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## Appeal Decision

Site visit made on 21 January 2025

**by E Grierson BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 11 February 2025**

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**Appeal Ref: APP/N1540/W/24/3346319**

**The Harlow Hotel, Southern Way, Harlow, Essex CM18 7BA**

- 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 Alex Selmani against the decision of Harlow District Council.
  - The application Ref is HW/FUL/24/00070.
  - The development is the change of use class of part of the Hotel Carpark (C1) into a Hand Car Wash (Sui Generis) with erection of a canopy for the car wash and the placement of a container.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.
3. The application was submitted retrospectively, and I saw during my site visit that the canopy and container were in place and the appeal site was being used as a hand car wash. I have therefore considered the appeal on a retrospective basis.

### Main Issue

4. The main issue is the effect of the development on the environment in relation to potential pollution arising from trade effluent disposal.

### Reasons

5. The appeal site is occupied by part of the car park belonging to The Harlow Hotel. This section of the car park is currently used as a hand car wash, open to the public, with a container and a canopy on the site for this purpose. This use and the associated structures are the subject of this appeal.
6. Policy PL10 of the Harlow Local Development Plan (the LDP) 2020 states that all development proposals must minimise and, where possible, reduce all forms of pollution and contamination. It goes on to state that where it can be demonstrated that pollution and/or contamination is unavoidable, appropriate measures must mitigate the negative effects of the development and where adequate mitigation cannot be provided, development will not normally be permitted.

7. Furthermore, paragraph 187 of the Framework states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.
8. The Council, alongside their Environmental Health team, raise concerns in relation to the substances used in the car wash, which they state can result in pollution if not appropriately and safely disposed of. The appellant has provided considerable information in relation to the drainage system used on the appeal site, including existing manholes on the hotel site and dedicated grid and ACO drains for the car wash area. This demonstrates that the development links with the existing foul sewer at the hotel which handles the waste water from the car wash use.
9. The appellant also highlights that there is secure storage for cleaning detergents away from any surface water drains. However, limited information has been provided to demonstrate how such cleaning detergents and any other chemicals used as part of or resulting from the car wash operation, as part of the overall trade effluent, do not pollute the waste water.
10. It is noted that the appellant intends to gain consent for the discharge of trade effluent into the foul sewer from the local sewer provider. However, I have no evidence before me to suggest that this consent has been sought or whether it would be granted. Therefore, it would not be suitable to apply a condition to secure this as, should this consent not be granted, alternative arrangements would need to be made for these trade effluent discharges. As such, there is insufficient evidence to demonstrate that the development minimises and reduces all forms of pollution or that any such pollution is adequately mitigated against.
11. Therefore, without any evidence to suggest otherwise, it is likely that the development results in harm to the environment through potential pollution arising from trade effluent disposal, conflicting with Policy PL10 of the LDP as outlined above.

### **Other Matters**

12. The appellant has highlighted that the development provides a facility which benefits the local community and employs four members of staff, thereby benefiting the economy. Furthermore, a number of petition letters in favour of the development were submitted as part of the appeal. However, whilst these benefits and public support are noted, I do not consider that this would outweigh the harm identified.

### **Conclusion**

13. Therefore, for the reasons given above and having had regard to all other matters raised, the development would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

*E Grierson*

INSPECTOR