



Appeal Decision

Site visit made on 17 June 2025

by **F Wilkinson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2025

Appeal Ref: APP/M2372/W/25/3363176

A1 Tyres, Clarendon Road, Blackburn, Blackburn with Darwen BB1 9SS

- 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 Mohammad Aslam against the decision of Blackburn with Darwen Borough Council.
 - The application reference is 10/24/0577.
 - The development proposed is demolition of existing building and erection of new building for MOT garage and tyre fitting service.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development from the Council's decision notice as it more accurately describes the proposal.

Main Issues

3. The main issues are the effects of the proposal on:
 - the living conditions of nearby residents with regard to noise and odour; and
 - the safe and efficient use of the highway.

Reasons

Living Conditions

4. The appeal site is an existing commercial unit located in an area with a mix of residential and commercial uses. Several residential properties sit near to the site on the opposite side of Clarendon Road and on Victoria Close. The main parties agree that the existing use at the site is tyre fitting and sales. The proposal would retain this use and would also include an MOT testing facility.
5. The Noise Impact Assessment¹ (NIA) submitted with the application concludes that a significant adverse impact for nearby residents would be likely if the MOT centre operates with the roller shutter door of the proposed building open, and a low impact if closed. Consequently, it recommends that the roller shutter door remains shut when not in use and the implementation of an automatic door opening system to facilitate this.

¹ Noise Impact Assessment report no. J005222-8223-SH-01, 16 December 2024, prepared by PDA Acoustic Consultants

6. The appellant states that the MOT testing facility would operate on an appointment system and only one vehicle at a time would be tested. However, the tyre fitting service would operate alongside the MOT testing facility and the proposed building would be able to accommodate more than one vehicle at a time. It is therefore likely that vehicles would enter and leave the building at different times. The potential for frequent vehicle movements would increase the occasions whereby the roller shutter door would need to be open and would make it difficult to ensure that activities within the building stop while it is open. No mechanical ventilation system is proposed. Consequently, the opening of the roller shutter door would provide ventilation for the building to prevent a build-up of fumes and avoid an unpleasant working environment.
7. These circumstances would increase the frequency and duration of the roller shutter door being open which, as assessed in the NIA, would result in a significant adverse noise impact for nearby residents. A condition requiring the roller shutter door to be closed when not in use would not therefore provide adequate mitigation. Nor would the use of a planning condition to specify the location for the MOT testing facility within the building as it would not address the noise that would be generated when the door is open. While a condition controlling the hours of operation would limit the duration of effects to daytime hours, it would not control the opportunities for noise to arise.
8. I acknowledge that the existing use of the site will likely generate noise and that the Council approved a proposal for a replacement building for tyre retailing and fitting in 2021, which has since lapsed, without raising noise concerns². However, the MOT testing facility would introduce additional sources of noise, such as running engines, vehicle doors, bonnets and boots opening and closing, and it is this use which the NIA assessed the effects of.
9. In the absence of mechanical ventilation, fumes from the activities within the building would likely be released when the roller shutter door is opened. No evidence has been presented to confirm whether this method of ventilation would prevent unacceptable odours arising for nearby residents.
10. The appellant contends that a condition could require the approval of air extraction equipment. However, no details of mechanical ventilation have been submitted such as the specification of the equipment, or the noise that it might generate. In the absence of such information, I cannot conclude that odours could be appropriately controlled or what the noise impact would be. As I have no substantive evidence to indicate that suitable mitigation could be achieved, it would not be appropriate to leave this matter entirely to conditions.
11. I therefore conclude that the proposal would harm the living conditions of nearby residents with regard to noise and odour. Consequently, it conflicts with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021-2037 (the LP) which requires development to demonstrate that it would secure a satisfactory level of amenity for surrounding uses. There is also conflict with the National Planning Policy Framework (the Framework) where it requires development to have a high standard of amenity for existing and future users, and that it is appropriate for its location, taking into account the likely effects of pollution on living conditions.

² Application reference 10/21/0132

Safe and Efficient Use of the Highway

12. The Council identifies that, based on its parking standards, the proposal would be required to provide 6 off-street parking spaces. The proposed site plan shows 6 vehicles on the forecourt area. However, the plan is not sufficiently detailed to demonstrate that 6 parking spaces of the required dimensions could be provided while allowing the necessary space for vehicle manoeuvring. There is also no information on the nature of the vehicles that may visit the site for deliveries.
13. If suitable manoeuvring space is not provided, then it is likely that vehicles would be unable to exit the site in a forward gear. Furthermore, if the size and configuration of the area is such that there is inadequate space to provide the required number of parking spaces, then there is the potential for vehicles to park on the highway. There are parking restrictions along stretches of Clarendon Road which would be operational during the proposed opening hours. This would concentrate on-street parking to the same side as the site, which would reduce visibility and manoeuvrability for vehicles exiting the site, especially if reversing. From my site visit observations, which I appreciate are a snapshot in time, it is clear that on-street parking is a feature on Clarendon Road. The proposal would therefore increase the potential for conflict between highway users.
14. It may well be the case that the Highway Authority or other parties have not raised concerns about highway safety impacts arising from the existing use of the site. I appreciate that planning permission was granted for redevelopment of the site for a similar use in 2021, although that did not include an MOT testing facility. Nevertheless, it is necessary for me to determine this current appeal scheme on its own planning merits, based on the evidence before me.
15. Based on the submitted evidence, I cannot conclude that the proposal would be acceptable with regard to its effects on the safe and efficient use of the highway. It therefore conflicts with Policy DM29 of the LP which requires a demonstration that appropriate provision has been made for parking and that the safe, efficient and convenient movement of all highway users is not prejudiced. There is also conflict with the highway safety requirements of paragraph 116 of the Framework.

Other Matters

16. The proposal would provide for the redevelopment of the site and would increase employment by one full time equivalent. These weigh positively in its favour. The proposed building of itself would sit comfortably within the street scene. However, these matters are not sufficient to outweigh the harm that would be caused to the living conditions of nearby residents or the safe and efficient use of the highway.

Conclusion

17. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR