



Appeal Decision

Site visit made on 8 September 2025

by **A Hickey MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 October 2025

Appeal Ref: APP/W2845/W/25/3366878

Unit 4 High March, High March Industrial Estate, Northamptonshire NN11 4HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Kwik Fit GB Limited against the decision of West Northamptonshire Council.
 - The application Ref 2024/5685/FULL was approved on 25 April 2025 and planning permission was granted subject to conditions.
 - The development permitted is change of use to garage and MOT centre (Use Class B2 and Sui Generis) alongside associated external alterations.
 - The condition in dispute is No 3 which states that: The premises shall be open only between the hours of 08:00-18:00 from Mondays to Fridays, 08:00-17:00 on Saturdays and no opening on Sundays, Bank or Public Holidays.
 - The reason given for the condition is: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy ENV10 of the Settlements and Countryside Local Plan Part 2.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address above from the Council's decision notice.

Background and Main Issue

3. On 25 April 2025, the Council approved full planning permission ref: 2024/5685/FULL for a change of use from an industrial unit to a garage and MOT centre with associated external alterations. This included a condition restricting the hours of use (Condition 3).
4. The wording and reason for this condition are set out in the banner heading above. The appellant has lodged this appeal to vary Condition 3 to align with the future occupier's operating practices nationwide, including providing MOTs and servicing seven days a week. These require the premises to be open from 08am – 6pm Monday to Saturday (including Bank Holidays) and 10am – 4pm on Sundays.
5. The appeal has been made pursuant to section 78 of the Act which provides the right to appeal where an application for planning permission is granted subject to conditions. Section 79 of the Act provides that I may allow or dismiss such an appeal, or reverse or vary any part of the decision of the Local Planning Authority, and I have considered the appeal on that basis.
6. Therefore, the main issue is whether the disputed condition is reasonable and necessary, having regard to the living conditions of occupiers of Long Acre Lodge, with particular regard to noise and disturbance.

Reasons

7. The appeal site is located within the High March Industrial Estate and occupies an end unit with hard standing to the front and parking to the side. Access is gained from the forecourt, which is shared with two other premises that occupy the remaining units. To the north, beyond an existing boundary treatment formed of post and wire fence, hedging, and a palisade fence, lies Long Acre Lodge, which sits at an elevated level to the appeal site. A petrol station and car wash are sited at a lower level to the west of the appeal site.
8. Whilst only a snapshot in time when walking on the path to the north of Long Acre Lodge, I observed on my site visit that despite being near the industrial estate and petrol station, the area is quite tranquil and relatively free from noise, such as noise of traffic or from the nearby occupied units.
9. Given the short distance to the industrial estate, residential occupants would still expect a degree of noise and disturbance to be likely from the surrounding uses. However, it is also a reasonable expectation that residents should have some respite from disturbance.
10. Given the proximity of the site to Long Acre Lodge, the occupiers of this property would be sensitive to various sources of noise and disturbance associated with the approved use, which would be similar to those identified¹ within the Noise Impact Assessment² (NIA) submitted as part of the appeal. The approved opening times would ensure that the level of noise and disturbance would unlikely have a significantly harmful effect on the occupiers of Long Acre Lodge, as it would cease at a reasonable time and not be present on days when the occupiers are more likely to be at home or using their garden. Moreover, the evidence before me indicates a commitment by the appellant to keep the roller shutter doors closed, except for access and egress of vehicles, to minimise any noise breakout.
11. The NIA submitted with the appeal has taken some noise measurements from an existing Kwik Fit. The Council have raised concerns over comparability as there would likely be site differences. However, I see no reason not to consider it, given that similar types of equipment and operations are also planned. However, as it has not been shown to wholly replicate the appeal proposal, this limits the weight I attribute to it. Moreover, the NIA appears to indicate that the shutter doors would remain open, which differs from the details presented to the Council's Environmental Health Officer, who did not object to the proposal at that time.
12. The NIA noise figures and conclusions indicate that the impact of the proposed variation of hours would be low at the nearest sensitive receivers in the area with shutter doors open. These findings appear to be based on the incorporation of a noise mitigation barrier to the northeast dwelling at Long Acre Lodge. It has been advised that this barrier should be at least 2 metres high. However, I cannot be sure this would be the case, as there is limited information on whether site-level changes have been taken into consideration and how this would affect the nearest sensitive receivers or barrier height.
13. The Council have also raised concerns that noise correction for intermittency was not considered necessary for the NIA. Many of the noise sources identified are

¹ Hydraulic Trolley Jack. Drilling, Tyre Changing Machine, Wheel Balancing, Vehicle Movements, Air Wrenches, Impact Guns, Vehicle Engines, Vehicle Horns and Voices as well as various metallic impact noises (hammer, door/bonnet slam etc).

² Noise Impact Assessment, Reference: 11424/GK, Dated: 29 May 2025 prepared by Acoustic Consultants Ltd

likely to have a specific sound with an identifiable on or off character. In the absence of substantive information to demonstrate why such details have not been included, I cannot be sure the purported noise impacts on occupiers of Long Acre Lodge are accurate.

14. The Planning Practice Guidance (PPG) cautions that the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected³. Based on the evidence before me, in conjunction with the lack of assessment of the intermittency details of the equipment or full acoustic barrier details, the additional noise and disturbance would cause significant adverse effects on the living conditions of the neighbours.
15. The appellant has drawn my attention to the history of the site, which they state has unrestricted hours of operation. This conflicts with the Council's evidence, which indicates that such hours for a B2 use are restricted by application ref: DA/1990/0659. In any case, this matter does not constitute a reason to permit the additional operational hours in view of my findings on the harm to occupiers of Long Acre Lodge.
16. In conclusion, the proposed variation to the opening times would result in harm to the living conditions of the occupiers of Long Acre Lodge from noise and disturbance. The proposed variation put forward by the appellant would therefore fail to accord with Policy ENV10 of the Settlements and Countryside Local Plan (Part 2) for Daventry District, which seeks to protect the amenity of existing dwellings. It would also conflict with the aims of the National Planning Policy Framework in the same respect. The condition is therefore reasonable and necessary to safeguard living conditions, and I am satisfied that it accords with the tests set out in paragraph 57 of the Framework.

Other Matters

17. The appellant sets out that the additional opening times are required to ensure the delivery of a Kwik Fit garage in this location. However, there is nothing substantive before me to show that the business would not be viable without the additional business hours in this location, such that the development may not be delivered. Therefore, whilst there would be some economic benefit from the extra hours of opening and this carries weight in its favour, this consideration does not justify the harm that would be caused to the living conditions of the occupiers of Long Acre Lodge.
18. The variation would provide those with mobility issues additional opportunities to keep their vehicle in a roadworthy condition. However, this does not outweigh the harm that would be caused to the living conditions of the occupants of Long Acre Lodge.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

A Hickey

INSPECTOR

³ Paragraph: 006 Reference ID: 30-006-20190722