



Appeal Decision

Site visit made on 11 November 2025

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Appeal Ref: APP/F3545/W/25/3371972

Heath Farm Business Centre, Tut Hill, Fornham All Saints, Suffolk IP28 6LG

- 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 C Browne against the decision of West Suffolk Council.
 - The application Ref is DC/25/0249/FUL.
 - The development proposed is change of use of existing parking area to driver training area, including retention of temporary containers as classroom and storage area.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of existing parking area to driver training area, including retention of temporary containers as classroom and storage area at Heath Farm Business Centre, Tut Hill, Fornham All Saints, Suffolk IP28 6LG in accordance with the terms of the application, Ref DC/25/0249/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. As indicated by the application form, the site is currently in use as a driver training area. The change of use has therefore occurred. This weighs neither for nor against the proposal which I have determined on the basis of the submitted plans.
3. Since its determination of the planning application, the Council has adopted the West Suffolk Local Plan 2025 (WSLP). Policies cited on the decision notice are now superseded, and I have determined the appeal in accordance with the current development plan.

Main Issue

4. The main issue in this appeal is the effect of the proposal on highway safety.

Reasons

5. The appeal site is a hard-surfaced car park formerly associated with the adjoining rural business park. The proposal seeks access to the highway via an agricultural access approximately 147m to the south.
6. The site is located on the southeastern side of the carriageway of Tut Hill / B1106, a rural road with no footways or lighting. The road is subject to the national speed limit, which reduces to 40mph immediately northeast of the site access. To the southwest of the site, a roundabout junction connects to the strategic road network. Tut Hill appears generally busy with fast moving traffic.

7. Northeast of the site is an access serving the business park and a golf club. To the southwest is a junction with a side road serving a cemetery and crematorium and leading to Risby village. Therefore, this section of Tut Hill includes other nearby junctions and accesses.
8. Traffic movements associated with the site would normally involve arrival and departure of one instructor and up to four students at the beginning and end of the training day between 08.15 and 16.30, with additional arrivals and departures for the purposes of an off-site training exercise. Therefore, trips to and from the site would occur regularly but would be relatively low in volume, particularly within the context of other nearby junctions and accesses.
9. The proposed access occupies an elevated position, with the road falling away both to the northeast and more acutely to the southwest. From the vantage point of the site access, topography is a constraint to visibility.
10. As set out in the Highways Statement (HS), a seven-day speed survey was undertaken at the extent of visibility to the southwest to determine actual northeast bound vehicle speeds approaching the access. This showed an 85th percentile approach speed of 42.4mph, with 98% of vehicles either car/light goods vehicles or medium goods vehicles. Since the 85th percentile speed is significantly below the speed limit in the area, a reduced stopping sight distance below the normal standard would be justified. The local highway authority (LHA) acknowledge that actual road speeds would allow for reduced visibility splay lengths.
11. The HS calculates a desirable minimum stopping sight distance of 117m and a minimum stopping sight distance of 91m. Drawing 3253-02¹ shows visibility at a driver's eye height of 1.05m is available to the standard 600mm height for a distance of 116m to the southwest, with topography taken into account. This small shortfall against the desirable visibility distance represents a level of precision that exceeds real-world conditions where vehicle positioning naturally varies by a greater margin and is unlikely to have any practical impact. Therefore, the desirable visibility distance would effectively be achieved, and the minimum visibility distance would be significantly exceeded.
12. To the northeast of the site access, the speed limit is 40mph and drawing 3253-03² shows that the 120m visibility splay required by the Design Manual for Roads and Bridges guidance would be achieved.
13. Furthermore, the driver eye height applied by the HS is a minimum standard. Most vehicles, including the seated position of a motorcycle rider, would exceed this height thereby increasing visibility. In addition, it would be necessary to surface the access with a bound material, which would also raise the driver/rider eye height and further enhance visibility. Therefore, actual visibility distances for most users of the access would be greater than that indicated by the HS's drawings.
14. Consequently, the HS demonstrates that suitable visibility splays would be achieved in both directions from the site access, thus providing adequate intervisibility between users of the access and approaching vehicles.
15. The proposal would intensify the use of the existing access which also serves arable fields and a modest barn. The HS suggests the volume of agricultural

¹ Appendix 4 of Highways Statement, MTC Engineering August 2025

² Appendix 5 of Highways Statement, MTC Engineering August 2025

vehicle traffic utilising the access is generally limited and seasonal. Since the access would offer adequate visibility, the risk of conflict with agricultural vehicles appears very low.

16. The Council assert that if the tapered approach to the site access were used as a rest area by large vehicles, visibility of the highway would be obstructed. However, the land is not public highway but is within the control of the appellant. The HS suggests informal stopping can be prevented by modest works such as verge re-profiling/landscaping and signage so as to maintain the visibility splays at all times, as illustrated by drawing no 3399-04³.
17. The Council suggest that during the winter, dazzling of drivers could occur as a result of the access track being on the same side as the oncoming vehicles. However, the hedge would obstruct light spill to some degree, and the operational hours would be during the daytime. In addition, the LHA suggest the dazzling effects are not likely to be more significant than at present. Therefore, there does not appear to be a significant risk of dazzling of drivers.
18. Double solid white lines along Tut Hill indicate that crossing between lanes is not permitted, serving as a strict barrier to maintain traffic order and safety. However, the primary objective of double white lines is to prevent overtaking and as discussed above, separate standards exist for visibility at junctions.
19. The HS drawings propose signage to prohibit right turns from the access, and the appellant confirms they would be content with a condition restricting right turns. Riders/drivers could utilise the roundabouts a short distance to the north and south to change direction. This would prevent riders/drivers from crossing the path of approaching traffic and therefore would increase safety for highway users.
20. The Council notes that some users of the access would be inexperienced students learning to ride a motorcycle. The students would be under the supervision of an instructor. However, the highway code recognises that motorcyclists are more vulnerable than users of other vehicles, irrespective of rider experience.
21. Paragraph 57 of the National Planning Policy Framework (the Framework) requires planning conditions be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. As set out above, visibility standards would be met and would not justify restriction of right-turns.
22. However, I am mindful that a large proportion of trips to/from the site would be by motorcycle. Recognising the particular vulnerability of motorcyclists, I consider a restriction on right-turns from the access would be necessary for the purpose of eliminating residual risk.
23. Such a condition would be enforceable, since the Council could ensure the provision of signage to prohibit right turns. If a driver/rider ignored the signage and proceeded to turn right, this may be a matter for enforcement by the police. However, it does not follow that the driver/rider would be at significant highway safety harm, since adequate visibility exists.
24. Available collision data suggests a potential highway safety concern with the junction to the south of the proposed access. This is not directly linked to the

³ Appendix 9 of Highways Statement, MTC Engineering August 2025

proposed development. The LHA suggest a similar area of concern could arise from restricted visibility from the site access. However, as set out above, visibility splays would be achieved and therefore I have no compelling reason to consider the proposal would increase collisions.

25. Paragraph 116 of the Framework indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. For the reasons set out above, having regard to the proposed mitigation measures, I am satisfied the proposal would not have an unacceptable impact on highway safety or have severe residual cumulative impacts.
26. The proposal would therefore comply with WSLP Policy SP24(e) which requires there be no unacceptable impacts and, where possible, enhancements be made to the highway network, with any impacts fully mitigated.

Other Matters

27. The site is only accessible by motor vehicle, and the Council allege the proposal would conflict with WSLP Policies SP24(f) and SP4(k) which together seek to provide sustainable travel links and maximise active travel opportunities to reduce and minimise the need to travel by car. Whilst those policies were adopted since the Council's determination of the proposal, the planning officer's assessment attributed significant weight to relevant emerging policies, and it is my understanding that the policy criteria have not substantially changed since the Council's decision. The officer concluded that the policy allows for new and expanded businesses in the countryside, identifying conflict only in respect of highway safety matters. Therefore, no conflict was identified on grounds of sustainable travel by the Council during its determination of the proposal.
28. The existing lawful use of the site is a car park associated with the adjoining rural business centre that is predominantly accessed by private vehicles. As discussed above, the number of daily trips associated with the proposal would be modest. Whilst the proposal does not include provision of sustainable travel, neither would it result in a significant uplift in private vehicle journeys over the site's existing use. Moreover, taken as a whole, the proposal would contribute positively to the objective of Policy SP24 which promotes sustainable economic growth in the countryside. Likewise, paragraph 88 of the Framework requires decisions enable sustainable growth and expansion of all types of business in rural areas. Therefore, I am satisfied the development plan supports the use in this location.
29. It is my understanding that the site uses an on-site generator. WSLP Policy SP1 which states that all types of development should take account of the climate and environment emergency through good design, including minimising energy consumption and the use of low and zero carbon energy sources, where possible. The site contains no buildings, and therefore opportunities to install energy generating technologies may be limited. Crucially, the policy does not preclude the use of energy from fossil fuel sources.
30. Concerns were raised regarding disturbance from the use of the site. There are no dwellings close to the site. Traffic at Tut Hill is a significant factor of the background noise environment and within this context vehicle movements in the car park should not create high levels of noise. The site has been the subject of a

complaint regarding noise and fumes associated with the generator. However, this has not been substantiated by evidence. The siting of any plant machinery and additional external lighting can be controlled through planning conditions to avoid harm to amenity. Sanitation is an environmental health matter under which the Council has statutory duties.

31. Existing boundary trees and vegetation provide screening of containers, which would be viewed within the context of nearby commercial and office buildings. Therefore, the proposal's visual impacts would be minimal and would not harm the character and appearance of the area.

Conditions

32. The Council has provided a list of conditions which I have considered against the Framework's tests. Since the proposal has been implemented, the standard time limit for implementation is not necessary. However, in the interests of certainty I have included a condition specifying the approved plans.
33. To minimise the impact of the development on the locality and in the interests of highway safety, I have attached a condition specifying the operational hours of the business. To maintain the character and appearance of the area and avoid disturbance of wildlife, I have attached a condition to restrict the installation of additional external lighting.
34. A condition prohibiting plant machinery would not be justified by the available evidence. However, I have attached a condition requiring submission of details of any external plant machinery to enable the appellant to demonstrate how noise and disturbance would be avoided.
35. To provide a suitable standard of highway safety, I have attached a condition requiring submission and implementation of a scheme of highway improvements.

Conclusion

36. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be allowed.

E Dade

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos: 24 1905 001 B *Site Plan*; 24 1905 Loc A *Location Plan*.
- 2) The use hereby permitted shall only take place between the following hours: 08:00 - 18:00 Monday to Saturday, and not at any time on Sundays or Bank or Public Holidays.
- 3) No external lighting other than that which already forms part of the development hereby permitted shall be provided within the application site.
- 4) Within 3 months of the date of this decision a scheme for siting of any external mechanical plant, machinery, or equipment for generating electricity at the development hereby permitted shall have been submitted for the written approval of the local planning authority and shall include a timetable for its implementation.
- 5) Within 3 months of the date of this decision, a comprehensive scheme of highway improvements to the existing agricultural access shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include:
 - a. a 'no right turn' signage scheme;
 - b. enhanced landscaping verge design to discourage use of the existing layby; and
 - c. appropriate white lining to the road as directed by the Local Highway Authority.

The agreed access improvements shall be implemented within 6 months from the date they are agreed by the Local Planning Authority.

END OF SCHEDULE