



Appeal Decision

Site visit made on 12 September 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2023

Appeal Ref: APP/F3545/W/22/3309059

West Suffolk Service Station, The Battlies, Rougham, Bury St Edmunds IP30 9ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Motor Fuel Group against the decision of West Suffolk Council.
 - The application Ref DC/22/1105/FUL, dated 19 June 2022, was refused by notice dated 29 September 2022.
 - The development proposed is for the installation of electric vehicle charging bays and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of electric vehicle charging bays and associated works at West Suffolk Service Station, The Battlies, Rougham, Bury St Edmunds IP30 9ND in accordance with the terms of the application, Ref DC/22/1105/FUL, dated 19 June 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan – Ref. WPS-MFG-422-P20-C, Block Plan – Ref. WPS-MFG-422-P22 B submitted, Proposed Elevations – Ref. WPS-MFG-422-P23 B, EV Charging Layout – Ref. WPS-MFG-422-P25, Fencing Elevations – WPS-MFG-422-P26 and Landscaping Plan – BURYSE-WPS-MFG-422-P-30B.
 - 2) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the date of this decision; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Preliminary Matters

2. In my banner heading I have taken the site address from the planning application form. I have taken the description from the Council's decision notice and the appeal form, as it is more precise than the original description of development in the application form.
3. The application form indicates that works have not started. However, during my site visit I observed that the proposed development had been undertaken. The location and appearance of the works carried out appeared to align with the submitted drawings. Therefore, I have determined the appeal on the basis that the appellant is seeking permission for what is now in place.

4. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) in September 2023, replacing the version published in 20 July 2021. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issue

5. The main issue is the effect on character and appearance with particular regard to landscaping.

Reasons

6. The appeal site forms part of the larger service station situated at Junction 45 of the A14. This consists of a forecourt area with canopies, service building, internal circulation routes and associated parking. Whilst the appeal site is surrounded by countryside, I concur with the previous Inspector¹ who concluded that the site related more to its commercial surroundings created by the A14 and business park rather than the rural area that surrounds the site.
7. The provision of additional electric vehicle (EV) charging Bays and associated infrastructure is located to the southern part of the site where the extant permission had located a smaller number of bays. The substation and associated works are not substantial in height or mass. The development does not materially alter the use of the site and is appropriate in the context of a service station adjacent to a major highway.
8. The development is situated to the periphery of the site; however, it is viewed against the backdrop of the existing service station and is well-integrated with it. Whilst the landscaped area may be reduced from that previously approved, a landscaped area, including a mixed-native hedgerow, remains to the south of the appeal site, and provides some screening of the development. The change to the landscaping is minimal and does not significantly diminish the landscaping at the site. In addition, further landscaping beyond the appeal site and the A14 service road is present and will establish over-time to further help screen the development. Accordingly, the development does not have a significant harmful effect on the character and appearance of the site and wider area.
9. At the time of my visit, I observed the bays to be at significant capacity. The development provides for the increased demand in use of electric vehicles. The move to renewable technologies is clearly a national priority and the measures incorporated within the proposed development would impact positively on air quality.
10. For the reasons stated above, I conclude that the development is acceptable in terms of its impact upon character and appearance with particular regard to landscaping. As such I find no conflict with Policy DM2 of the West Suffolk Forest Heath and St Edmundsbury Local Plan: Joint Development Management Policies Document 2015 (JDMPD) which seeks to resist development which would involve the loss of open, green or landscaped area which make a

¹ DC/17/0762/FUL and APP/E3525/W/18/3214826

significant contribution to the character and appearance of the settlement. Nor do I find conflict with Policy DM13 of the JDMPD which seeks to ensure development will not have an adverse impact upon landscape features. Similarly, there is no conflict with the Framework which seeks to maintain the prevailing character and setting of an area.

Other Matters

11. The Council has drawn my attention to Policy BV26 of the Bury St Edmunds Vision 2031 Adopted September 2014 (Vision Statement). Based on the evidence before me and owing to the limited scale of the scheme, the development does not undermine the overall green infrastructure strategy for the area. I therefore find no conflict with Policy BV26 of the Vision Statement.

Conditions

12. Since the development has commenced it is not necessary to impose a time limit condition. A plans condition is necessary for clarity and a landscaping condition is imposed to ensure that the approved details are implemented and maintained.
13. The Council has suggested a condition for biodiversity enhancement measures to be secured. Having regard to the Framework, the Planning Practice Guide and the scale of the development I do not consider this to be necessary.

Conclusion

14. For the reasons given above I conclude that the development accords with the development plan as a whole and the Framework. The appeal is therefore allowed.

R Gee

INSPECTOR