



Appeals Decisions

Site visit made on 5 December 2012

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

Decision date: 21 December 2012

Appeal A: Ref: APP/B5480/C/12/2177645

Squirrels Public House, 420 Brentwood Road, Romford, Essex RM2 6DH

- 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/320/11/SQ) issued by the Council of the London Borough of Havering on 7 May 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 Plan, from use as a car park ancillary to Squirrels Public House to use as a 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, 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 was." [sic].
 - 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/12/2174462

Squirrels Public House, 420 Brentwood Road, Romford, Essex RM2 6DH

- 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 P0027.12, dated 9 January 2012, was refused by notice dated 21 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/12/2177645

1. It is directed that the enforcement notice be corrected by:
 - inserting "the car park of" after "as" in line 2 of paragraph 2,
 - replacing all the words after "use" in line 2 of paragraph 3 by "of the Land to a mixed use as a car park ("the Car Park") ancillary to Squirrels Public House and a hand car wash", and
 - replacing "was" in sub-paragraph 5.(iii) by "wash".
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2. Subject to this direction, the appeal is dismissed, the enforcement notice is upheld as corrected and planning permission is refused on the application 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 Squirrels Public House, 420 Brentwood Road, Romford, Essex RM2 6DH as a car park ancillary to the public house and a hand car wash.

Appeal B: Ref: APP/B5480/A/12/2174462

3. The appeal is dismissed.

Reasons for the decisions

Appeals A & B – corrections and clarification

4. The land affected is described in the enforcement notice as Squirrels Public House, but only its car park is delineated on the plan. Although the public house is closed down at present, the car park retains its status for planning purposes as a use ancillary to a public house. Since it is now being used as a car wash as well, its current use is a mixed use and should be described as such in the notice. Also, it should be made clear that this is a hand car wash (rather than a mechanical one) and there is an error in Requirement (iii). I have corrected the wording of the notice and dealt with Appeal A on that basis.
5. The planning application describes the proposal as "Change of use from car park to hand car wash". The decision notice refers to it as the change of use of part of the car park. It is clear from the details submitted that the application relates to the whole of the car park and that the mixed use would continue, with car wash operations towards the front, public house parking mainly towards the rear and shared access arrangements. I have dealt with Appeal B on this basis.

Appeal A, ground (a), and Appeal B

6. The waste-water drainage issue raised by the Council could be dealt with by a planning condition and environmental controls. The main issue in both appeals is the effect of the car wash on parking availability and residential amenities.
7. As long as the public house remains closed, the car park should normally be able to accommodate vehicles queuing to be washed without affecting traffic on Brentwood Road. The car park would not, however, be large enough to provide sufficient space at all times for both the car wash and public house customers, should the public house reopen. In that case, parking would at times be likely to spill over on to roads in the area, to the detriment of residents' amenities and the free flow of traffic. However, the appellant seeks only a temporary permission for the car wash and this issue could be dealt with by a planning condition requiring the car wash use to cease if the public house reopened.
8. The car park is located in residential surroundings and the representations I have received from nearby residents demonstrate that their amenities have been harmed by noise from the car wash and by drifting spray. Noise arises from the sound of pressure hoses, vacuum cleaners, conversations and car audio equipment. 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 would

normally be 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 background noise low. Allocating the car wash to a specific part of the car park is not an effective way of dealing with this issue, since moving it further away from one dwelling brings it closer to another and some residents live close enough to be affected wherever it is sited within the car park.

9. I have concluded that the continued use of the car park by the car wash would give rise to significant concerns about residential amenities. These concerns could not be adequately addressed by planning conditions and the car wash is therefore in conflict with Policy 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. Both appeals have therefore been dismissed and the enforcement notice has been upheld as corrected.

D.A.Hainsworth

INSPECTOR

