



Appeal Decision

No site visit made

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2026

Appeal Ref: APP/U2750/C/25/3375299

The land situated and known as All Nations Supermarket, 81 Skipton Road, Harrogate, North Yorkshire HG1 4LQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mr Mohammed Rasool Khader of Skipton Road Car Wash Ltd against an enforcement notice ("EN") issued by North Yorkshire Council.
 - The EN was issued on 25 September 2025.
 - The breach of planning control as alleged in the EN is: Without planning permission, the material change of use of Land (including existing building) to a hand car wash and valeting business.
 - The requirements of the EN are:
 - Step 1 Cease the car wash and valeting business at the Land, including the use of the building.
 - Step 2 Remove all plant. Machinery and equipment for vehicle washing and valeting from the Land. Including but not limited to, jet washers, vacuum cleaners.
 - Step 3 Remove all business advertisements from the Land.
 - The periods for compliance with the requirements are:
 - Step 1 30 days
 - Step 2 60 days
 - Step 2 60 days
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the 1990 Act.
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Decision

1. It is directed that the EN is corrected and varied by:

- *the deletion of all the EN's requirements and their substitution with the words: "Step 1 Cease the hand car wash and valeting business at the Land. Step 2 Remove all plant, machinery and equipment for vehicle washing and valeting from the Land, including but not limited to jet washers and vacuum cleaners. Step 3 Remove all advertisements relating to the hand car wash and valeting business from the Land" within section 5 of the EN.*
- *the deletion of the words "Step 1 30 days Step 2 60 days Step 2 60 days" and their substitution with the words "Step 1 30 days Step 2 60 days Step 3 60 days" within section 6 of the EN.*

2. Subject to the corrections and variation, the appeal is dismissed and the EN is upheld.

Preliminary Matters

3. The EN has been appealed under grounds (f) and (g) therefore, the planning merits of the development are not relevant to this appeal. As such, a site visit would not help me reach a decision. Consequently, I advised the main appeal parties of my intention to determine the appeal without a site visit.

4. An interested party and the appellant raise matters within their submissions regarding the planning merits of the development. However, the EN has not been appealed under ground (a) and therefore, I am unable to take these into consideration.
5. Planning permission¹ was previously refused for the retention of the hand car wash and valet business at the appeal site, with a subsequent appeal² dismissed on 25 July 2025. A copy of these decisions and the Council's officer report was submitted with the Council's evidence and therefore, I am aware of their content. However, I have assessed this appeal on its own merits.

Appeal on Ground (f)

6. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy the breach of planning control or any injury to amenity.
7. The breach of planning control as described within Step 1 of the EN's requirements is inconsistent with the description in section 3 of the EN. Therefore, I have varied it to align. Step 1 also requires the use of the building to cease. However, as this is part and parcel of the material change of use, it is superfluous and therefore, I have deleted it.
8. I have also varied Step 2 of the EN's requirements as it is not grammatically correct. For precision, I have varied Step 3 of the EN's requirements to refer to the removal of advertisements solely relating to the hand car wash and valeting business. I have corrected a typographical error within the last time period for compliance as it refers to Step 2 rather than Step 3.
9. All of these corrections and the variation are either for precision or involve minor changes to grammar or typos and therefore, they do not alter the substance of the EN. Furthermore, the Council directed me to the error within section 6 of the EN. Consequently, I am satisfied that they would not cause injustice to either main appeal party.
10. The breach of planning control is the material change of use of the Land to a hand car wash and valeting business. The EN seeks the cessation of the use and the removal of any associated plant, machinery, equipment and advertisements. Therefore, the purpose of the EN is to remedy the breach of planning control.
11. The appellant asserts that the requirements are excessive and lesser steps could be taken to mitigate noise such as limiting the number of vehicles that can be washed at any one time; no vacuuming outside the building; housing the motors of the jet sprayers within sound proofed containers; and the erection of signs to warn customers to remain in their vehicles and to not leave their engines idling. They also assert that the existing use is less harmful than its previous use as a builder's merchant, and that the Council has not substantiated its reasons.
12. The reasons for issuing the EN are detailed within section 4 of the EN and clearly state why the EN was served and which policies within the development plan the breach of planning control conflicts with. There is no ground (a) appeal before me. Therefore, I am unable to determine whether conditions could be imposed to

¹ Planning Ref ZC24/03948/FUL

² Appeal Ref APP/U2750/W/25/3365573

overcome the Council's concerns regarding noise, or to consider the planning merits of the development. Furthermore, the purpose of the EN is to remedy the breach of planning control. Therefore, any step lesser than the cessation of the use would not remedy the breach.

13. Consequently, the steps required by the EN are not excessive to remedy the breach of planning control. The appeal on ground (f) therefore fails.

Appeal on Ground (g)

14. An appeal under ground (g) is that the periods specified for compliance within the EN fall short of what should reasonably be allowed.
15. The periods for compliance are 30 days for the cessation of the material change of use and 60 days for the removal of associated plant, machinery, equipment and advertisements. The appellant asserts that the timeframes imposed are insufficient to wind down an existing business; existing staff would be impacted; and the closure of the business would affect the appellant's health and life. The appellant therefore requests the compliance period is extended to at least 12 months.
16. The Council assert that the material change of use has not involved the erection of any significant structures, buildings or fences and therefore, little work is required to comply with the EN's requirements. As such, it is their view that the requirements could be undertaken within the stated timeframes.
17. The appellant attempted to gain planning permission for the existing use, but it was dismissed on appeal on 25 July 2025. Consequently, the appellant and their employees have known since this date that the unauthorised development would have to cease and alternative employment found. Following the determination of this appeal, the appellant and employees would have had around a year to comply with the requirements of the EN, which is a lengthy period to find alternative employment and premises.
18. To afford the appellant a further 12 months from the determination of this appeal would be akin to granting temporary planning permission, which would be unjustified. Furthermore, a period of 12 months proposed by the appellant is a lengthy period for the harm identified in the EN to persist.
19. Accordingly, I do not find that the compliance periods afforded by the EN fall short of what is reasonable. Therefore, the appeal on ground (g) fails.

Conclusion

20. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN with corrections and a variation.

A Berry

INSPECTOR