



Appeal Decision

Site visit made on 27 May 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 June 2025

Appeal Ref: APP/R4408/W/25/3362015

Land adjacent to Three T's Industrial Estate, Platts Common Industrial Estate, Platts Common, Barnsley S74 9DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Wayne Hadfield, Hadfield Developments, against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref is 2024/0305.
 - The development proposed was originally described as hand car wash.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appeal site address in the heading above from the decision notice as this is a more accurate reflection of the site's location.
3. The evidence before me, and my site visit observations, confirm that the hand car wash business is in operation. For the avoidance of doubt, I have assessed the appeal proposal and based my decision on the plans before me.

Main Issues

4. The main issues are the effect of the proposal on:
 - Highway safety; and
 - The amenity of the neighbouring occupants of the business units, with particular reference to noise and disturbance.

Reasons

Highway safety

5. The appeal site is adjacent to a car sales business and the Three T's Business Park, which consists of a building subdivided into modest business units with parking. The wider area is primarily characterised by further industrial units, an area of green space with mature trees, dwellings and a supermarket.
6. The site is accessed via Chambers Road which links to Wombwell Road. The access is located close to a bend, Three T's Business Park access and the junction with Wombwell Road.

7. It has been drawn to my attention that the majority of the redline boundary is within the Council's ownership. Asset Management have strongly objected to the proposal and consider that it is an inappropriate use of Council land, and they would not be willing to sell or lease on this basis. In addition, the business park owner of units 1-9 highlights that they own 6 parking spaces included in the area proposed, and that they do not give permission for the appellant to use their land.
8. In contrast, the appellant states that they own 50% of the site including unit 10 and the whole of the parking area. They assert that they have used the land in question for over 25 years and it is subject to adverse possession. I understand that historically there was an agreement "in principle" with the Council for the appellant to take ownership or control of the land but this was reliant on a number of factors which never came to fruition. As such, the transfer was never finalised.
9. The appellant states that over the last 9 months there has not been one occasion of queuing. I observed on my site visit that there was a modest number of vehicle movement along Chambers Road, including HGVs associated with the nearby industrial units. Wombwell Road had a much greater level of vehicle movement. There were no customers at the car wash so no queues. However, an objection comment states that at times cars are waiting on Chambers Road to enter the car wash. The highways department have also highlighted queuing as a concern. Queuing could result in potential conflicting vehicle movements which would impact the free flow of traffic on the highway and would adversely affect the efficiency of the highway.
10. The drawings show that the proposed staff and visitor parking encroaches into the parking area of the business park. At the time of my site visit, this area was almost full of parked vehicles and a skip. I acknowledge my site visit was only a snapshot in time and there could be different levels of traffic, customers and parking at other times. Nonetheless, the proposal would affect parking within the business park. This is because the drawings show amended parking for the units and based on the evidence presented, as well as my site visit observations, it is unlikely that there would be adequate space for vehicles to manoeuvre to park or deliver to the units.
11. Whilst it is not necessary for the appellant to own the site to seek planning permission, the proposal utilises a large amount of land outside of their ownership or control, including the access and parking area. Furthermore, given that the landowners have stated that they would not give permission to the appellant to use their land for the proposed development, it is questionable whether the development could be successfully implemented in terms of providing access and adequate parking.
12. Thus, although the issue of landownership is generally not a planning matter, given the circumstances of the case, it would not be possible to ensure that the proposed development could effectively operate as it would not be possible to ensure the safe operation, access and egress of the site. Additionally, I am not satisfied that there would be adequate parking for the proposed development as well as users of the Three T's Business Park.
13. There is little robust information before me regarding the likely level of traffic, customers and parking the proposal would generate, and that the business could operate successfully from a highway perspective. For these reasons, the proposed development would have an unacceptable effect on highway safety. Consequently,

it would conflict with Policy T4 of the Barnsley Local Plan (2019) (LP). This states that new development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

14. In addition, it would conflict with paragraphs 115 and 116 of the National Planning Policy Framework (the Framework). These state that it should be ensured that safe and suitable access to the site can be achieved for all users, and that development should be refused on highways grounds if there would be an unacceptable impact on highway safety.

Amenity

15. The plans show the location of an acoustic screen as well as the jet wash and drying areas. At the time of my site visit, noise was being generated by a unit within the business park (CLM signs). However, it is not clear whether this is frequently the case.
16. The car wash is likely to utilise noise generating equipment, such as generators, jet washes and vacuums. Furthermore, there would be additional noise from engines and potentially music from vehicles. No noise survey has been provided, and limited information regarding the equipment. Spray from the jet wash could also cause nuisance to the nearby businesses, including excess water.
17. It has been highlighted that the units within the Three T's Business Park have 3 allocated parking spaces as per their lease agreements. Staff and visitors of the car wash may park in the allotted units parking spaces which could have a negative impact on the occupants of the businesses as there would be less parking available. The above highway issues could also affect the amenity of the neighbouring occupants of the business units as it is unlikely that the proposal would leave adequate space for vehicles to manoeuvre to park or deliver to the business park units.
18. Given the proximity of the business units, it is important that the car wash is compatible with these uses and would not significantly prejudice their current or future uses. Whilst the appellant assumed the noise issue had been resolved since the previous planning application, there is not sufficient evidence to demonstrate that the proposal would integrate effectively with the existing businesses, and that suitable mitigation can be provided.
19. For these reasons, the proposed development would have an unacceptable effect on the amenity of the neighbouring occupants of the business units, with particular reference to noise and disturbance. It would therefore conflict with Policies GD1 and Poll1 of the LP. These state, amongst other things, that development will be approved if they are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land, and that development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in noise or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.
20. It would also conflict with paragraph 198 of the Framework. This states that new development should be appropriate for its location.

Other Matters

21. The Council highlight that Certificate A was completed on the application form and that no notice was served upon the landowners. The purpose of the certificate is to ensure that no prejudice is caused to anyone with an interest in the land. In this case, based on the evidence presented, no prejudice has been caused to any of the parties and there would not be procedural unfairness as the landowners have commented on the planning application. In any event, given my findings above and harm identified, it is not necessary to consider this matter further, as any findings in these respects would not change the appeal outcome.
22. The appellant highlights that they have had difficulty in communicating with the Council. This is a matter between the appellant and Council rather than the appeal process and does not alter my findings above.

Conclusion

23. For the reasons given above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal does not succeed.

L Wilson

INSPECTOR