



Appeal Decision

Site visit made on 13 June 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th July 2025

Appeal Ref: APP/F3545/W/25/3360017

Harding Garage Services, Bury Road, Stradishall, Suffolk CB8 9XX

- 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 Subasinghe Arachchige Rasika Priyadarshani - Fuel Energy UK Ltd against the decision of West Suffolk Council.
 - The application Ref is DC/24/0186/FUL.
 - The development proposed is described as 'demolition of existing single storey Class E shop on the forecourt and the erection of a new single storey Class E shop unit on the forecourt with Sui Generis takeaway unit internally. Formation of new pump islands, new pumps and new canopy. Re-positioning of new offset fillers and new underground tanks.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A planning application for a development similar to the appeal proposal was submitted to the Council in 2022¹. An appeal against non-determination was lodged and subsequently dismissed² (the 2023 appeal). While the proposed development before me is different, I shall have regard to the other Inspector's findings, insofar as they are relevant to the matters in dispute.

Main Issues

3. The main issues are:
 - the effect of the proposed access and parking arrangements on highway safety; and
 - the effect of the proposed development on the living conditions of the occupiers of the neighbouring residential unit above the shop/post office, with particular regard to light, odour, vibration, noise and disturbance.

Reasons

Highway safety

4. The appeal site comprises a petrol filling station (PFS) with a small shop, a car repairs workshop and MOT centre (workshop), an outdoor car display and sales

¹ Council ref: DC/22/0200/FUL Demolition of existing single storey Class E shop on the forecourt and the erection of a new single storey Class E shop unit on the forecourt with Sui Generis takeaway unit internally. Formation of new pump islands, new pumps and new canopy. Re-positioning of new offset fillers and new underground tanks.

² Appeal Ref: APP/F3545/W/23/3314221

area and a sub-station. The site is served by two access points off Bury Road (A143), opposite its junction with Lancaster Way which includes access to HMP Highpoint South and a housing estate. A shop/post office with a residential unit above and a café are located adjacent to one side of the appeal site with agricultural fields located to its other side and rear.

5. The appeal proposal is for the demolition of the small shop and its replacement with a larger shop unit incorporating a food takeaway, in a position closer to the roadside. It also includes a remodelled PFS forecourt area to include 8 PFS bays, new concrete surfacing and 11 car parking spaces. The position of the two existing vehicular access points, the workshop and substation would also be retained. The evidence also indicates that car sales from the site would also continue, although the showroom vehicle parking spaces are not indicated on the proposed plans.
6. I saw on my site visit that the A143 in the vicinity of the site is a well-trafficked route subject to a 40-mph speed limit. Driver visibility when turning right onto the A143 or driving onto the appeal site from Lancaster Way is reduced due to the bend in the road.
7. Whilst only a snapshot in time, I also saw that multiple cars were parked on the appeal site and that there was limited customer parking available without causing an obstruction to parked vehicles or vehicles intending to use the PFS refuelling bays. There is no footway on either side of the A143 adjacent to the appeal site. Whilst there is a short section of footway immediately outside of the shop/post office, there are no footway connections to any other buildings, including between the appeal site and the housing estate located off Lancaster Way.
8. The previous Inspector in the 2023 appeal found that the proposed development in that instance had not satisfactorily demonstrated that sufficient parking and manoeuvring space for staff and customers of all businesses on the site would be provided, without obstructing vehicular accesses to the site or to the MOT garage. Accordingly, that Inspector could not be certain that the proposal in that instance would not result in significant harm to highway safety, from vehicles parking or queuing on the road.
9. The appellant has sought to address the previous Inspector's concerns through amended plans and details, including the submission of a Highways Technical Note (HTN). Even so, the Local Highways Authority (LHA) object to the appeal proposal as they consider there to be insufficient off-street parking proposed which could result in hazardous parking along the A143. Whilst there was no dispute between the main parties that a minimum of 11 car parking spaces was required for the PFS in relation to the 2023 appeal, the HTN subsequently suggest that this figure may not have been accurate since they have no details on existing and proposed staff numbers. The LHA also raise concern regarding the lack of safe pedestrian routes and suggest that the absence of appropriate pavements poses a safety concern.
10. The Inspector in the 2023 appeal did not agree that the PFS refuelling bays should be counted as parking spaces. I find no reason to reach a different view in this regard. Parking accumulation data excluding the PFS refuelling bays provided in a subsequent update to the HTN, estimates a peak parking accumulation of 9 vehicles between 14:00 – 15:00, which would equate to 2 empty parking bays. Conversely, the HTN which relies on the provision of the PFS refuelling bays,

estimates a peak parking accumulation of 17 vehicles between 14:00-15:00 which would also equate to 2 empty parking bays.

11. No detailed explanation for the difference in estimated peak parking accumulation has been provided. Even if it had, there would likely be instances when parking bays are utilised for longer periods, for example, whilst customers browse the shop or charge electric vehicles or for the purposes of staff parking and the storage of vehicles for sale/repair. It is unclear whether or not these factors have been taken into account. On this basis, I am not satisfied that when discounting the PFS refuelling bays, that there would not be a shortfall in the provision of vehicle parking spaces. Even though few users will choose to utilise the site's retail unit as the primary reason for travelling to the site, there remains a significant risk that vehicle parking would spill over onto the A143, which would have the potential to obstruct the free flow of traffic to the detriment of highway safety.
12. The appellant's swept path analysis indicates that the site would accommodate refuse vehicles and fuel delivery vehicles. It would also accommodate private vehicles with space to pass and exit the site even when vehicles are parked on all four sides of the PFS. However, due to the limited space available, this relies on drivers parking appropriately and close to the pumps, which may not always occur in reality. Larger vehicles and vehicles with car trailers for example, could cause a blockage. Even with improved signage/road markings, this would increase the likelihood of the 'in' and 'out' clockwise circulatory system being breached as drivers may not be willing to wait whilst PFS customers shop and pay, increasing the potential for vehicle conflicts at the main entrance into the site.
13. Moreover, the proposed site arrangement operating as a shared-use carriageway, would result in pedestrians needing to cross traffic entering the PFS just after it leaves the A143. This would be particularly hazardous given the close proximity of this access point to the junction of Lancaster Way and the speed at which vehicles may enter the site, particularly vehicles traversing the traffic along the A143. The improved shop facilities at the appeal site also would increase the likelihood of nearby residents walking to the site and crossing the road where there is no footway which would be unsafe.
14. Therefore, I am not satisfied that the revised proposal overcomes the concerns identified by the previous Inspector in the 2023 appeal. It has not therefore been demonstrated that safe and suitable access to the site can be achieved for all users and that there would not be an unacceptable impact on highway safety, contrary to Paragraphs 115 and 116 of the National Planning Policy Framework.
15. I conclude that the proposed access and parking arrangements would result in harm to highway safety. In this regard, it would be contrary to Policy DM46 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (2015) (LP) which requires all proposals for redevelopment to provide appropriately designed and sited car parking in accordance with the adopted standards current at the time of the application. Whilst exceptions may be made to parking standards in rural areas, satisfactory evidence and justification for doing so has not been provided in this instance.

Living conditions

16. The flank wall of the nearest residential unit above the neighbouring shop/post office lies adjacent to the appeal site. It contains windows in its front elevation

facing towards the A143 and in its rear elevation, facing towards a parking/service area used in conjunction with the shop below. As a consequence, the occupiers of this unit are already exposed to commercial activity that takes place around it, as well as noise from traffic and existing mechanical plant associated with the businesses operating around it.

17. In relation to the proposed kitchen extraction system and refrigeration condensing units, the appellant's Noise and Odour Impact Assessment (NOIA) recommends that a barrier to the condensing plant area is added to ensure that the predicted rating sound level does not exceed background noise levels, at the nearest residential receptor. It also indicates that the provision and maintenance of ventilation plant would ensure that odour impacts would be reduced to an acceptable level.
18. The Council's delegated report indicates that the Public Health and Housing team raise no objection to the appeal proposal in light of the recommendations in the NOIA, subject to conditions. Based on the evidence before me, I find no reason to disagree that conditions relating to the aforementioned noise and odour mitigation alongside the implementation of a lighting scheme to ensure acceptable levels and hours of illumination, would adequately mitigate the potential adverse effects of the appeal proposal.
19. The Inspector in the 2023 appeal stated that as that proposal would intensify the use of the site, it would not be unreasonable to impose opening hours conditions on the PFS and its shop. Whilst operating and delivery hours of 5am to 11pm seven days per week were proposed, they considered operating and delivery hours similar to those of the adjacent shop, which was noted to be open from 5:30am to 8:30pm Monday to Sunday, would be sufficient to avoid any unacceptable increase in disturbance to occupants living above the shop.
20. Whilst reduced hours are proposed when compared to the 2023 appeal, the PFS opening and delivery hours associated with the appeal proposal is proposed to be 6am to 10pm seven days per week. This is greater than the current opening and delivery hours for the PFS. Even so, I have not been made aware of any existing planning restrictions relating to the operating hours of any of the existing businesses on the site and the existing PFS could open in line with the hours proposed.
21. An enlarged and improved PFS may attract more customers and delivery drivers. Even so, given the noise associated with existing traffic along the A143 and the traffic associated with the shop, activity associated with increased comings and goings, including from engine noise and doors opening/closing would not be highly discernible over existing background noise levels. Even though the PFS would be open for 1.5 hours longer at night than the neighbouring shop until 10pm, it is unlikely that the additional comings and goings during this period would be highly discernible over the established noise levels. There is no technical evidence before me to indicate otherwise.
22. Therefore, I am satisfied that the revised opening and delivery hours alongside the provision of the NOIA addresses the concerns identified by the previous Inspector in the 2023 appeal.
23. Subject to conditions, I conclude that the proposed development would not have an unacceptable effect on the living conditions of the occupiers of the neighbouring

residential unit above the shop/post office, with particular regard to light, odour, vibration, noise and disturbance. In this regard, it would comply with Policy DM2 of the LP which seeks to safeguard residential amenity from potentially adverse effects of new development and ensure that new developments provide sufficient levels of amenity for future users. For the same reason it would comply with the Framework, insofar as it requires a high standard of amenity for future users. Even so, this does not alter the harm I have identified under the first main issue.

Other Matters

24. The appeal proposal would provide improved and modernised PFS and shopping facilities on previously developed land for passing motorists and local residents. The increased trade that would likely result would have the potential to enhance the viability of the business in the longer term. Employment during construction and from the completed development would also be generated, contributing towards the local economy. Whilst infrequent, staff could utilise the local bus service. Electric vehicle charging, cycle parking stands and a more sustainable low energy building would also be provided. Given that a PFS already operates from the site, any economic, social and environmental benefits associated with the appeal proposal would be limited and would not overcome the harm identified in relation to highway safety.
25. The Council identified no harm in relation to the principle of development, character and appearance, biodiversity/ecology, contamination, air quality, construction management, flooding or waste management. However, these considerations indicate the absence of harm in those respects rather than any benefit.
26. It is acknowledged that there is no segregated route for pedestrians or wheelchair users at the existing PFS or at the adjacent café. However, I do not know the full details circumstances that led to these developments, which should not in any event be seen as justification for development which would not be safe in highway terms. In any case, I have considered the appeal proposal on its own merits, including an assessment based on the existing development plan and current planning policy.

Conclusion

27. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR