



# Appeal Decision

Site visit made on 9 July 2024

**by Graham Wraight BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 July 2024**

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**Appeal Ref: APP/P1045/W/23/3335562**

**A6 Truck Stop, Dale Road North, Darley Dale, Derbyshire DE4 2HY**

- 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 Joel Corker (ANVSJ) against the decision of Derbyshire Dales District Council.
  - The application Ref is 22/01400/FUL.
  - The development proposed is existing truck shop with filling pumps and kiosk, proposed change of use to hand car wash/valet service.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of nearby dwellings, with particular reference to noise and disturbance and water spray.

## Reasons

3. The appeal site was formerly a filling station but is not presently in use. The site is narrow in its depth and there are dwellings located at a higher level immediately to the rear, with the front garden areas of dwellings also positioned adjacent to its two side boundaries. It is located on a main road which, at the time of my visit, generated a notable amount of noise from passing vehicles, which was clearly audible when stood close to those dwellings. It is likely that the noise environment associated with the previous use, in particular the movements of lorries on the appeal site, would also have had some degree of impact on the living conditions of the occupiers of the nearest dwellings.
4. There is however nothing before me to demonstrate what the existing background noise levels are, nor the level of noise that might be generated by the appeal proposal. No details of any equipment that would be needed have been provided, but it is likely that some of the equipment required to operate a car wash would be noise generating, and furthermore would potentially generate noise of a significant magnitude. Equipment which operates at a high volume would have the potential to be audible within the dwellings located closest to the appeal site, especially when they have windows open, and also in the areas to their frontages which in some instances appear to be used as outside amenity areas.

5. The dwellings are located at a higher level than where the car washing would take place, so it is possible that they would not in practice be affected by spray from the proposed use. However, again, there have been no details submitted to suggest whether or not spray is likely to impact on the residents of those dwellings and, if so, whether there would be any measures needed to be put in place to mitigate against it. In the event that, for example, screens would be required to prevent spray from being a nuisance, the visual impact of this would require assessment.
6. For these reasons and on the basis of the information that is available, it has not been demonstrated that the proposed car wash could be operated without resulting in harm to the living conditions of the occupiers of the nearby dwellings. Consequently, I conclude that the proposal would fail to accord with Policies S3, PD1 and PD9 of the Derbyshire Dales Local Plan 2017, where they seek to protect living conditions.

### **Other Matters**

7. The appellant has provided evidence to support their position that their continuation of the filling station use of the site is not viable at the current time. I also acknowledge their concerns as to the re-use potential of the site given its size, depth and its proximity to dwellings, and that with this in mind they do not wish it to become derelict. However, without knowing the extent of the impact that might occur on the living conditions of the occupiers of the nearby dwellings it is not possible to make a balanced judgement of the relative benefits and any harm that would arise from what is proposed.

### **Conclusion**

8. For the reasons given above, the appeal should be dismissed.

*Graham Wraight*

INSPECTOR