



Appeal Decision

Site visit made on 24 April 2025

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025.

Appeal Ref: APP/R0335/W/24/3356724

Public Layby north of Sandhurst Day Centre, 156 Yorktown Road, Sandhurst GU47 9BJ

- 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 Mehmet Ilze against the decision of Bracknell Forest Borough Council.
 - The application ref. is 24/00093/FUL.
 - The development proposed is the change of use of land for the siting of a mobile hot food van.
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Decision

1. The appeal is allowed and planning permission is granted for the siting of a mobile hot food van at Public Layby north of Sandhurst Day Centre, 156 Yorktown Road, Sandhurst GU47 9BJ in accordance with the terms of planning application ref.24/00093/FUL, validated 5 April 2024, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Drawing no.N9VIE2 Layout 3 (Block Plan, scale 1:500) and Drawing no.2021/011/01 Proposed Van Drawings (December 2021).
 - 3) The use hereby permitted shall not operate or be open to customers or receive or dispatch deliveries outside the following times: 17:00 to 22:00 hours Monday to Sunday.
 - 4) The mobile food van shall be removed from the layby outside of approved operating hours.
 - 5) Any lighting associated with the food van operation shall be screened to avoid intrusive sky glow.

Procedural Matters

2. The appeal site is a parking space within a layby off Yorktown Road. The building to the south is the Sandhurst Day Centre (156 Yorktown Road) and has its own parking area which is for the exclusive use of those using the Day Centre. The Highway Authority has suggested that the site is identified as UPRN 010022824747 with the address as Street Record, Yorktown Road, Sandhurst. In the Council's decision notice the appeal site is described as Street Record, Yorktown Road, Sandhurst, Berkshire. In the box heading above I have described the location of the appeal site as Public Layby north of Sandhurst Day Centre, 156 Yorktown Road, Sandhurst GU47 9BJ, as this is the most easily recognised and identifiable location.
3. The Bracknell Forest Council's Core Strategy Development Plan Document (2008) and the Bracknell Forest Borough Local Plan (2002) were superseded prior to the determination of the refused application 24/00093/FUL. The Bracknell Forest Local Plan was adopted on 19 March 2024. The Council indicates that the refused application was determined according to the policies set out in the 2024 adopted local plan, not those quoted in the appeal statement. I have had regard to the most up-to-date adopted development plan policies in coming to my decision.

Main Issues

4. The main issues in the appeal are the effect of the proposal on highway safety and the effect on the character and appearance of the area.

Reasons

Highway safety

5. The appeal site is a parking space within a three vehicle layby to the north of Sandhurst Day Centre on the south side of Yorktown Road (A321) within the settlement boundary of Sandhurst. To the south-west of the site lies the grade II listed Sandhurst War Memorial. There is also the Sandhurst Town Council building, a Community Hall, a park, a childrens' playground and a large surface level car park known as the Sandhurst Memorial Park Car Park accessed off Yorktown Road. In the immediate vicinity of the appeal site there are dwellings on the north side of the road, and a sizeable commercial unit which was vacant at the time of my site visit.
6. The appeal seeks permission for the siting of a mobile hot food van between the hours of 17:00 and 22:00, seven days a week. The layby may be fully occupied with vehicles parked and so a free parking space for the mobile food van cannot be assured between 1700 and 2200 each day.
7. The non-tapered length of the layby is about 15.6m. The proposed food van has a length of about 4.1m which would leave space for two further vehicles to park if the food van is parked so that it does not straddle more than one parking space. The footway alongside the layby is a combined pedestrian and cycle facility with a minimum width of about 1.5m.
8. The speed limit is 30mph. There are fixed speed cameras on both sides of the road with some markings on the road directly adjoining the layby. To the west of the layby is a signal controlled pedestrian crossing with zigzag markings on the road. To the west of

that is the entrance to Sandhurst Memorial Car Park. This car park has a metal barrier at a 2m or so height. There is a sign indicating that the car park is locked at 10.00pm and reopened the next morning.

9. On the northern side of Yorktown Road there are mainly residential driveways and accesses for a considerable length, which cannot be obstructed with parking. The majority of dwellings appear to have off-road parking spaces. There is also central hatching road markings, lighting columns and traffic islands in the centre of the road near the layby.
10. There is no parking available in the vicinity of the appeal site on Yorktown Road itself.
11. The vehicle highway area in the vicinity of the site is controlled by a robust combination of speed cameras and a signal controlled pedestrian crossing with clear white zig zag lines either side of it. Whilst it is an A road, the speed limit is 30 mph and the presence of the speed cameras are likely to have the general effect of keeping vehicle speeds at 30mph or thereabouts and/or below. There are warning signs for motorists of speed cameras. There are also island refuges which typically moderate a motorist's speed and there are frequent lighting columns which provide a well-lit environment. Furthermore, the entrance to the Memorial Car Park is signposted and reasonably close to the appeal site.
12. Bearing these factors in mind, I am not convinced that potential vehicle-borne customers for the food van would be suddenly slowing down or suddenly braking so as to cause a road hazard, given the traffic controls that are clearly marked, signposted and visible to the driver. Parking on zig zag warning lines related to the controlled crossing is known to be prohibited. I am persuaded that the majority of customers would opt to use the Memorial Car Park which is large, has parking space capacity for food van customers and is open up until 22:00 every day which coincides with the time that the food van must cease operating each day and be removed from the layby. Parking in its north eastern quarter appears likely to be possible at times when the food van would be open and it is only a few steps between the car park and the layby.
13. Whilst it is not possible to eradicate illegal, inconsiderate or obstructive parking or stopping in its entirety where food vans are parked in laybys, this particular proposed location for the food van has sufficient advantages to enable me to conclude that there would be no unacceptable impact on highway safety.
14. Pedestrian customers of the food van would have footpaths of adequate width on either side of Yorktown Road, a signal controlled Puffin crossing and two island refuges. Walking from the Memorial Car Park would not involve crossing Yorktown Road. Cyclists have a shared cycle/pedestrian path passing the layby itself.
15. On this issue, I conclude that the proposal would not have an unacceptable impact on pedestrian or highway safety. It would not be contrary to policies LP25 or LP62 of the Bracknell Forest Local Plan (adopted 2024).

Character, appearance, heritage

16. Having considered the statutory duty in s.66 of the Planning (Listed Building and Conservation Areas) Act 1990, I do not consider that the food van would be in the setting of the listed Memorial given the screening and separation distances involved. Bracknell Forest Borough Council approved the siting of a takeaway food truck in the north eastern quarter of the car park at Sandhurst Memorial Car Park (application ref. 21/01170/FUL, dated 30 May 2022). This permitted the use to operate only between the hours of 1600 and 2200 Monday to Sunday. The permission required the food truck to be removed outside the approved operating hours. I have borne the fact of this permission in mind, and note that there were no overriding issues relating to harm to the setting of the listed memorial when granting the 2022 planning permission. I note the Local Planning Authority has not objected to the appeal proposal on the basis of adverse effect on the setting of the listed Memorial, in its capacity as a heritage asset.
17. Turning to the issue of the impact of the proposal on the character and appearance of the area, the proposed change of use would not offend the aims of the Character Area Assessment for Central Sandhurst (Area D) which I note is a Supplementary Planning Document, and it would positively contribute to placemaking in this urban area with its existing residential, non-residential and commercial uses, which, to varying extents, front Yorktown Road. Views through to the Park would not be materially adversely affected by the vista of a mobile food van compared to a domestic van or car parked in the same layby. It would be seen in the context of other vehicles in the layby and its size and height would not detract from the openness of the area.
18. On this issue, I find that the proposal would not harm the character or appearance of the area and would not conflict with policy LP28 of the Bracknell Forest Local Plan (adopted 2024) or the NPPF.

Other Matters

19. Given the proposed operating hours of the proposal and a planning condition which locks in the hours of use, I do not consider that unacceptable impact from noise would be a sustainable reason for refusal. I am supported in this view by the Council's Environmental Health Department which did not object on the basis of unacceptable noise disturbance to residents or neighbours, subject to a condition being imposed which controlled operating hours.
20. As the proposed mobile food van would have a relatively open design and would be parked in a fairly exposed location, cooking odours are likely to disperse rather than accumulate and cause odour nuisance. Again, I note that the Environmental Health Department take a similar view and have not objected on the basis of potentially unacceptable odour nuisance. I have considered third party representations, but none lead me to conclude that planning permission should not be granted.

Conditions

21. The Council suggested some planning conditions in the event that the appeal was successful. I have considered these in the light of advice in National Planning Practice Guidance. For the avoidance of doubt, the permission is tied to approved plans which must be complied with. In order to protect residential amenity and the availability of

the layby for general parking, there is a condition limiting the hours that a van can be parked in the layby and another limiting the operating and opening hours and delivery dispatch and reception times. In the interests of nature conservation, there is a requirement to ensure lighting associated with the food van operation be screened to avoid intrusive sky glow.

Conclusion

22. I consider the proposal to be in accordance with the development plan and there are no material considerations which indicate that permission should be refused. Having considered all representations for and against the proposal, for the reasons given above, I allow the appeal.

Megan Thomas K.C.
Inspector