
Appeal Decision

Site visit made on 21 June 2025

by **Laura Renaudon LLM LARTPI Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 1 July 2025

Appeal Ref: APP/F4410/C/24/3357884

Former Whitehall Motors, Askern Road, Doncaster, South Yorkshire, DN5 0QT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Keith Millard against an enforcement notice issued by the City of Doncaster Council.
- The notice was issued on 24 October 2024.
- The breach of planning control as alleged in the notice is: *The unauthorised change of use of land to hand car washing facility and the construction of a steel framed structure for use in association with the hand car washing facility.*
- The requirements of the notice are to: (i) cease the use as a hand car wash; (ii) remove the steel frame building in its entirety from the Land (identified as an area marked in yellow on an accompanying plan); and (iii) following compliance with the previous steps, permanently remove the resultant materials from the Land.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: the appeal is dismissed and the enforcement notice upheld.

Main Issues

1. The notice was issued for two principal reasons, concerning the adequacy of the drainage facilities at the site resulting from the use, and concerning the impacts on the living conditions of neighbouring residents resulting from the construction of the steel framed structure and from the noise and activity associated with the use. These are therefore the two main issues in the appeal. Whilst the appellant points out that it is material that the site is allocated for employment uses in the Local Plan, the Council raises no objection to the principle of the development for an employment-generating use, and is concerned instead with the specific impacts.

Reasons

Drainage

2. Policy 56 of the Doncaster Local Plan of 2015 – 2035, adopted in September 2021, sets out the policy expectations in relation to drainage matters. Obviously a car wash is a water-intensive use and so drainage arrangements require particularly close scrutiny for such proposals. Satisfactory measures are required to be incorporated in order to manage run-off and to reduce flood risks. Development proposals will be supported subject to a number of requirements, including that on brownfield sites they achieve a reduction in surface water run-off.
3. There is no evidence that such requirements are here being met. The appellant merely suggests that conditions could be imposed to ensure that adequate means of disposal of foul and surface water drainage would mitigate the impacts and

meet the requirements of the local plan policy 56. However, in order to impose any condition, the decision maker would need to be satisfied that the measures under consideration were capable of achieving their objective. I have no information as to what measures might be under consideration to achieve a reduction in run-off rates, or of how efficacious they might be. I am shown two photographs of drainage grates, but am given no information about them. The policy requires surface water to be disposed of appropriately, preferably to an infiltration system wherever possible; if not then into a watercourse with the necessary prior approvals; and only if that cannot be achieved then to a public water sewer or highway drain. There is no information provided about how, if at all, these policy preferences can be met.

4. Therefore I cannot be satisfied that imposing a condition would overcome the Council's objection to the development on this ground, and the development is clearly contrary to the relevant provisions of the development plan.

Living conditions of neighbouring residents

5. The Council allege that the neighbours are being affected in two specific ways: first, as a consequence of the noise and disturbance produced by the use; and secondly as a result of the existence of the steel-framed building.

Noise and disturbance

6. The car wash advertises itself as being open from 0830 to 1800, seven days a week. It was reasonably busy at the time of my site visit on a Saturday afternoon. Cars enter the site from the estate's southern access off the A19 opposite the primary school, turn right into the car wash area and structure which is located immediately to the rear of a terrace of four dwellings, Stones Cottages, fronting the A19, and exit the estate by its northern access which is between Stones Cottages and a further small row of houses fronting the A19 to the north, and opposite a bus stop and community hall to the north of the primary school.
7. Noise from the car wash is perceptible from the A19 even with passing traffic, and from the side road beyond the site's northern access, and rear access lane to the northern row of houses, is particularly prominent, with a pronounced droning noise from the equipment being readily audible and intrusive. I have no reason to doubt that similar effects would be apparent in the neighbours' gardens.
8. Policy 46 of the Doncaster Local Plan requires developments to be designed to make a positive contribution to the area in which they are located including by having no unacceptable negative effects upon the amenity of neighbouring land uses. Whilst the general residential use of the area is interspersed with the allocated employment use of the appeal site, this does not presume that the living conditions of those neighbours should be unduly affected by the activities of an employment use. The appellant has not demonstrated how the noise impacts of the development are, or can be, acceptable to those neighbours' living conditions.
9. Again I am confronted merely with the suggestion of a condition requiring an acoustic barrier. I have no confidence that such an approach could work, not least because of the egress from the site taken by the newly-cleaned vehicles through the open gates at its northern access, which is close to the rear gardens of the most affected properties. No acoustic barrier could realistically work in this

scenario, and hence I cannot be satisfied that the Council's concerns could be overcome by the imposition of planning conditions to deal with the noise impacts.

The steel framed structure

10. The steel framed structure consists of an open-ended but closed-sided corrugated shed, its sides around 5 metres high, with a pitched roof above. Its design and materials are of a piece with the other buildings on the estate. Its eastern side almost immediately abuts the western rear boundaries of the gardens to Stones Cottages which in themselves are relatively short. It would appear overbearing to those occupiers as a result of being put up so close to them, and would unacceptably affect their outlook.
11. The appellant makes the point that the site was previously a redundant wasteland suffering from blight, and I accept that the former outlook of the neighbours might not have been particularly appealing. However I understand that a planning permission for redevelopment of the estate was recently granted, and implemented, on terms that did not include the provision of this building. Therefore it appears unlikely that, if permission is now refused for the car wash building, the site would revert to its previous unkempt appearance. Even if it did, I have no evidence that that would not be preferable to the noisy and overbearing building currently affecting the neighbouring residents. Again I find here that the provision of the building has failed to meet the requirements of policy 46 to make a positive contribution to the area including by not having unacceptable impacts on neighbouring land uses.

Conclusion

12. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

13. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Laura Renaudon

INSPECTOR

