



## Appeal Decision

Site visit made on 10 February 2021

**by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9<sup>th</sup> March 2021**

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**Appeal Ref: APP/H0738/W/20/3263494**

**The Mile House, Durham Road, Stockton-on-Tees TS19 9AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
  - The appeal is made by Shera Ismail against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 20/1815/RET, dated 19 August 2020, was refused by notice dated 28 October 2020.
  - The development proposed is the temporary use of the vacant public house car park as a car wash facility.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The planning application is for retrospective permission for a car washing use that commenced in July 2020. At the time of the site visit there was no car washing equipment on site.
3. The submitted plans only show the geographical extent of the site and do not include any elevational drawings indicating what structures and equipment would be on the site or whereabouts they would be. Nevertheless, for the avoidance of any doubt, this is not an outline application.

### Main Issues

4. The main issues are:
  - The effect of the proposed development upon the character and appearance of the area; and
  - The effect of the development proposal upon the living conditions of local residents including students at the adjacent school.

### Reasons

#### *Character and Appearance*

5. The appeal site comprises part of the car park belonging to the former public house called The Mile House close to the intersection of Durham Road (A177) and Darlington Lane in Stockton-on-Tees. Another road called Ragpath Lane bounds the eastern side of the former public house. The Mile House closed in late 2017 although it is understood that part of the building was used as a turf-accountant's premises until recently.

6. Along the northern boundary of the site are some trees subject to a Tree Preservation Order. Generally, however, the site is very open to view by pedestrians and vehicle occupants passing by. Indeed, owing to the site's openness and its junction location it is very prominent.
7. The area around the public house is almost entirely residential other than the school which lies immediately adjacent to the north. Both the main roads are quite heavily used.
8. The proposed development comprises the use of the western part of the former car park for a temporary car wash facility. The plans submitted only show the site boundary and contain no details of the intended disposition of the various elements of machinery or associated structures. The application form includes reference to a portaloos but there is no mention of any other built development such as a portacabin. Vehicles would be able to make use of the existing entrance from Durham Road to the car park.
9. The former Mile House public house is a large, imposing 2-storey red brick structure with various single storey extensions. Due to problems of trespass, vandalism, break-ins and arson the windows and doors of the former public house have been boarded up in an attempt to secure it and prevent further damage. Furthermore, the large car park surrounding the public house has also been fenced off. It is fair to say that this prominent building at this busy intersection has become an eyesore.
10. During the short time the carwash facility was in operation the problems of trespass and vandalism reduced due to the presence of those cleaning cars and the comings and goings of customers. The proposed development is intended as a short-term interim use until such time as a higher yielding alternative commercial use is found for the site and the buildings.
11. Notwithstanding the absence of details, the intended carwash would include pressure washers and a portaloos. It is not clear whether or how the facility would be secured or whether it would include structures beyond a portaloos. However, if it is to operate as a commercial carwash facility it is inevitable that it would require one or more pressure washers and other equipment associated with this type of business.
12. In the absence of any plans the assessment of the effect of the development proposal must be based upon what might typically be associated with carwash operations. They can be unsightly. Whilst the site has a commercial history the proposed use would be qualitatively different to its longstanding use as a public house. This conclusion is not affected by the short-term temporary nature of the proposal.
13. It is acknowledged that operation of the facility could help deter would-be vandals and others involved in anti-social or other forms of criminal behaviour. However, there are means to secure the building on a 24-hour basis through fencing and the use of cameras which would be more effective and which do not necessitate the introduction of what is likely to be an unsightly and incongruous car wash operation in an established residential area.
14. For the above reasons the proposed development would harm the character and the appearance of the surrounding residential area. It would therefore fail to accord with Policy SD8(1)(a) and (2) of the Stockton-on-Tees Local Plan 2019 ('the LP') which seeks to ensure that development on prominent sites close to major junctions is of a very high quality and that new development should seek to establish a strong sense of place.
15. Furthermore, it would also fail to accord with the advice given in Paragraphs 127c) and 130 of the National Planning Policy Framework ('the Framework') that new

development should be of a high quality design and contribute to good place-making.

### *Living Conditions*

16. The facility would be close to housing along Durham Road, Darlington Lane and Ragpath Lane. It would also be close to the playground area and the main building of St Gregory's Catholic Academy which lie immediately to the north.
17. The proposed development would operate 0800-1800hrs Monday to Friday, 0800-1700hrs on Saturday and 0900-1600hrs on Sunday and Bank Holidays. It is likely that the operation of the pressure washers would be quite noisy. In the absence of any details concerning screening it must be assumed that there would be no noise mitigation measures incorporated into the operation.
18. Whilst the area would be subject to the background noise of traffic from the 2 main roads there would be periods when traffic volumes will be lighter, in particular at weekends. At such times it seems likely that the noise from the operation of the pressure washers would be even more intrusive to local neighbours.
19. In the absence of any plans showing plastic screens or other measures that could be employed to reduce the effect of pressure washers it is likely that children and staff in the playground area of the adjacent school would be subject to sprays from the facility being blown to the north. It is not known whether these sprays would contain any harmful chemicals.
20. Similarly, it is possible that neighbours in dwellings along Durham Road, Darlington Lane and Ragpath Lane could also be exposed to airborne sprays from the proposed car wash facility. This would be harmful to their living conditions also.
21. For the reasons set out above the proposed development would fail to provide for the satisfactory living conditions of the children and staff of the neighbouring St Gregory's Catholic Academy and the occupants of dwellings within the immediate locality. Consequently, the proposal would fail to accord with Policy SD8(1)(e) and (3) of the LP which seeks to ensure that new development provides for the living conditions and the safety of neighbouring occupants.
22. Furthermore, the proposal would fail to accord with Paragraph 127f) of the Framework which advises that new development should ensure that current and future local occupants do not suffer harm to their living conditions.

### **Other Matters**

23. The proposal would employ 7 full and part-time staff. Whilst this is a consideration that helps support the proposal it does not outweigh the findings in regard to the effect that it would have on the character and the appearance of the surrounding area or on the living conditions of those at the school and local residents.

### **Conclusion**

24. For the above reasons the appeal should be dismissed.

*William Walton*

INSPECTOR