



Appeal Decision

Site visit made on 24 June 2025

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2025

Appeal Ref: APP/B4215/W/25/3360116

Manor Park Self Service, Wilmslow Road, Manchester M20 6RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Motor Fuel Group Ltd against the decision of Manchester City Council.
- The application Ref is 137157/JO/2023.
- The application sought planning permission for: *'variation of Condition No.6 attached to 046346 to allow opening between 6.00am and 12 midnight Monday to Saturday and 7.30am to 11.00pm Sundays and Bank Holidays'* without complying with a condition attached to planning permission Ref 049542/JO/SOUTH1/96, dated 24 October 1996.
- The condition in dispute is No 1 which states that: *Between the hours of 11.00pm and 12 midnight Monday to Friday and 10.00pm to 11.00pm Sundays and Bank Holidays petrol and shop sales from the service station shall be restricted to night pay counter only.*
- The reason given for the condition is: *To protect the amenities of the occupiers of neighbouring residential properties.*

Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is necessary for me to set out some background in order to explain the description of development and other details in my banner heading above. Planning permission Ref: 046346/FO/SOUTH1/94 was granted 24 January 1995 for *'redevelopment of filling station to provide new sales building, canopy, air and water tanks, trash area and parking'*. This permission included a condition detailing the operating hours, namely condition No 6, with the operating hours detailed as 7.00am to 11.00pm Mondays to Saturdays and 8.00am to 10.00pm Sundays and Bank Holidays. The description of development in my banner heading above is taken from a subsequent planning permission Ref: 049542/JO/SOUTH1/96 to vary condition No 6, which included condition No 1. The appealed application before me clearly sought to vary condition No 1 to enable a 24-hour operation. The Council considered the proposal on this basis, and therefore so shall I.
3. During my visit, I saw that the opening hours displayed on fascia signage at the premises were 6am-12am Monday to Saturday and 6am-11pm on Sundays. I note that such hours do not appear to accord with the subsequent planning permission. For the avoidance of doubt, it is not my role as an Inspector dealing with a section 78 appeal to consider whether the operating hours of the premises are lawfully undertaken. I have considered the application as proposed.
4. After the decision was made, the National Planning Policy Framework (the Framework) was revised on 12 December 2024. Further amendments made in

February 2025 do not constitute a change to policy. The main parties have had an opportunity to consider these matters within the appeal timetable. The appellant's statement of case draws my attention to text given to be from the Framework, and states that the Framework is a 59-page document with only a single paragraph on noise. However, no specific paragraph(s) are referred to, and the current version of the Framework is 82 pages in length and clearly includes more than one paragraph referring to noise. For the avoidance of doubt, I have relied on the current version of the Framework.

5. The evidence indicates that a previous application Ref: 052302/JO/SOUTH1/97 to extend operating hours at the appeal site was refused and dismissed at appeal, with a given reference number of APP/B4215/A/97/289663. However, neither of the main parties were able to provide a copy of this appeal decision, and in the Council's view, this is due to a missing digit in the reference number. I have therefore been unable to consider this matter in my deliberations.

Main Issue

6. The Planning Practice Guidance (PPG) makes clear that a local planning authority (and by extension, an Inspector) shall consider only the question of the conditions subject to which planning permission should be granted. In this regard, my considerations are confined to the effects of the proposed 24-hour operation. Therefore, the main issue is whether the disputed condition is reasonable and necessary in the interests of safeguarding the living conditions of neighbouring occupiers, with particular regard to levels of noise and disturbance.

Reasons

7. The appeal site is a service station on a classified A road, at the junction of Wilmslow Road/Grange Lane, within the southern tip of Didsbury District Centre. The nearest neighbouring residential properties are located about 20-25m south/southeast of the service station at Viceroy Court, which comprises three-storey flatted development in blocks. Although the gable ends of the blocks face the service station, there are windows serving habitable rooms within other elevations in proximity to the service station.
8. At the junction with Grange Lane, there is a small area of open space with seating, before further commercial development continues towards the north. Along Grange Lane, there is a terraced row of five dwellings, with windows serving habitable rooms facing the service station. On the opposite side of Wilmslow Road, there is a terraced row which wraps around the corner to Dene Road and includes commercial uses at the ground floor. The three upper storeys of the terrace form Lansdowne House which comprises residential flats, where windows serving habitable rooms face towards the service station.
9. During my visit, I saw that the premises include a single storey building which accommodates a convenience store and a night pay station, and a canopy with fuel pumps and an EVP charging point. In addition, there are equipment stations for compressed air, jet washing, and vacuuming; a cash point; lockers for parcel collection/delivery and 'Calor gas' is offered for sale. The evidence indicates a personal address system exists to allow site personnel to communicate with persons attending the service station.

10. The proposal would result in the premises being open on a continuous basis, in contrast to the permitted hours each day. Consequently, the proposed 24-hour operation would have the potential to result in additional noise and disturbance associated with the comings and goings of customers and staff within, to and from the premises overnight, including during the hours of darkness when nearby residents would have a reasonable expectation of a peaceful time, including undisturbed sleep.
11. A Noise Impact Assessment September 2023 (the assessment) submitted during the determination phase demonstrates the effect of upon measured sound levels at Viceroy Court, based on typical sound exposure levels arising from vehicles arriving, fuelling for 90 seconds and leaving, taking account of associated engine noise and car doors. The assessment finds that it is of great significance that the existing hourly ambient noise levels are higher than the predicted rating noise level based on each individual hour of the proposed night-time operational hours. As such, the assessment finds that night-time operational noise will not give rise to any appreciable increase in the prevailing ambient noise. Further, that the character of the residual noise would be due to road traffic, considered to be similar to forecourt noise; and that residual noise is largely attributed to traffic on Wilmslow Road.
12. The assessment concludes that the proposed 24-hour operation would not result in significant adverse impacts from the use of such equipment; that adverse impacts could be mitigated or minimised; and recommends that car washing facilities and compressed air equipment should be restricted by condition. The Council's environmental health officer has no objection to the assessment, and raises no objection to the proposal, subject to conditions being imposed to prevent the operation of certain equipment during night-time hours. However, the assessment does not assess the noise character along Grange Lane, nor at Lansdowne House. Given that the residential properties along Grange Lane are not directly abutting Wilmslow Road, I cannot be certain that background or residual noise at these properties would be similar to that at Viceroy Court.
13. Furthermore, the Council draws my attention to an appeal decision Ref: APP/W4325/W/24/3347570, where an Inspector found that the generation of noise is not just limited to customers arriving by private vehicle to use a fuel pump. Although I am not bound by previous decisions, and each site has its own context, I find no reason to disagree with that finding. The assessment before me adopts a similar approach based on customer refuelling and does not appear to take account of the other facilities that would be available at the service station, which would also attract custom. In the Council's view, noise could arise from use of the night-time payment hatch, raised voices, car doors, engine noise, car radios etc. I find no reason to consider otherwise, given the range of facilities available at the service station that I saw during my visit. Consequently, I cannot be certain that the potential effects of multiple noise generating sources during unsociable hours has been fully taken into account.
14. The Council is also concerned that night-time visits could give rise to anti-social behaviour, and similar concerns are raised by third/interested parties regarding anti-social behaviour in the vicinity, particularly at the nearby open space at the corner to Grange Lane and in the grounds of Viceroy Court. The open space can be used by any member of the public. Although signage indicates that Viceroy Court is private land, it seems to me that pedestrians could access this land. In any event, it is by no means certain that any anti-social behaviour in the vicinity is by

customers of the premises. While I accept that there are other regulatory frameworks to address statutory nuisance and anti-social behaviour, local planning authorities have a statutory duty to consider the crime and disorder implications of their decisions.

15. Moreover, the Framework sets out at paragraphs 96 and 135 that planning decisions should aim to achieve healthy, inclusive and safe places which (among other things) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion; and should ensure that developments create places where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
16. The appellant advises that the proposal would have a responsible operator, 24-hour on site management and CCTV, and that such measures would limit the potential for late night activities and associated noise, crime and anti-social behaviour. In addition, there would be measures for the management and disposal of waste with regard to rubbish and littering. Such measures could assist in managing and/or mitigating levels of noise and disturbance; deter any anti-social behaviour that may arise in the vicinity; and assist in reducing the fear of crime. However, there is no substantive evidence before me to demonstrate these measures, such that I could assess their likely effects including upon neighbouring occupiers, nor is there any proposed mechanism by which such measures could be suitably secured.
17. The appellant suggests that the Government is changing the direction of travel for policy on noise in relation to existing businesses. While paragraph 200 of the Framework makes clear that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established, paragraph 198 sets out (among other things) that decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: (among other things) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
18. Drawing all the above together, I am satisfied that equipment stations for compressed air, jet washing, and vacuuming; and the use of the personal address system could be sufficiently controlled by condition. However, I cannot be certain that the proposed 24-hour operation as a whole would not unacceptably harm the living conditions of neighbouring occupiers with particular regard to levels of noise and disturbance, nor that sufficient measures are or would be in place to manage or mitigate levels of noise and disturbance that would arise from the proposed 24-hour operation.
19. For the reasons above, I therefore conclude that the disputed condition is reasonable and necessary in the interests of safeguarding the living conditions of neighbouring occupiers, with particular regard to levels of noise and disturbance. The proposal conflicts with Policy DM1 of the Manchester Core Strategy 2012 and Saved Policy DC26 of the Unitary Development Plan for the City of Manchester. Taken together, these policies seek to ensure that development takes account of

the effects upon residential amenity including noise; that noise impacts are assessed; and that mitigations and measures are in place to reduce noise and disturbance to acceptable levels.

Other Matters

20. The proposal would result in economic benefits by extending the window for trade, and would provide a convenient opportunity for road users, night-time workers, passersby and/or nearby residents to purchase goods or fuel during the night. Although the Framework places significant weight on the need to support economic growth and productivity, such support is not unfettered and must be balanced against the need to ensure proposals achieve high standards of amenity for existing and future users. There is some support for the proposal on the grounds that the presence of an operative at night-time could provide a point of assistance in the event of concerns when walking home at night. It is not entirely clear how an operative might assist in such circumstances, but nonetheless, the proposal could provide an opportunity to assist such persons and assist in reducing the fear of crime in this regard. Measures such as CCTV could also deter crime and reduce the fear of crime, if they were suitably secured. Consequently, the economic and social benefits of the proposal would be limited in such circumstances and do not outweigh the harm that I have found to the living conditions of neighbouring occupiers in the main issue.
21. Interested parties raise further concerns including (but not limited to) increased traffic and associated congestion and/or pollution, the need for a 24-hour operation, and the effect of external lighting at the appeal site. However, I note that these matters were considered where relevant by the Council when it determined the planning application. Whilst I can understand these concerns, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Conclusion

22. For the reasons given above, I conclude that 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. Therefore, the appeal is dismissed.

J Moore

INSPECTOR