



Appeal Decision

Site visit made on 12 March 2025

by Jonathan Price BA(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2025

Appeal Ref: APP/F3505/W/24/3353505

EMG Motor Group, 3-5 Fornham Road, Bury St. Edmunds, Suffolk IP32 6AL

- 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 EMG Limited against the decision of West Suffolk Council.
 - The application Ref is DC/24/0281/FUL.
 - The development proposed is forming of car storage area.
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Decision

1. The appeal is allowed and planning permission is granted for forming of car storage area at EMG Motor Group, 3-5 Fornham Road, Bury St. Edmunds, Suffolk IP32 6AL in accordance with the terms of the application, Ref DC/24/0281/FUL, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing no. 7407 101.
 - 3) Prior to the bringing into use of the development hereby permitted, a scheme for the implementation and future management of hard and soft landscaping, incorporating biodiversity enhancement measures, shall have been submitted to and approved in writing by the local planning authority. The landscaping and biodiversity enhancement shall thereafter be provided and maintained as approved.

Main Issue

2. The effects of the proposal on the living conditions of neighbouring residential occupiers, with particular regard to noise and disturbance.

Reasons

3. The proposal is to provide car storage within a small, gravelled area that lies adjacent to the side access to the appellant's motor vehicle dealership and repair premises. This is required for vehicles awaiting parts and collection by clients. It would free up existing on-site car parking and help reduce use of spaces in nearby streets. The surrounding area is a mixed use, urban part of Bury St. Edmunds. The proposal would be enclosed by the vehicle dealership and residential curtilages, on land between the back garden of 7 Fornham Road and an outbuilding to a corresponding property, Vikens, on Malthouse Lane. The far side of

the site, where a strip of landscaping is proposed, abuts the boundary to back gardens of housing along Thingoe Hill, mainly that of No 5.

4. The starting and manoeuvring of cars would be an intermittent source of noise, confined to within working hours at this motor company. It would not be significantly different to that generated by day-to-day car use in residential areas. The Council has made no reference to the need for a noise report or given any assessment of how the levels and durations of sound might impinge upon neighbouring residential occupiers. Neither is there any reference to specialist environmental health advice to support its reason for refusal. Such noise as would emanate from such a small area of additional parking would be experienced against background levels. These might reasonably be considered as relatively high in an urban area adjacent to busy roads and with an operational commercial use and its associated vehicular and other activity.
5. The Council has referred to the noise generated by the passage of cars over unbound gravel. However, the appellant is amenable to providing a bound surface. This noise mitigation could be secured through conditional approval requiring agreed hard landscaping measures. Vehicles currently come in and out of the existing access alongside the adjacent homes throughout the working day. In this context, little additional noise and disturbance would arise as a result of the small area of further car storage proposed. Although this would be closer to neighbouring homes than the existing car parking, the back gardens already provide some separation from the appeal site.
6. This proposal would not have a significantly harmful effect on the living conditions of neighbouring residential occupiers, either from additional noise or disturbance. Therefore, it would comply with policies DM2 and DM14 of the Joint Development Management Policies Document (2015), Policy CS3 of the St. Edmundsbury Core Strategy (2010), and those of the National Planning Policy Framework. This is insofar as these require development proposals to respect the living conditions of existing residents and avoid noise giving rise to significant adverse impacts on health and quality of life.

Conditions and conclusion

7. The site appears devoid of biodiversity, and some net gain could readily be achieved as part of soft landscaping. A single condition could secure both this and resurfacing of the site with a bound material. This is the only condition necessary, beyond those that apply the standard time limit for commencement and plan compliance. Subject to these conditions, I conclude that the appeal succeeds.

Jonathan Price

INSPECTOR