



Appeal Decision

Site visit made on 25 March 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 May 2025

Appeal Ref: APP/L3245/W/24/3357768

Shrewsbury Vehicles, Spring Gardens, Shrewsbury SY1 2TE

- 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 Mr Myles Arnold of MA Vehicle Sales Limited T/a Shrewsbury Vehicles against the decision of Shropshire Council.
 - The application Ref is 24/03683/FUL.
 - The development proposed is described as 'Proposed detached car workshop building.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's appeal statement indicates that the planning application sought to confirm the car sales use at the site and to 'regularise' the car workshop building that has been erected. However, the description of development on the Application Form and the Appeal Form is: 'Proposed detached car workshop building.' It must be noted that the description of development governs the extent of the permission sought. Moreover, it is used for the purposes of publicity and thus alerting parties to their opportunity to inspect plans and make representations. Accordingly, my determination of this appeal is based on the description of development given on the Application Form. For the avoidance of doubt, my decision is not concerned with whether or not planning permission is required for the car sales and repairs use at the site but is based only on the planning merits of the proposal before me which is for the detached car workshop building. There is no dispute that the building has already been constructed.

Main Issue

3. The main issue in this appeal is the effect of the car workshop building on the living conditions of the occupiers of neighbouring dwellings with regard to noise.

Reasons

4. The appeal site comprises an L-shaped parcel of land which largely operates as a used car dealership. There is a small sales office in the south east corner of the site and the car workshop building is at the northern end of the site. The site is accessed from Spring Gardens and located behind residential dwellings fronting Spring Gardens. There is also a residential parking area to the north of the site, a recreation ground to the east, and a funeral directors to the south. The workshop building is approximately 2 metres from the shared rear boundary with 68 and 70

Spring Gardens (Nos 68 and 70) and approximately 15 metres from the dwellings themselves.

5. The appellant has submitted a Noise Assessment¹ (the NA) which has assessed the noise levels of the workshop building, described as a 'MOT and Test centre' and a 'MOT/Service Garage' in the NA. It does not describe the specific activities which took place, or tools which were used, in the building while noise levels were monitored.
6. The NA concludes that as noise levels associated with the use of the building do not exceed background noise levels at the nearest noise sensitive receptors (the rear gardens of properties in Spring Gardens), there will be a low chance of adverse impact. However, the NA also acknowledges that situations may arise where noise levels may be higher than those detailed in the report. For example, when there is an influx of cars requiring certain fixes that use noisier tools. It also indicates that any increase in noise levels by just a few decibels could lead to noise complaints.
7. Indeed, the Council points to a history of noise complaints regarding the car workshop building from neighbouring properties². Objections have been raised to the development from neighbours on the grounds of excessive noise caused, for example, by banging, hammering, jet washing, engine revving, door slamming, horn blowing, music playing and loud conversations between workers throughout the day.
8. The NA suggests a number of mitigation measures, the first being engagement with residents whose properties back on to the site. However, engagement with neighbours alone would not directly address or mitigate situations where noise levels are higher than those detailed in the NA.
9. Secondly, the NA suggests that the area around the workshop building is kept neat and tidy. However, the visual appearance of the site has no direct impact on the level of noise generated because noise levels are determined by the source of noise, its intensity and how it travels, not by how tidy or clean the area is.
10. Thirdly, the NA recommends that as little activity as possible occurs outside of the enclosed garage area. There is a large opening on the front of the workshop building with a roller shutter. The roller shutter was fully open during my site visit and likely remains so during operating hours as it is the only means of ventilation for the building. With the large open workshop door, noise is likely to spill into the surrounding residential area, even if activity was restricted to within the garage. The workshop building can only accommodate a maximum of two cars. During an influx of cars, it would be tempting to undertake repairs or servicing outside the building where no acoustic insulation would be offered.
11. Fourthly, the NA suggests that 'careful consideration' should be made for people in their gardens during weekend days and no work should take place on a Sunday. However, this fails to consider that people may use their gardens during weekdays, not only on weekends. Furthermore, it is unclear what specific measures are proposed as a result of the 'careful consideration' that should be given. Overall, I find that there is a lack of specific or robust measures to provide

¹ BS4142:2014 Assessment of new mot & test centre, Myles Arnold Vehicle Sales Ltd, Shrewsbury, sy1 2te, by E2 Consultants Ltd, 19 August 2024.

² Appendix 6 and 7 of the Council's Appeal Statement.

effective or sufficient mitigation for increases in noise levels which would likely be generated by the activity associated with the car workshop building.

12. The walls and roof of the workshop building largely consist of profiled steel sheeting, which is likely to reflect and amplify sound, allow noise to escape easily from the building and offer poor noise insulation. The appellant's appeal statement suggests that sound proofing of the building, if required, could be imposed by a planning condition. However, soundproofing may be largely ineffective given the expansive opening on the building during operation, allowing sound to propagate into the surrounding area. There is little to convince me otherwise. While the opening does not directly face residential properties, its proximity to Nos 68 and 70 would nonetheless mean that loud sounds generated within and around the workshop building would be appreciable, as evidenced by the noise complaints and objections raised by the occupiers of those dwellings.
13. The existing wooden boundary fence to the rear gardens of Nos 68 and 70 would largely be ineffective in significantly reducing noise from the workshop building as it is a standard fence which is not designed for soundproofing. Additionally, painting of the workshop building would not be able to mitigate the noise effects of the development.
14. The appellant's appeal statement suggests that appropriate mitigation measures have been undertaken in response to noise complaints from neighbouring residents. However, there is no substantive evidence before me as to what mitigation measures have been undertaken by the appellant and the effectiveness of these. Moreover, it is unclear whether any effective mitigation measures could be secured by condition.
15. The appellant contends that the NA modelled a worst-case scenario in the form of future MOT servicing to the general public. However, there is no indication that future scenarios were modelled in the NA. I am also unconvinced that a condition prohibiting the use of power tools other than when removing wheels would be reasonable or enforceable.
16. The appellant suggests that a planning condition could be imposed to restrict the use of the building to be wholly ancillary to the site's car sales use. However, such a condition would not be easily enforceable not least because it would require regular ongoing monitoring. In any event, an influx in car repairs/ servicing could occur in association with the car dealership alone, and it remains unclear what the lawful use of the site may be.
17. The absence of any meaningful noise mitigation measures within the proposal raises significant concerns for the living conditions of the occupiers of nearby dwellings. Due to the proximity of the workshop building to residential properties and the uncontrolled noise and disturbance caused by the activities within and around the open-fronted building, nearby residents have experienced unacceptable levels of noise.
18. For the reasons given, the development harms the living conditions of the occupiers of neighbouring dwellings with regard to noise. There is conflict with Policy C6 of the Shropshire Local Development Framework Adopted Core Strategy (March 2011) insofar as it requires development to safeguard residential and local amenity.

Planning Balance and Conclusion

19. That the height of the car workshop is limited, no vegetation has been significantly affected and that there are no issues in relation to loss of privacy or light to neighbouring occupiers weighs neither for nor against the development and is considered neutral in the planning balance.
20. The car workshop building provides jobs and utilises what was once a vacant site. However, given the small scale of the workshop building, these benefits would be modest and carry moderate weight in favour of the development.
21. The car workshop building significantly harms the living conditions of the occupiers of neighbouring dwellings with regard to noise. Accordingly, it conflicts with the development plan, when considered as a whole.
22. The moderate benefits of the development do not outweigh the significant harm that I have identified. Material considerations, including the stated benefits, do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given, the appeal should be dismissed.

U P Han

INSPECTOR