

Appeal Decision

Site visit made on 15 July 2025

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2025

Appeal Ref: APP/U2750/W/25/3365573

81 Skipton Road, Harrogate, North Yorkshire HG1 4LQ

- 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 Adnan Rusool & Mr Mohammed Khader against the decision of North Yorkshire Council.
 - The application reference is ZC24/03948/FUL.
 - The development proposed is the change of use of part of land and building to car wash and valet bay and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed during my site visit that the change of use had occurred, and the site in use as a car wash and valet facility. I have consequently dealt with the appeal on the basis the development has already occurred and is in operation as I observed.
3. The planning application was made in the name of Rusool & Khader; however it was clarified when the appeal was lodged that the appellants names are Mr Adnan Rusool and Mr Mohammed Khader. I am satisfied that the appeal should proceed in these names.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties, specifically 85 Skipton Road, with particular regard to noise.

Reasons

5. The appeal site is on a busy through route within the town of Harrogate. This section of the road is predominantly residential in character, with offices and commercial uses interspersed within terraces of two-storey housing. The appeal proposal involves the change of use of part of the premises to a car wash and valet facility which operates seven days per week.
6. A Noise Impact Assessment (NIA) has been carried out which states that a full jet wash and valet took place. It is not clear from the NIA where this was carried out. Furthermore, the NIA states that it was carried out assuming the use of two jet washers operating simultaneously, however no assumptions have been made regarding the use of vacuum cleaners or other equipment. Moreover, the application does not indicate the number of car washing bays proposed.

7. I note that NIA monitoring location MP2 is considered as a suitable surrogate monitoring location representative of the noise sensitive receptor (NSR) at 85 Skipton Road (No. 85). However, the Noise Contour Map¹ indicates that MP2 would be protected from the highest noise contours by the proposed mitigation. Therefore, I cannot be certain that MP2 is representative of the NSR at No.85. As a result, I cannot be sure that the living conditions of occupiers of No. 85 would not be adversely affected by the appeal proposal.
8. Although the NIA indicates that noise levels resulting from assumptions would not be intrusive, I cannot be certain that noise and general disturbance generated from the comings and goings of customers to the appeal site which would be likely to include noise from car engines, car doors slamming and car radios and people talking have been accounted for in the NIA, or that the activities on site would be confined to two jet washers. Furthermore, no indication has been given as to whether tonal characteristics in addition to the intermittency of the operations have been considered. Although the appellant states that habitable accommodation at first and second floors of NSRs has been taken into consideration, I have no evidence before me to indicate that this was the case.
9. The Council do not dispute the competency of the appellants' noise consultant, and I have no reason to disagree. However, I am not persuaded that the information provided robustly demonstrates that noise from the appeal proposal would result in an acceptable noise environment for neighbouring occupiers. I have considered whether the Council's proposed condition requiring further noise monitoring would overcome these concerns and have concluded that it would not.
10. For the above reasons, there is an unacceptable risk that the operation of the premises as a car wash and valet facility could adversely affect the living conditions of the occupiers of neighbouring properties, particularly those at 85 Skipton Road. This would conflict with Harrogate District Local Plan (2010) Policy HP4 which aims to protect the amenity of occupiers and neighbours.

Other Matters

11. I acknowledge the appellant's concerns over the Council's handling of the application. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.
12. The appellants state that they were unaware that planning permission was required for the change of use of the premises. This is not a matter I can take into account in the determination of the appeal, which I have considered on the basis of what is proposed and its consequent effects.

Conclusion

13. For the reasons set out and having had regard to the development plan as a whole and all other material considerations raised, I conclude that the appeal should be dismissed

KL Robbie

INSPECTOR

¹ Appendix 3 – Noise Impact Assessment ref: NIA-11980-25-12199-v1- Skipton Road (final).docx dated 26th March 2025