



Appeal Decision

Site visit made on 24 February 2026

by **A A Phillips BA(Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 March 2026

Appeal Ref: APP/H4315/C/24/3343768

383-385 West End Road, Haydock, St Helens WA11 0AX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Philip King against an enforcement notice issued by St Helens Borough Council.
 - The notice was issued on 5 April 2024.
 - The breach of planning control as alleged in the notice is the unauthorised use of the Land as a hand car wash, erection of fencing to the rear and side of the Land and the erection of a canopy on a metal structure to the front of the Land.
 - The requirements of the notice are to:
 1. Cease the use of the Land as a car wash facility;
 2. Remove in perpetuity the metal fence that bounds the Land to the rear and side;
 3. Remove in perpetuity the canopy comprising a plastic corrugated roof supported on a bright yellow metal frame.
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

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

Preliminary Matters

2. At my site visit I noted that the use of the Land as a car wash has ceased and the metal fence and canopy have been removed. Nonetheless, the appeal remains extant and I shall determine it accordingly.

The appeal on ground (a)

3. The appeal is that planning permission ought to be granted. The main issues are the effect on:
 - i. the character and appearance of the area; and
 - ii. the living conditions of nearby residential occupants with particular reference to noise.

Character and appearance

4. Among other objectives, Policies LPD01 and LPD06 of the St Helens Borough Local Plan up to 2037 (the LP) require new development to use high-quality design that enhances local character, responds positively to its surroundings and is especially careful in prominent or gateway locations.

5. In this case, although there is no objection to the principle of the use of the site, the design and layout were not considered by the Council to be acceptable. The site occupies a highly visible position close to a major roundabout and the structures within and around the site would be very clearly seen from the nearby street and surrounding area. The boundary treatments incorporated a range of materials, including brickwork, blockwork, corrugated metal sheet, and timber panels up to 3.1 metres high and had a poor-quality commercial and industrial appearance which was visually harmful and at odds with the surroundings.
6. In addition, the yellow metal canopy and various advertisements were also visually prominent and dominated the appeal site and the immediate vicinity at odds with their surroundings and unacceptably detrimental to the area, generally. Therefore, I conclude that the development the subject of the Notice was harmful to the character and appearance of the area and failed to accord with the requirements of Policies LPD01 and LPD06 of the LP and the National Planning Policy Framework (the Framework).

Living conditions

7. A Noise Impact Assessment in May 2022 concluded that general vehicle movements and polishing activities from the hand car wash would have little impact on the local environment, but that jet washing and vacuuming could generate harmful noise levels. The assessment showed noise levels exceeding BS 4142 guidance and recommended either relocating the jet-wash activities or installing substantial noise barriers.
8. A second Noise Impact Assessment submitted in February 2023 stated that the jet wash activities would be repositioned to the rear of the site and asserted that the existing corrugated-metal-and-timber fencing provided adequate noise mitigation. However, the Council disagreed, citing objections and the Council's own noise recordings which showed that the existing barrier did not protect neighbouring residents.
9. The Council holds this position, arguing that the experience of local residents demonstrates a genuine harmful impact on living conditions as a direct result of on-site car washing and related activities. Therefore, based on the evidence submitted with this appeal I am not satisfied that the noise levels from the car washing could be mitigated through noise barriers or other measures such as reducing operating hours. Therefore, on this issue I conclude that the development was harmful to the living conditions of nearby residential occupants with particular reference to noise, contrary to Policy LPD01 of the LP and the Framework which seek to ensure that development avoids causing unacceptable harm to the amenities of the local area and surrounding residential occupiers.

The appeal on ground (f)

10. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve the purpose. The purposes of the enforcement notice are set in s173 of the Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173(4)(b)). Since in this case the notice requires the use to cease and the metal fence and canopy to be removed in perpetuity, the purpose is clearly to remedy the breach. Continuation of the use of leaving any part of those items in place would not achieve that purpose. In this respect, the appeal on ground (f) fails.

The appeal on ground (g)

11. The ground of appeal is that the time given to comply with the requirements is too short. The 1 month given would be sufficient to cease the use, remove the metal fence along the rear and side and remove the canopy. The six month compliance period suggested by the appellant would be excessive given the harm to character and appearance and living conditions. In any case the use has now ceased, and the respective items removed from the site. The appeal on ground (g) fails.

Conclusion

12. For the reasons given above and taking account of all the evidence before me, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

A A Phillips

INSPECTOR