



Appeal Decision

Site visit made on 28 October 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 November 2025

Appeal Ref: APP/U5360/W/25/3369958

256 Green Lanes, London N4 2HE

- 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 Mehmet Kanidagli against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2025/0022.
 - The development proposed is the temporary 5-year use of 256 Green Lanes as a hand car wash (*Sui Generis*).
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Decision

1. The appeal is allowed and planning permission is granted for the temporary 5-year use of 256 Green Lanes as a hand car wash (*Sui Generis*) at 256 Green Lanes, London N4 2HE in accordance with the terms of the application, Ref 2025/0022, and subject to the following conditions:
 - 1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with drawing numbers 19/588/003 Rev 002 (Proposed Plans and Elevations) and 1558-DR-600 Rev P1 (Below Ground Drainage).
 - 3) This permission shall be for a limited period of 5 years starting from the date of this permission when the use hereby approved shall be discontinued and any buildings and structures associated with that use shall be removed from the site.
 - 4) Prior to the first use of the development hereby permitted details of any external artificial lighting to be used on the site shall be submitted to and approved in writing by the local planning authority. The approved lighting scheme shall be maintained for the lifetime of the development and no other external artificial lighting shall be used on the site.
 - 5) A scheme for the provision and implementation of flood resilient and resistant construction details and measures for the site against surface water flood risk shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the site is first occupied and shall be maintained for the lifetime of the development.
 - 6) Prior to first use of the development hereby permitted, the noise mitigation measures set out at section 5.5 of the Noise Impact Assessment dated 19

May 2024 shall be implemented in full and those measures shall be retained for the lifetime of the development.

- 7) No plant / equipment that exceeds the noise output levels set out in the Noise Impact Assessment dated 19 May 2024 shall be used on the site at any time.
- 8) The use hereby permitted shall only operate between the hours of 8am and 6pm on Mondays to Saturdays, and between 9am and 5pm on Sundays and on bank and other public holidays.

Applications for costs

2. An application for costs was made by Mr Mehmet Kanidagli against the Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - whether the appeal scheme is acceptable in land use terms with specific regard to housing and community uses;
 - the effect on living conditions of occupiers of nearby residential properties with specific regard to noise and disturbance;
 - the transport effects of the development with specific regard to car use, pedestrians and cyclists; and
 - biodiversity net gain.

Reasons

Land Use

4. The appeal site is currently vacant and in the recent past was temporarily used as storage during the regeneration of the Woodberry Down Estate. The Council has noted that it is allocated as Site MH3 in the Hackney Local Plan LP33 (2020) (HLP) for the retention of community use with residential with an indicative capacity of 50 residential units. The site allocation as illustrated on the Policies Map includes the appeal site along with an area of land beyond the appeal site and notes that the site was identified as having development potential in 2012.
5. The Council has not provided any evidence to demonstrate that there is an intention – whether on the part of the site’s owner, itself, or any other party – to bring forward a development that includes residential uses. Furthermore, whilst it considers the temporary five-year period to be an unacceptably long period of time, the Local Plan covers the period to 2033 meaning that development including residential uses could still occur within the current plan period.
6. Site allocation MH3 notes that the existing use is Class D1 (the former categorisation for non-residential institutions) and states that development should include ‘re-provided community uses’. Similarly, HLP Policy LP8 requires marketing where a proposal involves the loss of existing social and community infrastructure. There is no active community use on the appeal site – the existing community use is on another part of the allocated land – and therefore there is no existing community use to be re-provided, and no loss of any community use

would occur as a result of the appeal scheme. Consequently, I find that the absence of marketing evidence or justification for the loss of a community use is not a matter that should weigh against the appeal scheme.

7. Therefore, I do not find that the proposed temporary change of use to a car wash for five years would conflict with the longer-term ability of the local plan to deliver the housing that has been identified therein, including any housing on the appeal site, or that it would result in the unjustified loss of social infrastructure. Accordingly, the appeal scheme would not conflict with HLP site allocation MH3 and HLP Policies LP12 and LP13 which relate to the delivery of housing or with HLP Policy LP8 or Policy S1 of the London Plan (2021) (LP) which seek to protect social infrastructure.

Living Conditions

8. On the basis of the appellant's noise assessment the Council's Environmental Protection department recommended approval of the appeal application subject to a planning condition to secure noise mitigation measures. Whilst the appellant took account of background noise levels in the local area – which reflect other activities nearby including traffic – assumed noise levels from equipment were based on a car wash elsewhere. Accordingly, the Council's Environmental Protection department also recommended a condition relating to the maximum noise output of the plant to be used on the site.
9. Although the Council's officer report concluded that the hours of operation would be excessive in a primarily residential area, and that the use of assumed noise levels was not satisfactory given the proximity of residential units to the site, the Council has not explained why, if the controls proposed by the Environmental Protection department were in place, the appeal scheme would result in an unacceptable impact. Similarly, whilst it took issue with noise from plant and human activities and noted that it would be difficult to enforce a limit on the number of customers each day, it has provided no evidence to suggest that these potential noise sources would result in significant and unacceptable impacts in terms of noise and disturbance.
10. Whilst there are residential uses nearby, on my visit to the site I noted a range of other uses close to the appeal site, for example an NHS facility on the opposite side of Green Lanes, an adjacent community use and, further to the north, a hotel and shops. Taking account of this context, I do not find the proposed use to be at odds with the prevailing character. Together with traffic on Green Lanes I found this to be a busy, urban location where the type and level of activity envisaged at the appeal site would not be out of place, whether on a weekday or a weekend, and where the proposed operating hours would not be excessive.
11. Even if the number of visitors to the site did exceed the indicative number cited in the appeal application, provided that the controls proposed by the Environmental Protection department are in place, I find that the appeal scheme would not result in a significant adverse impact on the living conditions of the occupiers of nearby residential units, including nearby residential institutions, as a result of noise and disturbance.
12. Thus, the appeal scheme would not conflict with HLP Policy LP2 or LP Policy D14 which together seek to avoid significant adverse noise impacts.

Sustainable Transport

13. The appeal scheme does not include any car parking and the submitted Outline Transport Statement notes that parking is restricted outside the site and across the wider area and that this would discourage staff from driving to the site. The scheme would provide four secure cycle parking spaces and there are also bus stops and an Underground station close by, providing a choice of non-car transport for staff. Whilst the Council also made reference to valet parking in its officer report, these spaces would be used for the deep cleaning of vehicles rather than for car parking.
14. The Council has noted that the car wash and valet service would generate a significant number of vehicular trips (estimated to be 65 per day, albeit this would not be capped), that this would fail to reduce the dominance of the car, that it would also be detrimental to air quality and that it would not contribute towards a healthier, greener environment.
15. By its very nature the proposed use would involve car movements. However, the Council has not provided any evidence, for example relating to existing congestion on the highway network or parking stress, to demonstrate that the additional movements and any parking demand would give rise to an unacceptably harmful impact, for example in relation to congestion. Similarly, it has not provided any evidence to support its related conclusion that the appeal scheme would be detrimental to air quality.
16. From my observations during my site visit I find that vehicle movements associated with the appeal scheme would not have a noticeable effect in terms of traffic and congestion, even if the predicted number of visitors to the site was exceeded to some extent. Furthermore, given the waiting capacity for customers on the site and the choice of other modes of transport for staff, I find that the appeal scheme is unlikely to result in there being excessive on-street parking, queuing on the public highway, or that it would be an impediment to buses using nearby stops or vehicles entering other properties nearby, including Nathaniel Court.
17. Accordingly, I do not find that the absence of a full Travel Plan or sufficiently detailed Transport Statement results in the appeal scheme's failure to promote walking and cycling within the site's local environment or its failure to reduce the dominance of the car. Furthermore, and given the size of the scheme, its location and the relatively small number of staff that would be employed, I find that a Travel Plan is not necessary.
18. Although customers' vehicles would cross a cycle and pedestrian route, there are other properties on this part of Green Lanes which are accessed in a similar way. There is a partly-segregated cycle lane and a wide pavement where users could safely wait if a vehicle was arriving at or leaving the appeal site. Given the predicted frequency of trips to the appeal site, and even if the predicted number was exceeded to some degree, I do not find that vehicle movements associated with the appeal scheme would result in an unacceptable degree of severance or an undue safety risk, or that any mitigation would be needed.
19. Therefore, the appeal scheme would not conflict with HLP Policies LP41, LP42 and LP43 or LP Policies T1, T2 and T4 which together seek to reduce the

dominance of the car, to prioritise walking and cycling, and to mitigate the transport impacts of development.

Biodiversity Net Gain

20. On the planning application form the appellant noted that the proposal would not result in the loss of any on-site habitats and therefore would be exempt from the requirement of providing biodiversity net gain (BNG) on the site, per the '*de minimis*' exception. Although the Council said that in the absence of a BNG Statement or calculations it had not been demonstrated that the proposal met the relevant criteria, it is not necessary for such information to be provided in all cases. Current guidance¹ states that an applicant only needs to provide sufficient evidence to support their justification.
21. I find that the application submission provided sufficient evidence. For example, it is clear from the photographs in the Design and Access Statement, which I verified when I visited the appeal site, that apart from a small amount of shrub growth and a single tree on the boundary of the site, the rest of the site is covered in a sealed surface and that there would not be any loss, gain or change of use of any open space or of any site protected with a nature designation.
22. Accordingly, I find that the appeal scheme complies with the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 and would be exempt from the requirement of providing BNG on the site.

Other Matters

23. Whilst interested parties have said that the appeal scheme would harm the regeneration of Woodberry Down, would result in air quality impacts, lead to exposure to other pollutants, and would affect users of the adjacent community facility, these comments have not been supported by any evidence.
24. Interested parties also raised issues regarding water resources, including drainage. This is a matter which the Council's flooding and sustainable drainage consultee has said could be addressed by condition.
25. In its officer report the Council noted that an energy statement and the impact on net zero as a result of the associated car use would be an important consideration in the determination of this planning application. However, this was not a reason for refusal and the Council has not proposed any conditions to address this matter. Nevertheless, the absence of an energy statement does not enable me to assess whether or not the appeal scheme complies with HLP Policies LP54 and LP55 and LP Policy SI 2 which relate to the adaptation and mitigation of climate change. However, given that this is not a major development and that permission is sought for a time-limited period, the absence of this information is a matter to which I attach a very small amount of negative weight.
26. Although it has been noted that there is no evidence of an approved trade effluent discharge consent or of a waste management contract, and concern has been raised in relation to employment related to car washes, these are all matters which are beyond the scope of planning control and, therefore, I am unable to take them

¹ <https://www.gov.uk/guidance/biodiversity-net-gain>

into account. Similarly, the effect of the appeal scheme on property values is not a planning consideration.

27. It has also been noted that the approval of a car-centric business next to Woodberry Down, which is a car-free development, would be contradictory and raise concerns about the consistency of planning decisions. However, each proposal must be considered on its own merits having regard to the particular circumstances of the site and the policy that is in force at the time of the decision. Similarly, the grant of planning permission for a limited period does not set a precedent for a permanent use given that any future application would have to be determined in the context of the circumstances at the time that the decision was made.

Conditions

28. I have reviewed the conditions proposed by the Council in light of the tests in the Framework and advice in the Planning Practice Guidance. I have also taken account of the matters which the appellant has said could be controlled by condition, including by reference to consultees' comments as noted in the Council's officer report.
29. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, including drainage details, for the avoidance of doubt and in the interests of certainty. In light of the local plan allocation, it is also necessary to ensure that this permission has effect for a time-limited period.
30. A condition requiring a scheme of lighting to be approved prior to first use is necessary in the interests of the living conditions of the occupiers of nearby residential properties. For the same reason, conditions relating to noise mitigation measures, the maximum noise output from plant and equipment, and operating hours are necessary. A condition relating to flood resilience is also needed to mitigate effects of and associated with potential surface water flooding.

Conclusion

31. Whilst I have identified that the absence of an energy statement should be given a very small amount of negative weight, I find that the appeal scheme would not conflict with other development plan policies, including in respect of all of the main issues. Therefore, I find that, overall, the appeal scheme complies with the development plan when taken as a whole and that there are no other considerations material to this proposal which indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above the appeal should be allowed.

P Burley

INSPECTOR