscaping as an integral part of the design and layout of the development. The development also conflicts with Policy LPD01 of the SHBLP, which requires, amongst other things, that development proposals should maintain or enhance the character and appearance of the local environment.

Other considerations

25. The appellant advances the argument that the development provides economic benefits, as supported by the Framework. It is noted that the Framework sets

out that significant weight should be placed on the need to support economic growth and productivity, taking account of both local and business needs and wider opportunities for development. Also, the Framework sets out, at paragraph 88, that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas. Paragraph 88 however also states that in such rural areas this should be, both through conversion of existing buildings and well-designed, beautiful buildings.

26. Whilst the adjacent car repair garage and petrol filling station are established businesses, the appeal scheme is a complementary use, rather than an expansion of the existing adjacent business operations. Furthermore, the associated car wash structures could not be described as well-designed, beautiful buildings.
27. Paragraph 85 of the Framework sets out that planning policies and decisions should help create the conditions in which business can invest, expand, and adapt. It also notes that, significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 89 of the Framework sets out that, sites to meet local business and community needs in rural areas may need to be found beyond existing settlements. However, it further states that, in these circumstances it will be important to ensure development is sensitive to its surroundings.
28. I have not been provided with any substantive evidence to demonstrate that the car wash facility has to be located in this countryside location, or to indicate that sites within the existing built-up areas or other locations outside the Green Belt have been considered. Also, I do not have any substantive evidence to show the car wash enterprise is needed to support the rural economy, or that it is an essential community facility or a key local service. Furthermore, I have found above that the design and appearance of the development is not sensitive to the character and appearance of the surrounding countryside.
29. It is suggested by the appellant that the existing adjacent garage business may be restricted by the services and facilities it currently offers. However, I have not been provided with any substantive evidence to demonstrate that the garage or petrol filling station businesses would fail without the car wash facility. Also, from the evidence provided and my observations, the car garage business seems to have been in operation for some years already and is a busy operation. I therefore only offer limited weight to these matters.
30. The car wash does undoubtably provide a facility for local residents and travel to it can be combined with trips to the adjacent petrol filling station and repair garage. Although, travel to a car wash is always via a vehicle and there is no reason why residents could not travel slightly further to the nearby local towns to have their cars washed. Accordingly, I afford limited weight to this matter.
31. I acknowledge the planning history of the appeal site and that of surrounding sites, but this does not overcome the harm I have identified. The forms of development granted on other sites nearby are different to the appeal scheme and therefore are not directly comparable. They include consent for the conversion of an existing building to a dwelling, replacement of a mobile home with a granny annex, a small area for vehicle electric charging points, and the replacement and erection of new agricultural buildings at a pig farm.

32. An application for a Certificate of Lawful Existing Use or Development (CLEUD) was submitted to the Council in July 2023 in relation to the existing use of part of the appeal site, for the parking and storage of motor vehicles associated with the wider garage site use. I have not been advised of any decision in relation to the CLEUD. However, in any case this does not relate to the use of the site as a car wash facility, rather it relates to the lawfulness of a longer term established existing car garage use, as opposed to a new sui generis use of the land. It also does not relate to the whole of the appeal site. Therefore, I afford limited weight to this.
33. The development does not impact the setting or special character of any historic town and does not cause neighbouring towns to merge. However, these matters do not outweigh the harm I have found with regard to inappropriateness and the openness of the Green Belt, and the character and appearance of the area.

Green Belt Balance and Conclusion

34. I have found that the car wash facility is inappropriate development in the Green Belt. The development has also led to a reduction in the openness of the Green Belt. The harm to the Green Belt, by reason of inappropriateness and the loss of openness, attracts substantial weight. The development also has an adverse impact on the character and appearance of the area, and this adds to the harm.
35. I have given careful consideration to the arguments put forward. However, the benefits of the facility do not clearly outweigh the totality of the harm arising from inappropriateness and other harm caused. Therefore, the very special circumstances required to justify the development have not been demonstrated.
36. Accordingly, the car wash facility does not accord with national policy set out in the Framework and the development plan that protect the Green Belt.
37. Consequently, for the reasons given above, the appeal is dismissed.

C Billings
INSPECTOR