



Appeal Decision

Site visit made on 17 April 2012

by P J Asquith MA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 May 2012

Appeal Ref: APP/V4250/A/12/2169309

Corner Lane Garage, Corner Lane, Leigh, WN7 5PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Greig Deehan against the decision of Wigan Council.
 - The application Ref. A/11/76224, dated 26 August 2011, was refused by notice dated 12 December 2011.
 - The development proposed is a motor vehicle repair workshop.
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Decision

1. The appeal is allowed and planning permission is granted for a motor vehicle repair workshop at Corner Lane Garage, Corner Lane, Leigh, WN7 5PY in accordance with the terms of the application, Ref. A/11/76224, dated 26 August 2011, subject to the following conditions:
2. No vehicle repairs or vehicle movements shall be carried out within the workshop building outside the following times: Monday to Friday 0800 to 1800, Saturday 0900 to 1700 and at no other times.
3. Car repairs and servicing activities shall not take place anywhere within the application site except within the workshop building.

Main Issue

4. The main issue in this case is the impact on the living conditions of neighbouring residential occupiers, with particular reference to noise.

Reasons

5. The vehicle repair workshop is already in use by the appellant, the appeal site including a single-storey, pitched-roof blockwork building in which work is carried out and a number of smaller ancillary buildings used for storage, office and toilet use. Access to these is via a modern petrol filling station forecourt, the station and associated shop having recently been refurbished and which at the time of my site visit were not yet operational. The appeal site is partially bounded by the rear garden of No. 15 Corner Lane and by the curtilage of No. 11 Croyde Close, a dwelling in a modern residential cul de sac lying to the immediate north from which it is separated by concrete post and panel fencing.
6. There are ramps within the workshop to allow simultaneous work on two vehicles and it is apparent that roller shutters to the front of the building cannot necessarily be closed when work is being done. As demonstrated at the site visit, the sound of mechanical equipment, such as air-driven tools, is likely to be audible outside the building and I have no doubt would be perceptible

within the two closest Croyde Close curtilages of Nos. 11 and 15. Nevertheless, the fact that activity within the site might be audible does not necessarily equate to it being significantly disturbing. The Council has not undertaken any noise measurements and has merely stated that subjective assessment undertaken in the rear garden of the nearest property in Croyde Close indicated that noise from the workshop was clearly audible, but without any details of this assessment.

7. The dwelling at No. 11 largely backs onto the appeal site and its rear garden is more remote from the front elevation of the workshop and in this regard the workshop building itself is likely to provide a degree of mitigation of noise. The rear garden of No. 15 Croyde Close is more than 25m away from the building. On my visit I noted that standing within Croyde Close traffic noise from what appears to be the busy Corner Lane was a principal factor in the prevailing noise climate. This is likely to be even more so for No. 15 Corner Lane since it is closer to the road. Furthermore, the proposal has also to be considered within the context of the likely operation of the modern petrol filling station facility and its shop, which is not restricted in the hours in which it can open and, from the evidence, can cater for Heavy Goods Vehicles. This will inevitably create in its own right noise from the toing and froing of vehicles and activities associated with the use of the facilities. The station also includes a designated area for customer parking alongside the boundary fencing with No. 15 Croyde Close.
8. Audible noise from within the workshop is likely in my view to be intermittent and short-term in nature. In the event of permission being granted the Council has suggested a condition which would limit the hours of repair work to reasonable weekday working hours, more limited hours on Saturdays and no work on Sundays. A further condition would restrict the working on vehicles outside the workshop. The appellant has not indicated that these would be unreasonable or would unduly restrict the working practices of the business. Against the above background, and subject to the imposition of the suggested conditions, I consider that there is insufficient evidence to conclude that the continued use of the business would be likely to be so significantly harmful to the living conditions nearby residents could reasonably expect to enjoy that permission should be withheld. As such, there would be no material conflict with Policy G1A of the Wigan Replacement Unitary Development Plan. This indicates that development will only be permitted if there would be no significant adverse impact on existing amenity by reason of matters such as noise.
9. I have noted reference to the planning history of the site and the evidence that suggests that there might have been vehicle repairs carried out there in the past. However, the Council's evidence would appear to suggest that this was not an authorised use and may have been carried out in any event prior to the residential development of Croyde Close. Nevertheless, this is not a determinative aspect of the case. I have also noted the comments of a local resident in Croyde Close about dirt and dust emanating from the site. However, the appellant suggests that this is likely to have arisen from the recent redevelopment of the petrol filling station. The fact that work on vehicles at the appeal site would be confined to within the workshop building through a proposed condition should help prevent any significant dust/dirt generation from the continued operation of the business.

10. I have had regard to all other matters raised, including the fact that a refusal of permission could result in the closure of the business with potential redundancies of three employees. To allow the business to continue is a matter to be weighed in the balance in favour of the proposal.

P J Asquith

INSPECTOR