



Appeal Decision

Site visit made on 20 May 2025

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/Q4245/W/25/3358750

Land at Thorley Lane, Timperley WA15 8QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr Shabbir Hussain against the decision of Trafford Metropolitan Borough Council.
- The application Ref is 114289/PRR/24.
- The development proposed is the conversion of the existing agricultural building at the site to a car wash (Use Class E(g)).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Class R of Schedule 2, Part 3 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO), allows the change of use of a building and any land within its curtilage from an agricultural use to a flexible use. A flexible use includes uses falling within Classes B8 and C1 of schedule 1 and Class E of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO).
3. Class E of Schedule 2 includes at sub paragraph (g) use for (i) an office, (ii) the research and development of products or processes, or (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. The UCO defines an industrial process, for the purposes of Class E of Schedule 2, as a process for, amongst other things, cleaning and washing. However, the Council consider the proposed car wash use, due to its scale of operations to be a use that can not be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibrations, dust and water use. Thus, it considers the scheme is not permitted development under Class R. This has informed the following main issue.

Main Issue

4. The main issue is whether the proposal amounts to permitted development under Class R and, if that is the case, whether prior approval should be given.

Reasons

5. The proposed car wash would involve cars being driven into the building with staff using pressure washers and vacuum cleaners to wash and clean the cars. Parking is provided for approximately 20 car parking spaces, with five for staff and 15 for

customers. The submission anticipates that during the peak hours the proposal would result in no more than 20-26 vehicles entering the site in an hour. Each car would take between 15-30 minutes to clean depending on the level of service purchased. This would mean that approximately 10 to 13 vehicles would queue at any one time during the peak hours.

6. I accept that these levels are for peak times and that the levels would be less at other times. However, it indicates that the scale of operations is not modest. Whilst some details are before me, I do not have full details of the equipment proposed, such as the type and number of pressure washers and resulting noise levels. Nor is it clear how contained the noise activities would be even if they are undertaken within the building. For example, if doors are open the noise generated would not be as contained.
7. The management plan provides details of the hours of operation and outlines general operational procedures. However, it lacks precision and detail regarding the site operations and equipment and activities for me to have confidence that the operations could be undertaken in 'any residential area' without detriment to amenity. This being a requirement of Class E.
8. 'Any residential area' covers a broad range of areas including quiet suburban neighbourhoods to more busy roads with residential properties. In my judgement I am not convinced that the scale of operations, having particular regard to the number of car washes and the likely regular and audible nature of the equipment used, could occur in any residential area without causing noise and disturbance to the detriment of amenity.
9. The appellant has provided examples of car washes near residential properties. From the evidence before me none were approved through a grant of approval under Class R of the GPDO. Instead, they were either granted consent by the Council on their own merits or have become lawful by other means. In any case, whilst they illustrate how car washes can co-exist near residential properties, this does not translate to all car washes being acceptable in any residential area. This is because the type and nature of equipment, scale of operations, background noise levels and activity within the area can all differ.
10. Although I have found that the operations would generate a level of noise and disturbance that would not be acceptable in any residential area, it is unclear how vibrations of a harmful scale may arise from the proposed operations. It is also unclear, from the information before me, how the level of water or chemicals used, or what level of dust would arise from the activities proposed that would be incompatible with a residential area as indicated by the Council.
11. In my view, given the type of equipment used to wash, clean and polish the vehicles, even at the scale of operations proposed, the level of vibrations, dust, water or chemical use would not be of a level that would lead to harm to amenity if undertaken in any residential area. However, the absence of harm in relation to these matters does not outweigh my findings in relation to noise and disturbance.
12. I recognise that after a site has changed use under Class R, it is treated as having a sui generis use. However, that does not alter my consideration in the first instance as to whether the proposal would be an industrial process, for the purposes of Class E of Schedule 2 to be permitted development under Class R. It is therefore not determinative in my assessment.

13. Having concluded that the proposal would not constitute an industrial process for the purposes of Class E of Schedule 2, the proposal does not amount to permitted development under Class R. As such, the appeal fails, and I shall not go on to consider whether prior approval should be given subject to any conditions.

Conclusion

14. For the reasons given above the appeal is dismissed.

Mr R Walker

INSPECTOR