



Appeal Decision

Site visit made on 8 September 2025

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 25th September 2025

Appeal Ref: APP/Q1445/W/24/3355731

Carpark at St Andrews Church, 163 Church Road, Hove, East Sussex BN3 2AD

- 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 Kristaps Aizupietis, Chris Carwash Ltd, against the decision of Brighton and Hove City Council.
 - The application Ref is BH2024/01010.
 - The development proposed is alterations to existing hand car wash to increase the number of parking spaces from 2no to 8no and change the operating hours from 07:00-15:00 Mondays to Saturdays (as currently) to 08:00-19:00 Mondays to Sundays.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by Mr Kristaps Aizupietis, Chris Carwash Ltd, against Brighton and Hove City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. In the banner heading above, I have used the address given in the appellant's appeal form as this more accurately describes the site location. I have used the description of development used in the Council's decision notice as this more concisely describes the permission sought.
4. I have a statutory duty under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 202 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Main Issues

5. The main issues are:
 - The effect of the proposal on the character and appearance of the area with particular regard to the significance of designated heritage assets;

- Whether or not the proposal would have a harmful effect on neighbouring occupiers with particular regard to noise and disturbance; and
- The effect of the proposal on highway safety.

Reasons

Significance

6. The Church of St Andrew is a Grade II* listed building (Ref. 1205303) and in accordance with paragraph 213 of the Framework is of the highest significance. The list description mentions that the building is the original parish church of Hove, dating from the 13th century, with later rebuilding and restoration in the 1880s. It is Norman in style with an Early English chancel and vestry. In relation to this appeal, the building's significance is mainly derived from its age, function, and architectural detailing. The building is surrounded by a churchyard, and its frontage is prominently viewed from Church Road. To the rear, the church and its churchyard are viewed from the southern end of Haddington Close and from pedestrian footpaths which pass both sides of the church through to Church Road. This is the environment in which the church is experienced and appreciated, and this open setting is an important part of the significance of the listed building. The appeal site is part of the church hall car park alongside the churchyard, and it forms part of wider views of the church site. Changes to it therefore have the potential to affect the environment in which the church is viewed.
7. The appeal site is within the Old Hove Conservation Area. This area is primarily characterised by 19th century housing with some commercial and community uses focussed on Church Road. The area has a mixed character with areas of busy commercial activity together with quieter residential areas and pockets of green space. The significance of the Conservation Area is mainly drawn from the character and range of traditional buildings that it contains, together with its use of materials, pattern of development and the relationship of the buildings to the spaces around them. During my visit, I saw that surrounding buildings largely shielded the area around the church and appeal site from the noise and activity on nearby streets, and the churchyard was a welcome and relatively quiet and reflective green space. The footpaths and associated benches were well used by pedestrians. I saw the close visual relationship between the appeal site and the churchyard and noted that the supermarket car park nearby was visually and spatially separate from these areas.
8. At the time of my visit, the appellant's business was operating from a portable storage box occupying one of the parking spaces which housed equipment and materials including a generator and industrial vacuum cleaner. The second space alongside was being used for the washing and valeting of a vehicle. Other spaces in the car park were vacant apart from a stored food kiosk in one space and the car park was a generally uncluttered and tidy area.
9. I observed the power washing and valeting of a vehicle and could see and hear the activities from the immediately surrounding area. There were intermittent, loud bursts of noise from a power-washer with some lengthy periods of washing. The noise was apparent from within the churchyard to the rear of the church. Although this was one snapshot in time, it was apparent that the washing of a single vehicle

could be a relatively noisy activity which impacted on the underlying peaceful nature of the area to the rear of the church.

10. The appeal proposal would use most of the parking spaces in the church hall car park for the car washing business. It is proposed that staffing could expand from 3 up to 10 staff at one time and it is intended to grow the business from the current number of cars washed, which ranges from 2-35 cars daily. The noise management plan outlines measures to mitigate any increased noise and disturbance including keeping the pressure washer and vacuum cleaner in a trailer/storage box with the door closed whilst operational, and that the pressure washer and vacuum cleaner will not be used at the same time. It is also suggested that the staff will avoid door slamming or other activities generating unnecessary noise and waiting cars will be asked to turn their engines off or given a time slot to return. The appellant mentions that the owners of the site have agreed to provide an electricity socket which will reduce the need for a generator.
11. Despite the submitted evidence, it remains unclear as to the scale of the proposed operation and how it is intended to operate. It is therefore difficult to establish what the full effects would be. It could be that only one car would be washed or vacuumed at any one time with the other spaces being used for cars waiting to be cleaned or picked up. Alternatively, it could mean that more cars would be washed or valeted at any one time. With the suggestion that up to 10 staff could be on site, the proposal suggests greater active washing and cleaning which, even with the suggested management measures, has the potential to generate much more noise and disturbance than the current operation. This would be both from the use of more of the car park for cleaning activities including power washing, vacuuming, moving of vehicles and employee/customer activity, and the significantly increased hours, including operation on a Sunday.
12. Noise testing has been undertaken on a mobile phone app which suggests that existing noise levels are comparable to a restaurant, heavy traffic or church bell. The appellant suggests that this would make the proposal comparable to typical commercial operations nearby. The noise testing lacks detailed explanation as to when and how it was undertaken and does not appear to represent a specialist noise assessment. It indicates current levels but does not project the future levels arising from the proposal. Also, comparisons with other commercial operations and traffic are not especially helpful in this relatively peaceful area other than to indicate that it is a relatively noisy activity.
13. The proposal suggests to me that the relative tranquillity associated with the church and churchyard, and the opportunity for peaceful contemplation, is likely to be irreversibly harmed by the increased extent of activity and its duration. Also, whilst the proposal does not suggest any construction works, it may involve additional storage units or equipment which has the potential to create a cluttered and more unsightly area.
14. In the absence of further detail, I conclude that even if the hours of operation are further reduced, the proposal would have the potential to significantly increase noise and disturbance arising from the site and may cause visual clutter. It would be very visible within the public realm and could harm the ability to experience and enjoy the architectural and historic interest of the church. It could also be detrimental to the wider character and appearance of the conservation area.

15. The proposal is likely to have a harmful effect on the significance of designated heritage assets. Therefore, the expectations of the Act would not be met. Paragraph 212 of the Framework advises that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost from development within its setting and any such harm should have a clear and convincing justification. I find the harm in the context of the significance of the heritage assets, in the language of the Framework, to be a lower level of less than substantial harm in this instance. Nevertheless, this commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. The Framework requires that this harm should be weighed against the public benefits.
16. In undertaking this balance, I have taken account of the Planning Practice Guidance¹ which explains what constitutes a public benefit. Public benefits could be anything that delivers economic, social or environmental objectives but should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. The appellant suggests that public benefits include increased employment, washing in a more environmentally friendly manner and allowing customers to drop off their cars whilst visiting other businesses. It is also suggested that by having more capacity on the site there would be a reduced likelihood of disruptive parking on public roads. However, little evidence is submitted to quantify or substantiate these benefits and taken together I consider that they carry limited weight as public benefits.
17. Given the above, I conclude that the public benefits identified would be of insufficient weight to outweigh the great weight to be given to the harm to the designated heritage assets which includes a Grade II* listed building. In addition, there is no clear and convincing justification for the harm. It therefore follows that the proposal would not comply with the Framework and would conflict with policies CP15 of the Brighton & Hove City Plan Part One (CP1) and DM18, DM26 and DM29 of City Plan Part Two (CP2). In particular, policy DM29 refers to the importance of tranquillity in relation to the setting of heritage assets.

Effect on neighbouring occupiers

18. In finding that the proposal is likely to have a harmful effect on heritage assets because of the anticipated noise and disturbance, it follows that the proposal is also likely to similarly affect neighbouring occupiers. I have not been made aware of any nearby residents who are likely to experience harmful effects arising from the proposal, and I did not see any during my visit. However, people visiting the church or churchyard or simply passing by and sitting on the nearby benches would have a reasonable expectation that the relative peace associated with the area, especially around a place of worship, would be maintained. I have concluded above, that even with the suggested mitigation, that the proposal is likely to result in a significant increase in noise and disturbance and over a longer period of time. The Environmental Health Team may have concluded that no complaints have been received in relation to the current business but that does not imply that an intensification of the use would similarly raise no complaints.

¹ Planning Practice Guidance 'Historic Environment': Paragraph 020 Reference ID 18a-020-20190723

19. Therefore, in the absence of further details, I must conclude that the proposal is likely to have a harmful effect on neighbouring occupiers with particular regard to noise and disturbance. It would be contrary to CP2 policy DM20, which seeks to ensure that there would be no unacceptable loss of amenity. It would also conflict with the Framework which seeks to create better spaces in which to live and work.

Highway safety

20. The appeal site is located at the end of Haddington Close, a cul-de-sac which lies to the rear of retail premises on George Street. There were parking bays mainly along the western side of Haddington Close which were mainly for permit holders or short-duration parking. Most of these spaces were occupied. The appeal site entrance is also close to several footpaths linking through to Church Street and to the supermarket car park which appeared to be well used. During my visit I saw relatively little vehicular movement on Haddington Close and, apart from one car being cleaned at the time of my visit, I was not aware of any other cars waiting to be washed either on the car park or on the road.
21. I have already noted that the appellant intends to increase the staff numbers from 3 up to 10 staff at one time and it is intended to grow the business from the current number of cars washed, which ranges from 2-35 cars daily. It is suggested that all vehicles would be accommodated on the site preventing the need to wait on the road and that completed vehicles would remain there until collected. It is therefore suggested that vehicle movements will not significantly increase as customers vehicles would remain on site, spreading the operation more evenly across the day, and alleviating any congestion off site or occupying parking spaces on the road. It is also suggested that the increased hours of operation would also reduce waiting.
22. There is a lack of detail explaining how the existing car park is used. The appellant suggests that other parking spaces are rented to businesses with more frequent vehicle movements but there is little detail to confirm this. It is also not clear whether the proposal would displace any cars which usually park on the car park who would instead have to park on the surrounding streets. This was a concern expressed by the Highway Authority who commented that the proposal may cause unacceptable overspill parking within a controlled parking zone. It may be that the proposal would free up parking spaces on the road which may have been occupied by cars waiting to be washed but without further detail it is not possible to assess the anticipated change to the levels of parking on site or nearby.
23. There is also insufficient detail to explain the existing and proposed vehicle movements associated with the business, both on and off site. Without a clear idea of the number of customer vehicles anticipated, and a schedule of proposed vehicle movements throughout the day, including at peak times, it is not possible to establish the projected impacts on vehicle movements and highway safety. I am also not certain that all customers will wish to drop their cars off and some may choose to sit and wait either on or off site. The proposed drop-off facility may be beneficial to some customers who are visiting nearby businesses at the same time so they would be making this journey anyway, but I have little detail to be certain of this or understand how common this would be.
24. The road may be a relatively quiet cul-de-sac but given the amount of pedestrian activity that I saw near to the appeal site entrance, I am not satisfied that I know

enough about the proposed vehicle movements to be sure that there would be no risk to highway safety. I am aware that vehicles park along Haddington Close to allow people to visit nearby premises and that the supermarket is associated with regular traffic movement but there is little to suggest that these activities are comparable to the movement of vehicles likely to be associated with the proposal.

25. Therefore, in the absence of further details, I must conclude that the development is likely to have a harmful effect on highway safety. The proposal would conflict with CP2 policy DM33 which seeks to ensure that developments do not create road safety problems. It would also conflict with the Framework which requires safe and suitable access sites.

Other Matters

26. The proposed increased hours would no doubt be beneficial to the appellant's business, enabling more customers to visit. Also, the church may own the site and have no objection to the proposal. However, these are not adequate reasons to conclude differently on the main issues above. There may be other nearby premises open for longer hours, and which may also be more disruptive to the community, but that would not justify the proposal before me given the specific circumstances of this site and the concerns raised.
27. Although the Council has suggested conditions were I to allow this appeal, this is standard practice in the appeal process and does not affect or weaken the Council's position in relation to the proposal. In the light of my findings, conditions would not resolve the issues raised or make the development acceptable.

Conclusion

28. For the above reasons, and having taken all other matters raised into account, there are no material considerations that indicate that the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR