



# Appeal Decision

Inquiry opened on 23 February 2010

Site visit made on 26 February 2010

by **Alan Boyland** BEng(Hons) DipTP CEng  
MICE MCIHT MRTPI

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

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**Decision date:**  
**17 May 2010**

## Appeal Ref: APP/H3510/A/09/2114755

### Land to the north of Elms Road and the A11 northbound exit slip road to Red Lodge, Suffolk

- 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 Hugo Upton for the Colonel P V Upton Estates 1965 Settlement against the decision of Forest Heath District Council.
- The application Ref F/2008/0470/ESF, dated 27 June 2008, was refused by notice dated 15 April 2009.
- The development proposed is described as 'relocation of Red Lodge Transport Café / Truck Stop comprising facilities building (with café), lorry parking, access, associated off-site highway works and landscaping'.
- The Inquiry sat for 3 days on 23-25 February 2010 inclusive, and was formally closed in writing on 15 March 2010.

### Decision

1. I dismiss the appeal.

### Procedural matters

2. An Environmental Statement (ES) was submitted with the application, and an addendum was also submitted before the Council determined it. These and all other relevant documentary information and evidence given at the Inquiry together constitute the environmental information that I have taken into account in arriving at my decision.
3. Statements of Common Ground (SoCGs) between the appellants and the Forest Heath District Council (FHDC), Cambridgeshire County Council (CCC) and the Highways Agency respectively have been submitted. Each of these includes a site description and history and sets out matters not in dispute. Those with the two Councils also set out relevant policy and other guidance, and the SoCG with FHDC includes an agreed list of suggested conditions. I have had regard to these in considering the proposal.
4. Shortly before the Inquiry the appellants submitted an amended plan addressing a minor discrepancy between the 'zone B layout' (drawing 0568/07A) considered by FHDC and other plans. At the Inquiry no objection was raised to this and, being satisfied that no-one's interests would be prejudiced by my so doing, I have considered the appeal on the basis of the amended plan (0568/7B).
5. During the Inquiry it came to light that there were errors in certain traffic survey evidence submitted for the appellants. Corrected traffic evidence was

submitted at the Inquiry, but there was insufficient time during the sittings to make consequential amendments to evidence on air quality and noise which had in part been based on the erroneous traffic survey data. With the agreement of the parties, I did not close the Inquiry at the end of the sitting days but set a timetable for the subsequent submission in writing of the revised evidence on these matters by the appellants and for any written responses by the local planning authority and Red Lodge Parish Council (RLPC). I also set a timetable for closing submissions in writing by all three parties. The relevant evidence and submissions were provided in accordance with the timetable and the Inquiry was closed in writing.

6. At the Inquiry the appellants submitted a revised draft unilateral undertaking to FHDC, a first draft having been submitted previously. This was to be entered into by the Trustees of the Colonel P V Upton Estates 1965 Settlement and by the owner of the existing café. Following submissions by RLPC the appellants agreed to make certain further amendments to the undertaking, though not all of those sought by the Parish Council were accepted. However, it was not possible to obtain the necessary signatures to the revised undertaking by the end of the last sitting day. With my agreement the completed undertaking, dated 3 March 2010, was submitted on 4 March (before the formal close of the Inquiry). I have had regard to the undertaking as a planning obligation under s.106 of the Act.
7. Under the terms of the undertaking the developer would, in summary, not bring the proposed development into operation until the operation of the existing café and its vehicle parking area had ceased and measures had been put in place to prevent their use for vehicle parking and the developer had paid to Suffolk County Council (SCC) a contribution towards the costs of introducing a clearway Order.
8. The owner of the existing café would, in summary, give notice to FHDC of their intention to cease use of the café site and vehicle parking area; within 3 months of such notice cease to use the site and area as a transport café, any use within Use Classes A1, A2 and A3, a truckstop and parking of heavy goods vehicles; and implement fencing or other measures agreed with FHDC to prevent use of the café site and vehicle parking area for parking unless planning permission has been granted for an alternative use. I shall address the implications of these provisions further below.

### **Main issues**

9. The main issues are:
  - (i) the effects of traffic to and from the proposed truckstop on the quality of life of those living, working and going to school along the roads leading to and from it; and
  - (ii) the effect of the proposed development on the character and appearance of Red Lodge and the surrounding countryside;having regard to national and local policies, including those on roadside facilities on trunk roads and the protection of the countryside.

## Reasons

### *Principle*

10. The principle of provision of roadside facilities on all-purpose trunk roads, including those to serve the needs of drivers of heavy goods vehicles (HGVs), is supported by Department for Transport (DfT) Circular 01/2008 (*Policy on service areas and other roadside facilities on motorways and all-purpose trunk roads in England*). As the Circular points out, such facilities perform an important safety function by allowing drivers to stop and take a break in the course of their journeys; in particular they enable HGV drivers to take their statutory breaks.
11. Policy T6 of the Regional Transport Strategy within the East of England Plan promotes the improvement, management and maintenance of the strategic and regional functions of the region's motorway, trunk road and primary route network with aim, amongst other things, of achieving efficient movement of freight while minimising its impact on the environment and local transport networks.
12. There are no policies in the Suffolk Structure Plan that specifically relate to roadside facilities, but saved policy T14 indicates that in assessing development proposals the number of trips likely to be generated and the adequacy of the access and surrounding road network will be considered. It also states that proposals generating a significant volume of trips will only be acceptable where adverse effects on safety, traffic flow and the environment can satisfactorily be overcome. Policy SS2 encourages the efficient movement of freight subject to the same proviso.
13. In the Forest Heath Local Plan, saved policy 6.12 supports lorry parking facilities at environmentally acceptable locations, convenient to the primary route network. The supporting text notes the amenity problems that casual on-street lorry parking can cause, especially at night. The SoCG between the appellants and FHDC records agreement that none of the emerging Development Plan Documents within the Council's Local Development Framework is relevant to this appeal.
14. The Red Lodge Master Plan 1998 is supplementary planning guidance (SPG) linked to saved policies in the Local Plan. While it is not part of the development plan, I note the appellants' indication that has not been withdrawn by FHDC and indeed is used in assessing planning applications in Red Lodge. Amongst other things it sets out proposals for a major expansion of Red Lodge on accordance with regional planning guidance and the development plan. I saw that there has been a significant amount of residential and employment development on the east side of the village in recent years. Further such development, including a new village centre, is proposed to either side of turnpike Road. The Master Plan also seeks to reduce the number of lorries using Turnpike Road through Red Lodge, which it identifies as a problem area by virtue of its transport-related uses and the noise and disturbance arising from them.
15. The SoCGs all accept that there is a need generally and specifically for lorry parks with good quality overnight provision on the A11 and A14 in Suffolk. They refer to surveys that have identified a particular need for overnight

parking spaces for HGVs on both roads to address problems of use of unsuitable locations for such parking. As I understand it, there remains a deficiency in provision on the A14 despite the re-opening of the truckstop at Risby.

16. However, that is not to say that any particular proposal that would meet such needs is necessarily acceptable. Amongst other things, the Circular makes clear the need to determine the planning merits of each proposal, and that in general the aim should be to avoid the need for travellers to divert into by-passed communities to reach facilities that they require.

### ***Issue (i): effects of traffic***

#### *Introduction*

17. The existing Café/Truck Stop (for convenience I shall refer to the café and the associated parking area as the 'truckstop') dates from the period when Turnpike Road through Red Lodge was part of the A11 trunk road. Now the A11 bypasses Red Lodge to the west as a dual carriageway. The A14 dual carriageway passes about 3km to the south. The two roads converge some 5km to the south-west of Red Lodge, and are combined for a short distance around Newmarket before diverging again. However, the junction between the A11 and A14 does not provide for movements between A11 east and A14 east.
18. It is undisputed that most of the HGVs using the existing truckstop are on journeys along the A11 or A14. To reach it they have to leave the trunk road and travel along local roads through villages. All use at least part of Turnpike Road itself, now the B1085, through Red Lodge (Suffolk). Additionally, lorries to and from the A14 east use the B1085 Dane Hill Road and Station Road through Kennett (Cambridgeshire) and the B1506 Bury Road through Kentford (Suffolk). In all three settlements they pass close to residential properties, businesses and a school (Kennett Primary), and undoubtedly have an adverse effect on the quality of life there.
19. The proposed truckstop would be west of the A11, close to an all-movements grade separated junction. All vehicles from the A11 in both directions and those travelling to and from the A14 to the west would be able to access and depart from it almost directly from and to the A11 via the existing junction. Such movements, even if there were an increase in their number, would have little if any impact on the village.
20. However, those HGVs travelling to and from the A14 east would continue to use the local roads through Red Lodge (now using the full length of Turnpike Road), Kennett and Kentford. The number of these movements, and hence their impact on living conditions there, would depend on the extent to which the proposed truckstop would attract users from the A14 east.

#### *Comparison between the existing and proposed facilities*

21. The proposed development is described as a 'relocation' of the existing truckstop. As the Parish Council notes, this implies that it would be an alternative, rather than additional, to the existing truckstop. I am satisfied that this would be secured through the planning obligation. It also implies that it would be a like-for-like replacement in terms, particularly, of the scale and

- pattern of HGV movements. A key matter of dispute is that the appellants claim that the proposed truckstop would not increase the draw of traffic from the A14; the Councils and others take the view that it would.
22. In comparing the impacts of the existing and proposed facilities I need to address their relative scales, then features that would affect their relative attractiveness to prospective users.
  23. The existing truckstop has a small parking area immediately in front of the café, used mainly by cars and small commercial vehicles though I understand that on occasions an HGV is parked there. The main HGV parking area is on the opposite side of Turnpike Road. It is unsurfaced and not marked out, so the actual number of vehicles that can be accommodated depends on the extent to which drivers optimise the use of the space available. It is reasonable to assume that completely filling it without leaving any room to manoeuvre would be impracticable as vehicles are likely to arrive and leave at different times. On this basis I agree that the practical capacity is around 39, though I saw on a late evening visit that even this involved some vehicles adjacent to the boundary being blocked in by others double parking alongside them.
  24. Further HGV parking occurs on Turnpike Road itself and its verges, even when the parking area is not full. I note the appellants' contention that the present parking capacity on the road and its verges is not finite, but it seems to me that there is a limit to how far drivers are likely to walk to the café. Beyond this any parking could not reasonably be attributed to it.
  25. A small number of HGVs use the car park of the public house adjacent to the café, though I consider that these should be attributed to the public house (which, as well as food and drink, offers shower facilities to drivers) rather than to the café.
  26. I agree with the appellants that the maximum overall level of parking associated with the existing truckstop is of the order of 55 HGVs. It seems to me that the indication in the results of a survey undertaken by Suffolk County Council that there were this many HGVs in the off-road parking area itself must be an error or a misunderstanding; for the reasons given above I consider that it almost certainly includes those parked along the road.
  27. I recognise that some drivers might still park in Turnpike Road if the truckstop were relocated, perhaps using the public house. However, the capacity of the pub car park to accommodate HGVs is very limited, and parking on the highway could be controlled through physical measures or an Order.
  28. The proposed truckstop would have parking spaces for 73 HGVs. As the appellants point out, numerically this includes provision for HGVs that have been shown by surveys to be parking in inappropriate locations on the A11 in the vicinity of Red Lodge and on the approaches to the village. Nevertheless, this does not necessarily mean that the drivers of such vehicles would use the new truckstop. Those who currently park elsewhere presumably do not require use of facilities such as those provided at the existing truckstop and, as FHDC suggests, may do so to avoid paying parking charges.

29. I note the suggestions that the number of parking spaces at the proposed truckstop could be increased and/or the site could be enlarged subsequently. The number of parking spaces could be controlled through a planning condition, and any increase in the number or enlargement of the site would be subject to planning controls and fall to be considered on its merits at the time. It is also suggested that additional HGV parking might take place on verges in the vicinity of the new facility. This could be controlled through a clearway Order. Implementation of such an Order would be a matter for the highway authority but, as I have indicated, the planning obligation provides for the developer to contribute to the costs involved.
30. The proposed café would have 64 covers, compared with 33 at the existing one. The toilet and shower facilities would be to modern specifications and of better quality than the dated ones at the café, and there would be 5 showers as opposed to just one at the existing facility. The lorry park would be hard surfaced and drained, compared with the rough and potholed existing parking area which, at the time of my visit was a sea of mud with large pools of water. The proposed lorry park would have security fencing, which the existing one lacks, and lighting. There is no lighting in the existing lorry park, though some illumination is provided by street lamps on Turnpike Road. The proposed facility would also offer internet access, which would be of particular benefit to drivers heading for the port at Felixstowe as it would enable them to access the port online booking system.
31. I note the appellants' point that a survey of drivers using the existing truckstop in 2007 showed little concern about the level of security and the condition of the parking area. However, as the District and Parish Councils pointed out, by definition the users surveyed were not deterred by such deficiencies and the survey excluded those who were, and who might take different views.
32. There is in particular evidence that some drivers will not use, and/or are not allowed by their companies to use, overnight parking without security and that for others secure parking is a key factor in their choice of where to park overnight. There may, as the appellants suggest, be an element of passive surveillance amongst the drivers of vehicles closely parked in the existing parking area, but it appears that at least some drivers seek more formal security. National survey data also shows that facilities such as showers are an important reason for choosing to use truckstops, especially for European drivers who particularly use the A14 en route to and from Felixstowe.

#### *Traffic generation*

33. For all the above reasons I share the view of the District and Parish Councils that the proposed truckstop would be significantly more attractive to lorry drivers than the existing one. It follows that more would use it than currently use the existing facility, and nothing I have seen leads me to doubt that the increase would come from both the A11 and the A14. As far as A11 traffic is concerned, any increase would not materially affect residents in Red Lodge as the HGVs would access and leave the truckstop more or less directly from and to the trunk road. Those travelling to and from A14 west would also do so via the A11.

34. However, as I have also indicated, HGVs to and from A14 east would still pass through Kentford, Kennett and Red Lodge. It seems to be agreed that the small additional distance involved in reaching the proposed truckstop as opposed to the existing one would not materially deter drivers of such vehicles, and I concur with this. Significantly, this would include the length of Turnpike Road north of the existing café that these vehicles currently do not use, and would partially offset the reduction in A11 HGVs using this part of the road. Thus, even if there were no increase in movements to and from A14 east as the appellants suggest, there would be a perpetuation of the existing situation along most of the route.
35. However, I find it unlikely that there would be no increase in HGV movements to and from A14 east. On a straight proportion of the total numbers of HGV parking spaces available (55 existing, 73 proposed) the increase would be about 33%. However, as FHDC points out, much of the appellants' data on lorry movements associated with the existing truckstop parking is confined to those using the off-road parking area, which has a capacity of some 39 vehicles. On that comparison the increase would be some 87%.
36. In my judgement the increase would, if anything, be greater than the straight proportions suggest because some of the features offered by the proposed facility would be likely to be more attractive to A14 users than those on the A11. I note also the suggestion by FHDC and RLPC that the appellants have underestimated traffic generation through basing this on survey figures for a Friday, which is the quietest weekday. The appellants point out that Thursday is the busiest night for overnight stops, and Friday morning departures reflect this, but I understand that arrivals on Friday evenings are significantly lower than on other weekdays.
37. As sensitivity tests the appellants have assessed increases of 25%, 33% and 100% in truckstop movements along Station Road through Kennett. In the light of the above considerations it seems to me that the 33% and 100% increases represent the likely range. The appellants' (corrected) evidence indicates that on these bases the increases in annual average daily HGV traffic over 24 hours would be as follows:
- on B1085 Turnpike Road south of Red Lodge: 17 - 53 (from the existing 510);
  - on B1085 Station Road, Kennett: 18 - 53 (from 776); and
  - on B1505 east of Bury Road: 18 - 53 (from 847).
38. Relative to the existing flows of HGVs the increases would be modest, particularly at the lower end of the range, but it must be borne in mind that the existing flows already include HGVs generated by the existing truckstop. The appellants' ES puts this component at 16% of the total HGV traffic through Kennett; an assessment for FHDC suggests 21%.
39. I note that, as RLPC points out, the additional distance travelled by A14 lorries using the truckstop at Red Lodge would increase CO<sub>2</sub> emissions, contrary to national policy in the Climate Change supplement to Planning Policy Statement (PPS) 1: *Delivering Sustainable Development* and in policy EC10.2 of PPS 4: *Planning for Sustainable Economic Growth*.

*Effects on local roads and communities*

40. The route between Red Lodge and the A14 east falls partly within Suffolk and partly in Cambridgeshire. SCC includes the B1506 Bury Road through Kentford as a 'Zone Distributor Lorry Route'; CCC considers the B1085 as a 'Route for Movement' that 'should be available for use by' HGVs. I note, however, that the former designation is defined as a road within a zone serving as a lorry route directly to a location or as a route to local access routes. Bearing in mind that DfT Circular 01/2008 stresses that facilities such as truckstops should not become destinations in their own right, I do not consider that these designations indicate that it is appropriate for HGVs to divert from the strategic road network onto such routes in order to visit such a facility. Most HGVs visiting the existing and proposed truckstops are/would be on long-distance or even international journeys. They are/would be simply passing through this area, having no business here other than to take a break.
41. I note that neither SCC nor CCC has objected in principle to the proposed truckstop, but that it appears that both assessed it on the basis that it would be a direct replacement for the existing one and so would not increase traffic on the routes discussed above. For the reasons I have indicated, I do not consider this to be a sound basis for assessment.
42. I turn now to the effects on those living, working and going to school along the route. I have considered the revised noise and air quality assessments, based on the corrected traffic data, submitted by the appellants. The noise assessment only evaluates 25% and 33% increases in truckstop traffic whereas, as I have indicated, it is likely that the actual increase would be greater. Nevertheless, I accept that on the metric assessed ( $L_{Aeq}$ , effectively the average noise level over a period) the assessed contribution of the existing truckstop is, and the increases due to the proposed facility would be, indiscernible even at night. In my judgement that conclusion would still apply even if the increase in truckstop traffic on this route were 100%.
43. However, despite recognising that impulsive noises such as those arising from the passage of individual vehicles (represented by  $L_{Amax}$ , effectively the maximum noise level during a period) and the associated vibration also affect nearby receptors, the noise assessment has not addressed these. In the absence of data, the report simply asserts that the increase in the number of HGVs along the route, especially at night, would be insignificant. I do not share that view. I accept that individual additional vehicles are unlikely to be noisier or to cause more vibration than the existing ones on the route. But, on the basis of my experience and observations, I judge that the noise and vibration arising from any increase in the number of HGV movements along this route would have a marked effect on the lives of people along it.
44. Residents would be affected during the day, and particularly at night when there is a more reasonable expectation of peace and quiet. It is recognised that at such times even a single noise event can disturb sleep. The work of staff and learning by pupils at Kennett Primary School would also be affected by noise from the passage of individual HGVs, especially during outside activities and when windows are open as the Acting Headteacher points out. The assessment points out that traffic noise at the school would be reduced by the 20mph speed limit that has been introduced on the adjacent length of road.



I understand, though, that this is advisory and applies only at the beginning and end of the school day, which are less noise-sensitive periods. However, the suggested reduction in noise is subject to the important proviso that traffic does not have to stop and start. I travelled along this road many times at various times of day and evening, and on every occasion there were at least some cars parked along the road by the school and the houses to the north, so that the road effectively operated as single-line with vehicles frequently having to give way to other oncoming vehicles.

45. It is likely that there would be some reduction in noise from HGVs along Turnpike Road through Red Lodge, but this has not been assessed. Here most frontage dwellings and other noise-sensitive buildings are further from the road than they are in Kennett and Kentford so the effects are less pronounced. Also the reduction in HGV traffic would be modest, especially north of the existing truck stop where at present most frontage development is located.
46. The revised air quality assessment submitted by the appellants has not been challenged. It predicts extremely small changes in the key pollutants nitrogen dioxide (NO<sub>2</sub>) and particulates (PM<sub>10</sub> & PM<sub>2.5</sub>), negligible air quality effects and that all predicted pollutant concentrations would be well below the relevant Air Quality Strategy objectives. Again, only 25% and 33% increases in truckstop traffic have been assessed, but I have seen nothing to suggest other than that these conclusions would still broadly apply even with a 100% increase.
47. Turning to safety, it seems to be accepted by the various authorities that there would be no material adverse effect on road safety, and from the accident data submitted I share this view in objective terms. However, there is undoubtedly a perception amongst local people of danger due to the number of HGVs using the route between A14 east and the truckstop. Many of these are amongst the largest on the road and are not normally found in such numbers on narrow and in some cases poorly-aligned local roads such as these.
48. I observed the situation at the Bury Road / Station Road junction on several occasions and saw that long vehicles often need to take up the whole road widths to make the turn, which is both potentially dangerous and inconveniences other road users (including pedestrians and cyclists). At the time of the early morning bus pick-up there of secondary school children, I saw that the problems were compounded by the parked bus and parents' cars as well as the number of pedestrians. Also, at the end of the school day at Kennett Primary School the combination of parked cars on the road, parents and young children on foot and cycles, and large lorries passing (some at considerable speed despite the advisory 20mph speed limit) gives rise to understandable safety concerns.
49. When walking along the narrow footway on Station Road south of Kennett Primary School I experienced the effects of being passed at very close quarters and at speed by large vehicles. As well as the unpleasantness of the noise and wind rush, I felt vulnerable and intimidated by the lorries. Such feelings would, I am sure, be even more pronounced had I been accompanied by young children. I understand that as well as those walking to and from school, parties of school children have to walk along here to reach the village playing field for games lessons and sports activities. No doubt the effects are worse in

those parts of the route where there are no footways, though I recognise that pedestrian numbers there are likely to be lower.

*The fall-back position*

50. As I have indicated, if the proposed truckstop were developed, the effects of the HGV traffic through Kentford and Kennett generated by the existing facility would not only be perpetuated but would be exacerbated, and there would be only limited benefits in this respect in Red Lodge. On the other hand I recognise that, if the proposed truckstop were not developed, the existing café and truckstop would be likely to remain at least for some time, and that the traffic and other effects arising from it, in all three villages, would continue. That is a material consideration in my assessment of the appeal proposal.
51. However, it seems to me that it is at least possible that the existing facility would close at some stage, even if this appeal were dismissed. It seems to be accepted that it is a non-conforming use, and its relocation to a suitable site is encouraged by the Local Plan (para. 13.12). As development of Red Lodge, particularly along Turnpike Road, continues this is likely to become more significant. Also, in my judgement such development may make redevelopment of the site of the café and its parking area for other uses a more attractive proposition.
52. Such eventualities would not preclude the provision of other truckstop facilities to meet needs on the A11 and A14. I note the submissions by the appellants and the Parish Council regarding the materiality of alternative sites but, while I do not in any event have sufficient evidence to evaluate those that have been suggested by others, neither have I seen anything to lead me to believe that the appeal site represents the only opportunity to meet those needs.

*Conclusions on issue (i)*

53. I find that, while there would be some net reduction in HGV traffic through Red Lodge, there would be an increase in HGV movements through Kentford and Kennett as well as a perpetuation of the existing movements on this route generated by the truckstop at Red Lodge. This is contrary to the general aim of avoiding the need for travellers to divert into by-passed communities to reach facilities that they require, as indicated in DfT Circular 01/2008. Also, for such diverted trips, the truckstop could be regarded as effectively becoming a destination in its own right, contrary to national policy in the Circular.
54. Movements by HGVs effectively diverting from journeys along the A14 trunk road over additional distance via local roads through bypassed communities run counter to the national objective of reducing the need to travel set out in Planning Policy Guidance (PPG) 13: *Transport*. Increased CO<sub>2</sub> emissions arising from the additional distance travelled by such vehicles also conflict with policy in the *Planning and Climate Change* supplement to PPS 1 and to policy EC10.2 of PPS 4.
55. I conclude that traffic between the proposed truckstop and the A14 east would be harmful to the quality of life of those living, working and going to school along the roads leading to and from it, particularly in terms of noise and the perception of danger. I regard the latter, which is clearly widely and genuinely

felt, as reasonable and as a material consideration notwithstanding the lack of objective evidence to support it.

56. I further conclude, for the above reasons, that the proposed development would be contrary to Local Plan policy 6.12 in that the location is not convenient to the A14 east (which is part of the primary route network) and that the resulting traffic though the villages would render the location of the proposed truckstop environmentally unacceptable. This would also conflict with Structure Plan policy T14, and the failure to minimise the impact on the environment and local transport networks would be contrary to East of England Plan policies T6 and SS2, the relevant provisions of which are summarised above.

***Issue (ii): character and appearance***

57. The appeal site is set in flat, open countryside on the west side of the A11. It is currently in agricultural use, though it does not fall into the 'best and most versatile' land category. There are mineral workings nearby and an extant planning permission for mineral extraction on land including the appeal site. A planning application for a revised phasing of extraction and restoration of that land, essentially to bring forward the working and restoration of the phase covering the appeal site to facilitate implementation of the appeal proposal, has been submitted to SCC but, at the time of the Inquiry sittings, had not been determined.
58. All of the existing and other currently proposed development in Red Lodge is east of the A11. Local Plan policy 13.8 states that the bypass forms the 'obvious western edge of the settlement', and that development on the western side of the bypass 'will be difficult to integrate with the rest of the settlement, both in visual and use terms'. The truckstop would not integrate well with Red Lodge in use terms, being physically separated from it by the A11, but I accept that it would instead relate functionally to the trunk road.
59. Neither FHDC nor RLPC raises any objection in landscape or visual terms relating to impact on the village or on the countryside. It seems to me that the concerns of others in this respect could largely be addressed by provision of appropriate landscaping to enhance and add to existing screening of the site, by use of suitable lighting to minimise glare (having regard to the fact that the site is close to the A11 junction which is already lit by tall lamp standards) and by detailed design of the development and its boundaries. All of these could be secured and controlled through planning conditions.
60. The concerns of the Councils relate essentially to the principle of development in the open countryside and to the urbanisation of the setting of Red Lodge. I note the suggestions by local residents that the appellants have aspirations to secure major development west of the A11 and that this proposal would secure a foothold here and so make further development more likely. However, I have considered this proposal on its own merits; the acceptability of any further development would fall to be considered through the Local Development Framework and/or any further planning applications.
61. While national and development plan policies generally seek to protect the countryside for its own sake, this does not preclude all development. Policies such as EC2.1 of PPS 4 also recognise the need to promote key distribution

networks and, as I have indicated, DfT Circular 01/2008 stresses the importance of provision on the strategic road network for travellers, particularly drivers of HGVs, to take breaks. The Local Plan acknowledges that truckstops are not appropriately located in residential areas and, in accordance with policies 6.12 and 9.1 in combination, FHDC accepted at the Inquiry that new or relocated facilities are likely to be in the countryside. However, that is not to say that any such development is acceptable; as I have indicated, DfT Circular 01/2008 makes clear the need to consider the planning merits of each proposal. To my mind the harm and policy conflict I have identified on the first issue render this proposal unacceptable in policy terms.

62. I conclude on the second issue that the proposed development would cause only limited harm to the character and appearance of Red Lodge and the surrounding countryside, but would be contrary to policy as indicated above.

**Overall conclusion**

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

*Alan Boyland*

Inspector

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Simon Bird	Queen's Counsel, instructed by David W Burnip, Chief Executive of the Council
<i>He called:</i>	
Philip Porter IEng AMICE MCIHT	Associate in Scott Wilson Ltd
Charles Robinson BTech(Hons) MPhil MRTPI	Principal of CDS Development Services Ltd

### FOR THE APPELLANTS:

Douglas Edwards	Of Counsel, instructed by RPS Planning & Development
<i>He called:</i>	
Patrick Lanaway BSc MCIHT	Principal of SLR Consulting Ltd
Kathryn Money BA(Hons) DipTP MRTPI	Principal Associate in RPS Planning & Development Ltd

### FOR RED LODGE PARISH COUNCIL:

Mrs Deborah Sharples	Solicitor, Partner and Head of Planning and Environment in Hewitsons LLP, Solicitors
<i>She called:</i>	
Karl von Weber BEng(Hons) MCILT	Director of DLP Transportation Ltd
James Croucher MTP MRTPI	Associate Director in DLP Planning Ltd

### INTERESTED PERSONS:

Cllr Pat McCloud	Member of Forest Heath District Council (FHDC), Red Lodge Ward
Cllr Tim Huggan	Member of FHDC, Manor Ward
Cllr Warwick Hirst	Member of FHDC, Newmarket Ward, and Chairman of the Forest Heath Branch of the Suffolk Preservation Society
David Wheeler	Chairman of Freckenham Parish Council
Peter Merrick	Member of Worlington Parish Council
Ian Harris	Chairman of Red Lodge Residents' Association (‘Red Lodge Eye’)
Nicholas Wright	Resident of Chippenham, Cambs.
Liz Marchington	Resident of Herringswell

David Page  
John Aldcoin

Resident of Red Lodge  
Resident of Kennett

**DOCUMENTS** submitted at the Inquiry

*Agreed documents*

- 1 List of plans & drawings considered by the District Council in refusing planning permission (submitted jointly by the District Council and the appellants)

*Submitted by Forest Heath District Council*

- 2 Letter of notification of the appeal & list of addressees
- 3 Extract from the East of England Plan (RSS)
- 4 Truckstop facilities schedule
- 5 Comparison of movements at Dane Hill Road roundabout
- 6 Suggested replacement condition 4
- 7 Closing submissions

*Submitted by the appellants*

- 8 Draft unilateral undertaking
- 9 Errata to Mr Lanaway's proof of evidence
- 10 Further errata to Mr Lanaway's proof of evidence
- 11 Replacement for Mr Lanaway's appendix 14
- 12 Replacement for Mr Lanaway's appendix 21
- 13 Amended air quality assessment
- 14 Amended traffic noise assessment of B1085 and B1506 through the villages of Red Lodge, Kennett and Kentford
- 15 Copy of completed unilateral obligation dated 3 March 2010
- 16 Covering letter for the above, including commentary on modifications made and requested modifications not made
- 17 Closing submissions
- 18 Judgement in R. (on the application of Scott Jones) v North Warwickshire Borough Council [2001] EWCA CIV 315

*Submitted by Red Lodge Parish Council*

- 19 Summary of survey figures in Mr Lanaway's appendix 14
- 20 Full set of Suffolk County Council responses to LDF site specific policies and allocations issues & options document
- 21 Closing submissions

*Submitted by interested persons & bodies*

- 22 Letter of representation from the Acting Headteacher of Kennett Primary School
- 23 Cllr McCloud's statement
- 24 Cllr Huggan's statement

- 25 Cllr Hirst's statement
- 26 Mr Wheeler's statement for Freckenham Parish Council
- 27 Mr Merrick's statement
- 28 Mr Harris's statement
- 29 Mr Wright's statement
- 30 Ms Marchington's statement
- 31 Mr Aldcoin's statement