



Appeal Decision

Site visit made on 4 August 2025

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 20th of August 2025

Appeal Ref: APP/X2600/W/25/3361356

Land at Brandon Rail Sidings, Mundford Road, Weeting, Suffolk IP27 0BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Network Rail Infrastructure Limited against the decision of Norfolk County Council.
 - The application Ref DIS/2024/0015 sought approval of details pursuant to condition No 2 of a planning permission Ref FUL/2022/0051, granted on 30 April 2024.
 - The application was refused by notice dated 4 September 2024.
 - The development proposed is the retention of replacement rail siding.
 - The details for which approval is sought are: Within one month of the date of this permission a Lorry Management Plan for the routeing of HGVs to and from the site shall be submitted to the County Planning Authority for its approval in writing, in consultation with the Highway Authority. The Plan shall make provision for: a) Monitoring of the approved arrangements for the duration of the development hereby permitted; b) Installation and retention of appropriate sign(s) advising drivers of vehicle routes to be taken to and from the site; c) Ensuring that all drivers of vehicles under the control of the applicant/operator are made aware of the approved arrangements; and d) The disciplinary steps that will be exercised in the event of a default. The approved Plan shall thereafter be implemented in full for the duration of the development hereby permitted.
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Decision

1. The appeal is allowed, and details submitted pursuant to condition No 2 attached to planning permission Ref FUL/2022/0051, granted on 30 April 2024 are approved in accordance with the application dated DIS/2024/0015.

Background and Main Issue

2. Planning permission Ref FUL/2022/0051 (the original permission) was granted retrospectively in April 2024 for a replacement rail siding. An application was subsequently made to discharge two conditions. The Council made a split decision whereby they discharged the details pursuant to condition No 3 (Wheel and Underside Chassis Cleaning) and refused to discharge condition No 2 (Lorry Management Plan). The appeal is made against the Council's refusal to discharge condition No 2, which is detailed in the banner heading above.
3. As such, the main issue is whether the details submitted are sufficient to discharge the condition, having regard to the protection of local residents' living conditions.

Reasons

4. The appellant has submitted a comprehensive Lorry Management Plan that provides adequate information in relation to the details required by Condition 2. Notwithstanding, the Council have raised concerns regarding the wording of the proposed signage, which they consider to not be sufficiently precise, therefore

rendering the Lorry Management Plan unenforceable because in practice it would be difficult to prove a breach of its requirements.

5. I agree with the Council that the wording is somewhat ambiguous and would not explicitly prohibit HGV's from being driven through Brandon Town Centre. Given the maximum volume of aggregates which would be delivered to the site, the management plan suggests this would result in 52 HGV movements each weekday, a proportion of which may drive through Brandon Town Centre, if alternative routes were not deemed to be 'possible'.
6. Even though the A1065 has been designated as a 'zone distribution lorry route', the road is relatively narrow and lined by a mixture of local shops and dwellings. As such, large volumes of HGV traffic would cause disturbance to local residents' living conditions, particularly from fumes, dust, noise and vibration.
7. Notwithstanding the above, the material throughput and hence the number of HGVs associated with the original permission is the same as the site's capacity when only one siding was in place. The additional siding was only installed to improve the operation of the site and increase efficiency and not increase capacity.
8. Moreover, despite past ANPR surveys and concerns raised regarding operation times, the throughput of the site, the installation of additional machinery and the resultant HGV movements, the original permission has secured limitations to the operations of the site through the imposition of further conditions, including Conditions 7, 8 and 12. These conditions can be monitored and enforced, unlike the unrestricted usage associated with the first siding alone.
9. As such, despite the ambiguity of the lorry routing signage, the effect of the sites operation on local residents living conditions would be no worse than previously when only one siding was in operation. Whilst a strict ban on HGVs through Brandon Town Centre would not be enforceable, the Lorry Management Plan provides other stipulations as to the operation of the site which would be.
10. Therefore, I conclude that the details submitted are sufficient to discharge Condition 2, having regard to the protection of local residents living conditions. The proposed details would accord with Policies DM10 and CS15 of the Norfolk Minerals and Waste Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (September 2011). Collectively, these policies seek to ensure that minerals development which generates traffic movements are accompanied by a Transport Statement which demonstrates suitable routing and acceptable residential amenity impacts.

Other Matters

11. A third party has provided Images, showing numerous spillages and HGVs along the roads within Brandon Town Centre. However, I have no substantiated evidence to suggest that they are related to the case before me.
12. I acknowledge that an adjacent business has entered into a planning obligation prohibiting the majority of HGV traffic through Brandon Town Centre. However, I have considered the proposed details based on the information before me and the existence of other restrictions has not affected my assessment of this case.

13. A Traffic Regulation Orders (TRO) prohibiting HGV movement through Brandon Town Centre is currently in its consultation Phase. This TRO will not be prejudiced by this appeal, nor has it affected my assessment of the case before me.
14. Additional concerns have been raised regarding the details pursuant to Condition 3. However, this condition does not form part of the appeal before me and as such I have not considered the details further.

Conclusion

15. For the reasons given above, the appeal is allowed.

K Allen

INSPECTOR