Planning Inspectorate

Appeal Decision

Site visit made on 30 September 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2025

Appeal Ref: APP/R3515/W/25/3367646
456 Nacton Road, Ipswich, Suffolk IP3 9NE

- 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 Imran Ali against the decision of Ipswich Borough Council.
- The application Ref is IP/24/00611/FUL.
- The development proposed is change of use of domestic rear garden (Use Class C3) to include use as a vehicle repair and maintenance business (Use Class Eg(iii)).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the development description as stated on the decision notice as this is a succinct rewording of the appellant's description of the proposal.

3. It is noted that the Council in its evidence has considered the gazebo part of the proposal. However, this is not part of the development description and on this basis does not form part of my decision.

Main Issues

4. The main issues are:

- The effect of the proposed vehicle repair and maintenance business on the living conditions of nearby residents, with particular reference to noise and disturbance as well as odour and fumes. In addition, does the host dwelling maintain sufficient private residential garden space for the host dwelling.

- The effect of the use of the proposed access on the safety of pedestrians, cyclists and drivers using Mildmay Road. In addition, what is the effect on the highway network and is there sufficient parking provision on site.

Reasons

Living conditions

5. The site is located on the corner of Nacton Road and Mildmay Road with the local area predominantly defined by residential properties. The site benefits from garden fences that separate the site from the adjacent residential properties and a brick wall adjacent to the public highway.

6. The appellant has referred to other properties in the locality that repair vehicles, though I have not been given the addresses of these properties nor did I see any indication of this near the site. The nearest non-residential uses that I found during my site visit were St James Catholic Church and The Golden Hind pub.

7. The nature of a vehicle repair and maintenance business is likely to cause a significant amount of noise pollution, specifically as most of the site is outdoor space with limited potential for acoustic barriers/walls to minimise disturbance to nearby residents. Any conditions that could be added to minimise this disturbance to an acceptable level would likely prevent there from being a material change of use to the site and on this basis would not be reasonable.

8. The proposal would also likely cause odours and fumes, for instance from engines running. With the limited evidence before me I only consider there to be an additional limited harm from odour and fumes beyond that of the general noise disturbance from the placement of this business adjunct to residential properties.

9. It is accepted Nacton Road is likely to have a large amount of vehicles using it each day. However, I have not been provided with evidence of the background noise this road causes and the comparison to what the appeal proposal would likely cause. While there will be fumes and potential odours from the traffic using Nacton Road, these fumes/odours are not immediately adjacent to nearby residents' windows and doors unlike the proposal. In addition, I have not been provided with any evidence to make a direct comparison. On this basis, I cannot provide weight in favour of the proposal based on any similarity between Nacton Road and a vehicle repair and maintenance business.

10. The proposal is described as the residential garden would include a vehicle repair and maintenance business. While it is possible that the site could have a dual use, these two uses are not considered to be able to function together without detriment to the other given the modest size of the rear garden. It was noted that the site had a large front garden area, though this would not provide the necessary privacy to function as a private outdoor amenity space.

11. The appellant has also referred that the proposal is akin to a hobby mechanic working on their own vehicles. It is open to the appellant to apply to have the matter determined under Sections 191 or 192 of the Town and Country Planning Act 1990. Any such determination would be unaffected by the outcome of this appeal.

12. The Council has argued that the proposal should have been considered as falling under a B2 Use Class. I have considered the appeal based on what is proposed (Use Class Eg(iii)) and its consequent effects. With the significant harm I have identified above already under Use Class Eg(iii), this would not materially affect my decision on this proposal.

13. I therefore conclude on this matter that the proposal would be detrimental to residential amenity. On this basis the proposal does not comply with Policies CS2, DM7, DM12 and DM18 of the Ipswich Borough Council Local Plan March 2022 (Local Plan) directing Use Classes Eg(iii), B2 and B8 to the outer parts of the borough, the provision of at least 75sqm of private amenity space for dwellings, the positive integration of residential and working environments and the protection of quality of life of residents from noise, odour and fumes.

Highway safety

14. The existing vehicular access off Mildmay Road is directly into the proposed vehicle repair and maintenance business. On either side of the vehicular access is approximately 1.8m high brick walls.

15. The proposal has not demonstrated that it is seeking to create 2m x 2m visibility splays to allow existing vehicles to see pedestrians using the footpath along Mildmay Road. While it could be possible to condition this, it would reduce the overall operating space for the business that could have other impacts such as reducing the amount of onsite parking provision. Therefore, given the increase intensity of use of this access, the lack of pedestrian visibility splays to protect highway safety significantly weighs against the proposal.

16. While it is noted the appellant is stating there would be very low number of vehicles entering/leaving the site or needing to park at the site, this is unlikely to be able to be reasonably conditioned that would allow for a material change of use on the site. However, it is accepted that the site is modest in size and any impacts on the highway network is likely to be limited.

17. The proposal does not provide sufficient details of where employees, visitors and worked on cars would be parked. Given the size of the site, it is considered possible to condition that at least two cycle spaces are provided. However, the proposal overall has not demonstrated how the site would accommodate additional vehicles parking without placing an undue burden upon on street parking that could lead to further highway safety issues.

18. As stated above it is still open to the appellant to apply to have the matter determined under Sections 191 or 192 of the Town and Country Planning Act 1990.

19. I therefore conclude on this matter that the proposal would be detrimental to highway safety. On this basis the proposal does not comply with Policies DM21 and DM22 of the Local Plan, which seek to protect highway safety and ensure appropriate level of parking is designed into the scheme.

Conclusion

20. 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.

A Phillips

INSPECTOR