



Appeals Decisions

Site visit made on 5 December 2012

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an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 December 2012

Appeal A: Ref: APP/B5480/C/12/2180822

The Chequers Public House, 121 North Street, Hornchurch, Essex RM11 1ST

- Appeal A is made by Mr R Muca under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: ENF/305/11/ST) issued by the Council of the London Borough of Havering on 4 July 2012.
 - The breach of planning control alleged in the notice is "the unauthorised change of use of that part of the Land shown cross hatched on the attached plan, from use as a car park ancillary to The Chequers Public House to use as a hand car wash ("the Car Park").".
 - The requirements of the notice are as follows: -
 - "(i) Cease use of Car Park as a car wash."
 - "(ii) Remove the buildings, including the timber structure, machinery and other installations, including advertising signage, brought onto the Land in connection with the unauthorised use and in compliance with (i) above."
 - "(iii) Restore the Land to the condition prior to the commencement of the unauthorised use as a car wash."
 - The period for compliance with these requirements is three months.
 - The appeal is proceeding on the ground set out in section 174(2)(a).
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Appeal B: Ref: APP/B5480/A/12/2174465

The Chequers Public House, 121 North Street, Hornchurch, Essex RM11 1ST

- Appeal B is made by Mr R Muca under section 78 of the Town and Country Planning Act 1990 against a refusal by the Council of the London Borough of Havering to grant planning permission.
 - The application Ref P0028.12, dated 9 January 2012, was refused by notice dated 30 March 2012.
 - The development proposed is "Change of use from car park to hand car wash".
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Decisions

Appeal A: Ref: APP/B5480/C/12/2180822

1. It is directed that paragraph 3 of the enforcement notice be corrected by replacing "to use as a hand car wash ("the Car Park")" by "to a mixed use as a car park ("the Car Park") ancillary to The Chequers Public House and a hand car wash".
 2. Subject to this direction, the appeal is dismissed, the enforcement notice is upheld as corrected and planning permission is refused on the application
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deemed to be made by section 177(5) of the Town and Country Planning Act 1990 for the mixed use of the car park at The Chequers Public House, 121 North Street, Hornchurch, Essex RM11 1ST as a car park ancillary to the public house and a hand car wash.

Appeal B: Ref: APP/B5480/A/12/2174465

3. The appeal is dismissed.

Reasons for the decisions

Appeals A & B - the change of use

4. The enforcement notice and the planning application both relate to the whole of the public house car park. Since the car park is being used jointly by the public house and the hand car wash, the use is a mixed use and should be described as such in the enforcement notice. Similarly, the planning application and the decision notice describe the proposal as "Change of use from car park to hand car wash" when it is clear from the details submitted that the mixed use of the car park would continue. I have dealt with both appeals on the mixed-use basis and have corrected the wording of the enforcement notice.

Appeal A, ground (a), and Appeal B

5. The one-way traffic system here has in effect isolated the public house and its car park on a triangular traffic island surrounded by roads, on the opposite sides of which are a mixture of commercial and residential properties. The main issues in both appeals are the same and concern the effect of the car wash on (i) residential amenities, (ii) the appearance of the car park and (iii) parking and traffic conditions.
6. Noise arises from the car wash due to the sound of pressure hoses, vacuum cleaners, conversations and car audio equipment. This should not disturb nearby residents when there is enough traffic noise to mask it. The previous use of the car park solely by customers of the public house would also have created noise, possibly at unsociable hours. The car wash, however, gives rise to noise at times when the public house is closed, thus prolonging the period each day during which residents may be disturbed and extending it into times, such as Sunday mornings, when the car wash is likely to be busy and traffic noise low.
7. The car-wash cabin on the car park is a utilitarian structure, which has been sited in an isolated and prominent position where it is obvious to people living nearby, or visiting the area or passing by on the road system. It detracts from the appearance of its surroundings. In other respects the car wash has not changed the appearance of the car park significantly compared to its previous use solely by the public house. The appellant intends to replace the cabin with a more permanent and attractive structure if the appeals are allowed.
8. The car wash has not led to any changes being made in the arrangements for vehicular entrance to and exit from the car park, which are directly off the one-way traffic system on North Street and back on to it on the Billet Lane side. This rather unusual arrangement causes drivers using the car park to make slowing and turning movements on the highway, which may not be readily anticipated by other drivers who are not familiar with the road layout. It raises

concerns about the additional use of the car park by car-wash customers and about congestion in the car park that could result in queuing on North Street.

9. These concerns have been substantiated by representations I have received from residents in the area and by the objection from the Council's highway section. Their views should be supported for the following reasons: (i) the car park is too small to cater at all times for the needs of both car wash and public house customers; (ii) the number of drivers wanting car-wash services at any one time is unpredictable and (iii) the success of the proposal to close the car wash in the evening, when the public house is expected to be busier, relies on there being a low demand for parking spaces from public house customers at other times, but this cannot be counted on since it is dependent on the way the public house is run and the choices made by its customers.
10. I have concluded that the continued use of the car park by the car wash would give rise to significant concerns about residential amenities and the free and safe flow of traffic. These concerns could not be satisfactorily addressed by planning conditions and the car wash is therefore in conflict with Policies DC32 and DC55 of the Havering Core Strategy and Development Control Policies Development Plan Document. When the desirability of continuing the car wash use because of the services and the jobs it provides is weighed in its favour, the balance lies in preserving residential amenities and avoiding adverse traffic conditions. Both appeals have therefore been dismissed and the enforcement notice has been upheld as corrected.

D.A.Hainsworth

INSPECTOR