



Appeal Decision

Site visit made on 18 November 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th January 2026

Appeal Ref: APP/A0665/W/25/3372703

201-203 Middlewich Road, Northwich CW9 7DN

- 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 MSP Car Customs against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/01101/FUL.
 - The development proposed is “Change of use from a tool hire shop to a hand car wash, which was previously a petrol station with a car wash. No external building work was needed or done for this change of use. Only building work completed was a refurbishment of the interior of the building. The forecourt to the front of the premises is used for car washing and valeting. Internally the front of the building close to the forecourt is used as a small shop selling car accessories, cold drinks, crisps and confectionary. The middle section of the building is used as storage and staff areas. The workshop to the rear of the building will be used for vehicle detailing, vehicle wrapping, paint protection film application, ceramic coating application and window tinting.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was made in the name of Mr David Houghton on behalf of MSP Car Customs, however the appeal form states that the appeal is being made by Salar Salh Ali on behalf of Varo Hand Car Wash. It has since been clarified that the appellant is MSP Car Customs, which aligns with the planning application form, and I have proceeded on this basis.
3. The appellant has provided a range of additional information as part of the appeal. This includes the document “Noise Impact Assessment – Supplement¹” (‘NIA2’), and confirmation that a range of measures would be undertaken in relation to the operation of the proposed use in relation to noise, that the originally proposed acoustic curtains would be removed from the scheme and that a revised one-way system of access would be utilised.
4. The evidence suggests that acoustic curtains were previously in place at the appeal site, and I saw that these had since been removed. I also saw that the relocation of equipment to internal spaces had occurred, as set out in the evidence. However, the acoustic curtains are shown on the provided plans.
5. The Procedure Guide: Planning appeals – England is clear in stating that the appeal process should not be used to evolve a scheme and that there are no provisions for amendments to be submitted. It highlights the importance of what is

¹ Noise Impact Assessment Ref E21454-S (20 August 2025): S B Mellor

considered by the Inspector at appeal being essentially the same scheme as that which was considered by the Council and by interested parties at the application stage.

6. Moreover, even if any changes were not substantive, there remains consideration as to whether any procedural unfairness to anyone involved in the appeal would result from any changes to the proposal, such as interested parties who may not have had opportunity to comment².
7. As a result, I have considered the scheme on the basis of the plans provided, that is to say, including the indicated acoustic curtains, as their removal would amount to a substantive change to the scheme. I will address the proposed changes to the operation of the hand car wash elsewhere within my decision, although the starting point remains the proposal as set out in the initial documentation provided to the Council at the application stage, not its revised form.

Main Issues

8. The main issues are:

- the effect of the proposal upon the character and appearance of the area;
- the effect of the proposal upon the living conditions of occupiers of nearby properties, with particular regard to noise and disturbance, and;
- the effect of the proposal upon highway safety.

Reasons

Character and appearance

9. The appeal site relates to a commercial site which fronts onto Middlewich Road. The evidence suggests that it previously operated as a garage and petrol station, and the existing arrangement of buildings, canopy and forecourt correlates with this.
10. The site occupies a gap in a frontage of residential properties. 205 Middlewich Road adjoins the site to the east. A road providing access to an automotive business and residential property to the rear of the appeal site is located to the west, beyond which is 197 Middlewich Road. Uses in the area are mixed, with small-scale commercial businesses interspersed among residential properties. An industrial estate is located to the north of the appeal site, but is not widely visible from Middlewich Road.
11. The proposal involves relatively low levels of change to buildings and structures on the appeal site. It would, however, include the installation of curtains to the east and west of the forecourt washing area, and the front and rear of the covered valeting area at the eastern boundary of the site.
12. Few details of the curtains are before me. Figure 5 of the Noise Impact Assessment ('NIA1')³ indicates that they reach from the height of the forecourt canopy to ground level. There are no detailed plans provided for those curtains indicated as being installed on the valeting area. Within the evidence, the

² Holborn Studios Ltd vs The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin).

³ Noise Impact Assessment Ref E21454-S (17 September 2024): S B Mellor

proposed curtains are referred to as being clear Perspex or PVC, but it is unclear which. However, a photograph has been provided showing curtains previously in place at the forecourt.

13. There does not appear to be any dispute between the parties that these curtains would be harmful to the character and appearance of the area, and it is stated that this is one of the reasons that the appellant has sought to amend the scheme. Given the likely scale of the proposed curtains, the materials that would be used and the prominence of the site in views along what is a straight and flat road, I have no reason to disagree with the views of the main parties in relation to this main issue. I note it is also a view shared by an interested party.
14. As set out above, the appellant has sought to amend the scheme to remove the proposed curtains, however having regard to the principles of procedural fairness, I have considered the proposal on the terms upon which the Council made its decision.
15. I therefore find that the proposal would be harmful to the character and appearance of the area. It would conflict with Policy ENV6 of the Cheshire West and Chester Local Plan Part 1 ('CWCLP1') and Policy DM3 of the Cheshire West and Chester Local Plan Part 2 ('CWCLP2'). Together, and amongst other factors, these policies state that development should respect and be sympathetic to local character, make the best use of high-quality materials and be of a high quality of design.

Living conditions

16. The scheme is stated as including car washing and valeting, and the description of the proposal sets out that car washing would take place on the forecourt to the front of the building. The buildings on the site would be used for a variety of purposes including minor retail, storage, staff areas, with a building towards the rear of the site being used for vehicle detailing, vehicle wrapping and the application of paint protection film.
17. NIA1 was provided with the planning application. This identified that the closest sensitive receptors were located around 9 to 10 metres from car washing activities. It concluded that without additional noise reduction measures, that the proposed activities at the appeal site would likely result in adverse noise impacts. Given the proximity of the appeal site to residential properties and nature of the activities proposed, which would include jet washing and vacuuming, I have no reason to disagree.
18. It is stated that the proposed PVC curtains to be installed at the forecourt canopy and vacuuming areas would provide adequate noise mitigation. However, no specification for the curtains is before me, so I cannot be certain that they would suitably mitigate any noise and disturbance. Furthermore, in order to allow entry and exit to the relevant washing and valeting areas, the curtains would need to be able to part, and it is possible that a vehicle could be parting a curtain to access a washing space while another vehicle was being washed, reducing the effectiveness of such a measure in any event.
19. NIA2 indicates that instead of acoustic curtains, that all noisy equipment would be operated from within buildings, that the washing location be moved further from

neighbouring properties, and that the pressure of washers would be reduced, and that doing so would not lead to unacceptable levels of noise being generated.

20. However, and notwithstanding the concerns raised by the Council in relation to the methodology of NIA2, this would amount to a substantive amendment to the scheme and one which would not have been subject to public consultation. Accordingly, it would be procedurally unfair of me to accept this information as an amendment to the scheme at this stage.
21. Even if I were to do so, it would not be possible to control the pressure of the washers or the precise location of car washing in any event, as there are no precise amended details in before me in these respects. Therefore, such planning conditions would be unlikely to meet the relevant tests as set out in the National Planning Policy Framework ('the Framework') as they would be imprecise.
22. I therefore conclude that the proposal would lead to harm to the living conditions of occupiers of nearby properties with particular regard to noise and disturbance. It would be contrary to CWCLP1 Policy SOC5 and CWCLP2 Policies DM2 and DM30. Together, and among other factors, these policies state that development that gives rise to significant adverse impacts on health and quality of life, including residential amenity, will not be allowed.

Highway safety

23. There is little detail in the proposal as submitted with the planning application in relation to the management of traffic within the site. The appellant has however clarified that it was originally proposed that a simple one-way system would have operated with entry at the eastern access point and exit by way of the western access.
24. Middlewich Road is a route between the town centre and the A556, and I saw that it is a relatively busy urban route. Any temporary blocking of the road would therefore be likely to quickly become disruptive to traffic flow and safety.
25. The proposal includes three car washing stations. As originally proposed, there would be limited space for queuing within the appeal site for vehicles waiting to be cleaned, particularly as three separate queues would be likely to form. The noise assessment sets out that the washing process would take between 10 and 20 minutes per vehicle. Even with three washing stations in operation, given the limited forecourt space, at times of high demand it is likely that queues would form and would have a high potential of stretching back into the road. It is notable that the Highway Authority has stated, and it is not disputed, that the operation of the site has previously increased queuing along the road at busy periods.
26. The appellant has suggested an alternative circulation route within the site, along with signage and marshals at busy times. Even though this alternative is said to be in operation and to have operated without incident, this also amounts to a substantive change to the scheme and one which has not been subject to public consultation. Therefore, even if it were to address the Council's concerns, it would be procedurally unfair for me to accept this amendment to the scheme at this stage.
27. I therefore conclude that the proposal would be harmful to highway safety. It would conflict with CWCLP1 Policies STRAT10 and CWCLP2 Policy T5. Together, and

among other factors, these policies state that new development should demonstrate that additional traffic can be accommodated safely and satisfactorily, that safe access is provided to and from the site for all users and the development will not create any unacceptable impacts on amenity or road safety.

Other Matters

28. I am aware that planning permission for a car wash at the site was granted in 1998. However, I have been provided with very little information in relation to the use of the site in the intervening period, or the nature of the car wash activity approved as part of the permission; it is not clear whether this was a hand carwash operation or a mechanical car wash associated with a petrol station forecourt. Additionally, this decision is now around 18 years old, and the planning policy context has changed significantly in this time. This decision, does not, therefore, in either terms of potentially demonstrating an extant permission or as a precedent, lead me to conclude that my decision would be unreasonably inconsistent.
29. I note that the appellant has offered goodwill gestures to occupiers of nearby properties in the form of regular complimentary car washes. However, in themselves, these would not offer any meaningful mitigation to the harm that I have identified.
30. Even if I were to agree that drainage and pollution from the proposal could be adequately managed, this is a neutral factor and would not weigh in favour of the scheme.
31. It is not within the scope of this appeal to consider whether the use is lawful or otherwise, and while I do not doubt the appellants' intentions and acknowledge their desire to reach a compromise, these are not factors that weigh in favour of the scheme, particularly where such compromises form substantive amendments to the scheme originally considered by the Council.

Planning Balance and Conclusion

32. The Framework states that significant weight should be placed on the need to support economic growth and prosperity. Weighing against this is the harm that I have identified and the associated development plan conflict. I am also mindful of the advice in the Framework in relation to high quality design and providing safe access.
33. The proposal conflicts with the development plan as a whole. There are no material considerations, including the Framework, which would indicate taking a decision other than in accordance with it in this instance.
34. For the reasons given above, I conclude that the appeal is dismissed.

C Harding

INSPECTOR