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## Appeal Decision

Site visit made on 18 February 2025

by **Stephen Normington BSc, DipTP, MRICS, MRTPI, FIHE, FIQ**

an Inspector appointed by the Secretary of State

Decision date: 3<sup>rd</sup> April 2025

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**Appeal Ref: APP/E2530/W/24/3347487**

**Land to the west of the junction of Belvoir Road and Cliff Road,  
Woolsthorpe by Belvoir, Grantham, NG23 1LW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by Her Grace Duchess of Rutland, Belvoir Estates against the decision of South Kesteven District Council.
- The application Ref S23/0710 was approved on 17 January 2024 and planning permission was granted subject to conditions.
- The development permitted is the change of use of grazing land to events venue.
- The conditions in dispute are Nos 1, 4, 5, 6, 7, 8 and 9 which state that:
  1. The marquee hereby permitted shall be removed and the use shall be discontinued and the land returned to its former condition on or before 12 months following the commencement of development.
  4. Prior to commencement of the use, a site-specific tree survey and arboricultural impact statement shall have been submitted to and approved in writing by the LA. The survey and report should have regard to BS5837:2012 Trees in Relation to Design, Demolition and Construction-Recommendations and shall include: a schedule of existing trees that should be cross referenced to a survey and constraints plan, a plan identifying which trees are to be felled and which are to be retained. The impact assessment shall take into account the possible impacts from construction work on the trees and vice versa including but not limited to foundations, new hard surfaces, access ways, work areas, shade, drainage systems, facilitation pruning and utilities. A method statement, and a plan showing anticipated tree shade patterns shall be provided.
  5. Prior to the development hereby approved being brought into use, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

The Noise Management Plan should include, but not be limited to:

    - Summary of events to be held at the site
    - Location Plan and Site Plan which identifies noise sensitive properties and locations of noise sources
    - Inventory for all noise sources
    - Proposed timings for all noise sources
    - Controls/mitigation for all noise sources
    - How noise will be monitored during events
    - Action in the event of complaints
    - Review of events
  6. The marquee, hereby permitted, shall only remain on the site between 1 April and 31 October in the year permitted by condition 1.
  7. No development shall take place until a Traffic Management Plan has been submitted and approved in writing by the Local Planning Authority. The document shall evaluate the potential traffic impacts of the proposals and detail how these will be managed.

The development must only be carried out in accordance with the approved plan.
  8. No more than 400 patrons shall attend a single event at any given time.

The owner/operator shall maintain an up to date register of events including the names of the persons holding the event, date and number of attendees. This register shall be made available to the Local Planning Authority on request.

9. The number of weddings/events shall be limited to 1 day event on alternate weekends (twice per month) in the year approved by condition 1 unless otherwise agreed in writing by the local planning authority.
  - The reasons given for the conditions are:
    1. To define the permission and for the avoidance of doubt.
    4. In the interests of amenity, tree health and for the avoidance of doubt.
    5. In the interest of the amenities of the occupiers of neighbouring dwellings and in accordance with Policy DE1 of the South Kesteven Local Plan.
    6. To ensure the satisfactory preservation of the historic park and garden in accordance with Policy EN6 of the South Kesteven Local Plan.
    7. In the interests of the safety and free passage of those using the adjacent public highway.
    8. In the interest of residential amenity in accordance with Policies EN4 and DE1 of the South Kesteven Local Plan.
    9. In the interest of the amenities of the occupiers of neighbouring dwellings and in accordance with Policy DE1 of the South Kesteven Local Plan.
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## Decision

1. The appeal is allowed and the planning permission Ref S23/0710 for the change of use of grazing land to events venue at land to the west of the junction of Belvoir Road and Cliff Road, Woolsthorpe By Belvoir, Grantham NG23 1LW granted on 17 January 2024 by South Kesteven District Council, is varied by deleting conditions 1, 4, 5, 6, 7, 8 and 9 and substituting them with the following conditions:
  - 1) The marquee hereby permitted shall be removed and the use shall be discontinued and the land returned to its former condition on or before 3 years following the commencement of the use.
  - 4) The use shall not commence, and no marquee shall be erected, until an Arboricultural Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Arboricultural Method Statement shall provide details of root protection measures to be installed to protect the integrity of the trees that are located immediately adjacent to the proposed access leading from the internal carriage drive road to the proposed parking area. Such measures shall be provided prior to the first erection of the marquee and shall thereafter remain for the duration of the period that the marquee remains in use on the site for the duration of this permission. Any above ground temporary measures used to protect the roots of adjacent trees shall be removed from the site during the period 1 November to 31 March in any one year and in the succeeding year.
  - 5) The use shall not commence and no marquee shall be erected until a Noise Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Noise Management Plan shall provide details of:
    - Measures to mitigate noise arising from an event being received at noise sensitive properties.
    - Measures to monitor noise emitted from an event to ensure compliance with the mitigation measures.
    - An Action Strategy to be implemented in the event that complaints of excessive noise are received.The use shall thereafter be undertaken in accordance with the approved Noise Management Plan.

- 6) No marquee shall remain on the site between 1 November and 31 March in any one year and in the succeeding year.
- 7) The use shall not commence until a Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Traffic Management Plan shall provide details of:
  - Measures to ensure that access and egress to and from an event does not cause queuing traffic on the public highway.
  - The provision of appropriate internal signage and any necessary marshalling arrangements from and to the public highway to ensure that vehicles attending an event and accessing or egressing the internal carriage drive road do not cause a detrimental impact on the free flow of traffic on the public highway.

The use shall thereafter be undertaken in accordance with the approved Traffic Management Plan.
- 8) No more than 400 patrons shall attend a single event at any given time.
- 9) The number of weddings/events shall be limited to 25 per annum unless otherwise agreed in writing by the Local Planning Authority.

### **Preliminary Matters**

2. Prior to my determination of this appeal, the Council granted planning permission on 6 September 2024 (Ref S/24/0228) (the recently granted permission) in respect of an application made pursuant to the provisions of Section 73 of the Town and Country Planning Act 1990 to vary conditions (Nos. 1, 2, 4, 5, 7, 8, 9 and 12) of the permission which is the subject of this appeal (Ref S23/0710). Where relevant, I have taken into account the recently granted permission (Ref S24/0228) in my consideration of the relevant conditions which are the subject of this appeal.

### **Main Issue**

3. The main issue is whether the conditions attached to the planning permission granted are necessary in order to make the development acceptable in planning terms, with particular regard to the living conditions of nearby residents, the integrity of existing trees, highway safety and the effect on designated heritage assets.

### **Reasons**

4. The appeal site comprises a relatively flat area of grazing land located within the Grade II\* Listed Belvoir Castle Registered Park and Garden and lying within South Kesteven's District boundary. The access to the site would be via the existing Castle access located within Leicestershire and via the internal carriage drive tracks within the park itself. The settlement of Woolsthorpe By Belvoir is located to the east. Owing to the local topography and existing landscaping, the site is generally screened in views from the settlement and the main Castle.
5. The development provides for the change of use of the grazing land to an events venue (primarily weddings) which would involve the installation of a marquee to be used between the months of May to September. The marquee would be removed outside of these months. The marquee would be occupied for events between 09.00 and Midnight.

6. Planning conditions can make otherwise unacceptable development acceptable in planning terms. In determining this appeal, I have had regard to the tests for planning conditions set out in paragraph 57 of the National Planning Policy Framework<sup>1</sup> (the Framework), and the guidance contained in the Planning Practice Guidance (PPG).

### *Condition 1*

7. This condition effectively limits the duration of the planning permission to 12 months following the commencement of the use. Following this period, the marquee shall be removed and the use discontinued, and the land returned to its former condition. The Appellant contends that this condition, when also considered with other conditions, is unduly restrictive and therefore unreasonable.
8. The Appellant sets out that events are booked approximately 12 months in advance. Consequently, it would not be realistically possible to book any future events as there would be no certainty that the marquee would be available for use 12 months hence. As such, the condition would make the scheme unviable. The Appellant contends that if a temporary permission were to be considered then a period of three years would be more appropriate to enable the Council and the Appellant to monitor any effects and assess the viability of the scheme.
9. The Council argue that owing to the proximity of the site to residential properties and its location within the Registered Park and Garden, a temporary permission of 12 months would enable the use impacts to be monitored and assessed before a longer-term planning permission can be considered.
10. I have sympathy with both parties in this matter. I recognise that the potential impact of the use of the marquee on the living conditions of the occupants of nearby residential properties is a significant concern for the Council. Whilst I discuss some of the conditions below that relate to such impacts, I recognise that the use of the marquee does have the potential to result in noise and disturbance through the playing of amplified music and live music as part of an event. The Council's Officer Report to Planning Committee identifies that an event has already taken place in the marquee resulting in levels of noise that were considered to be unacceptable by local residents.
11. The Council's Officer Report also identifies that the Gardens Trust consider that the appeal site has been farming pasture for many years and is nowhere in the view from the castle or principal rooms or private or public gardens. The Council's Conservation Consultant identified that the siting of the proposed events venue, including marquee, access drive and parking area is now supported by various consultees including Historic England, the Gardens Trust and Melton Borough Council, with particular emphasis on the impact on the Grade I Listed Belvoir Castle, grounds and associated Registered Park and Gardens.
12. The Conservation Consultant further identifies that the site is on low ground and there is good tree cover. Historic England concluded that there are no further issues or objections to the current proposal on heritage grounds. In addition, the Conservation Consultant identifies that a previous siting of the marquee has resulted in a long lasting impact on the grounds of the Grade II\* Registered Park

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<sup>1</sup> The Government published a revised version of the Framework on in December 2024, and it is this version that I have had regard to in this decision.

and Garden. As such, the Conservation Consultant suggest that a temporary permission would allow an opportunity to obtain further information about the potential long-term impacts of the proposed use on the Registered Park and Garden, and therefore, assess the extent of harm to the designated heritage asset in the planning balance of the proposals.

13. I have no evidence of the nature the 'long lasting impact' identified by the Conservation Consultant. The Officer Report concludes on this matter that, on the basis of the information available, it is considered that the proposed siting of a marquee to be used for 6 months of the year would have a less than substantial harm on the significance of the historic park and garden and the significance of Belvoir Castle and associated listed structures and their setting. The Officer Report identifies that the level of harm would be outweighed by the public benefits arising from the creation of a rural diversification project that would ultimately contribute positively to the visitor economy and would be in accordance with the aims of the SKLP.
14. In light of the above, I accept that a temporary planning permission would be beneficial given the locational circumstances of the proposal. This would enable the main parties to monitor and assess both the impacts and viability of the scheme thereby enabling any future submission to take into account the findings of such assessment.
15. However, the current 12-month permission is unduly restrictive and unreasonable. Not only does this effect the viability of the scheme, it also leaves limited opportunity for any potential impacts to be monitored and assessed. In these circumstances a temporary three-year permission would be more appropriate.
16. Taking into account the local topography and degree of landscape screening, and on the basis of a temporary three-year permission, I am satisfied that the proposal would lead to less than substantial harm to the significance of the heritage assets which should be weighed against the public benefits of the proposal. In this case, the Council recognises that there are substantial public benefits arising from the proposal, in particular the contribution that would be made to the visitor economy which gains support from Policy E9 of the SKLP. I have no compelling reasons to disagree with the Council's view that the benefits of the proposed development would outweigh the temporary less than substantial harm to the heritage assets.
17. I have taken into account the concerns of the Conservation Consultant that a three-year permission would be tantamount to the provision of a semi-permanent marquee and that the less than substantial harm would outweigh the public benefits. However, taking into account my locational findings outlined above and the fact that the marquee would only remain in place for six months in each year, I do not share the concerns that a three-year temporary permission would alter my findings that the benefits of the proposed development would outweigh the temporary less than substantial harm to the heritage assets.
18. Accordingly, Condition 1 should be deleted and replaced with a new condition that provides for a temporary three-year permission. This condition is necessary in order to properly assess the impact of the proposal on the living conditions of nearby properties and the Registered Park and Garden and would accord with the relevant provisions of Policies DE1 and EN6 of the South Kesteven District Council Local Plan 2011- 2036 (SKLP).

#### *Condition 4*

19. This condition appears to be a standard condition that is not specifically relevant to the development proposed and consequently is unreasonable. In arriving at this view, I have taken into account my observations at the site visit and the views of the Council's Tree Advisor.
20. The access to the proposed site would run a short distance from the existing carriage estate road. Whilst this would be positioned between several mature trees, no trees would require felling or pruning to achieve the access. The Council's Tree Advisor stated that "it is clear that the site for the car park and marquee is an open field, devoid of trees. It is contained (in landscape terms) by many trees elsewhere, but these are not on the site itself, and it is not intended to remove or impact on any of them. The selected point of access to the field from the carriage drive avoids mature trees and in the context of the overall tree resource, impacts would be minimal. The applicants have indicated use of ground protection, which would be beneficial to fully minimise any interference of the ground in between trees, and it would be reasonable to consider imposing a condition regarding this intention".
21. It is recognised that measures will be needed to provide root zone protection to the relevant mature trees. Such measures, secured by an appropriate condition, are not uncommon. However, the condition, as currently worded, provides for the submission of a tree survey, details of trees to be felled, assessment of the impact of foundations, new hard surfaces, drainage systems, pruning details, utility details and tree shading details. These matters are not relevant to the development proposed.
22. Condition 4 should therefore be deleted and replaced with a new condition requiring the submission and approval of details of the root protection measures to be installed. This condition is necessary in order to maintain the health and integrity of existing trees and would accord with the provisions of Policy DE1 of the SKLP.

#### *Condition 5*

23. The Officer Report identifies that the planning application was accompanied by a Noise Management Plan which suggests several techniques to mitigate noise. Although I have no evidence of the content of this Plan, I note that the Council's Environmental Protection Officer reviewed the submitted details and suggested that a condition should be imposed requiring the submission of details of noise mitigation measures to be submitted and approved in writing, prior to the first event taking place.
24. In the interests of protecting the living conditions of the occupants of nearby properties, an appropriately worded planning condition to consider noise impact and mitigation is necessary, particularly given that the use of the marquee could involve music. In this regard, I note that the Appellant accepts the principle of such condition.
25. However, the Appellant considers that the condition, as currently worded, is not precise and contains unreasonable provisions such as requirements for a summary of events to be held, inventory of noise sources, proposed timings for all noise sources and a subsequent review of events. In my view, these provisions

are unreasonable and imprecise and would likely necessitate the submission of details for each event. In particular, the Appellant is unlikely to know the details of all the events proposed to be held in the marquee and would not be able to provide an inventory of noise sources, particularly as these would likely differ dependant on the nature of the event. In addition, the condition does not set out the purpose or nature of any review and, in this regard, is not precise.

26. Condition 5 should therefore be deleted and replaced by a new condition that requires the submission of a generic Noise Management Plan that can thereafter be implemented for each event without the requirement for any further submission. This would be necessary to protect the living conditions of neighbouring occupiers and would accord with Policy DE1 of the SKLP.

#### *Condition 6*

27. The Appellant's Statement of Case does not clearly identify any reasons why this condition is disputed and sets out that there is no objection to removing the marquee from the site during the winter months. Condition 12 of the recently granted permission imposes a similar condition but sets out that "No marquee shall remain on the site between 1 November and 31 March in any one year in the succeeding year". The submitted response to the Council's Statement of Case indicates that Condition 12 of the recently granted permission is acceptable.
28. Although the Appellant has not specifically identified any the reasons why Condition 6 is disputed, I consider that it should be deleted and replaced by a new condition that is consistent with the wording of Condition 12 of the recently granted permission. No party would be prejudiced by this approach and there would be no conflict with the provisions of Policy EN6 of the SKLP.

#### *Condition 7*

29. This condition requires the submission of a Traffic Management Plan to evaluate the potential traffic impacts of the use and detail how these would be managed. The Council's Officer Report to Planning Committee identified that Leicestershire County Council, in its capacity as Highway Authority, raised no objections to the proposal. However, the Highway Authority recognised that a temporary permission would enable any impacts upon the highway network to be monitored and assessed again if a further application for a longer or more permanent period is submitted for consideration.
30. Although the Officer Report did not recommend a condition requiring the submission of a Traffic Management Plan, I note that this was a matter of concern to Members of Planning Committee as reflected in the minutes of the meeting held on 7 December 2023. The recently granted permission does not include a condition requiring the submission of a Traffic Management Plan. However, I have no evidence to indicate the considerations of the Council or the Highway Authority that may have led to this condition being omitted.
31. The concerns expressed by Members of Planning Committee are not without merit. The use of the marquee is likely to involve a relatively significant number of vehicles arriving and departing within a short time period. I observed at my site visit that the use of the barrier system at the site entrance has the potential to cause vehicle queuing on the public highway whilst vehicles wait for the barrier to

open. This would likely be exacerbated during arrival times to events held in the marquee.

32. In my view, a generic traffic management scheme is necessary to provide appropriate signage, directions and the management of the access barrier. However, it would be unreasonable to require the submission of a Traffic Management Plan for each individual event as there would unlikely be any fundamental difference in the nature of the vehicles attending events. A generic plan, to be submitted prior to the commencement of the use of the marquee, would enable details of how the events will be managed to ensure they avoid queuing on the public highway.
33. Condition 7 should therefore be deleted and replaced by a new condition that requires the submission of a generic Traffic Management Plan that can thereafter be implemented for each event without the requirement for any further submission. This condition is necessary in the interests of highway safety and the free flow of traffic.

#### *Condition 8*

34. This condition provides that no more than 400 patrons shall attend a single event at any given time and that a register of events shall be maintained, including the names of the persons holding the event, date and number of attendees. The recently approved permission imposed a similar condition (No. 11) that also provides that no more than 400 patrons shall attend a single event at any given time but does not include the need for a register to be maintained.
35. Dealing with the register first, I have no compelling evidence to indicate the planning reasons why such register should be maintained, nor its purpose and use in the enforcement of the condition. In this regard, I do not find that this aspect of the condition is relevant to planning and nor is it reasonable. The recently granted permission has omitted this aspect of the condition and I see no justifiable reasons for its continued inclusion in Condition 8 of this appeal.
36. Turning to the issue of no more than 400 patrons, the Planning Statement accompanying the planning application identified that the normal numbers attending events held in the marquee would be approximately 400. The evidence provided in the Officer Report and the Council's Statement of Case suggest that the figure of 400 patrons was used by the Council and technical consultees in the consideration of the potential impacts of the proposal. It therefore constitutes the level of usage on which the proposal was assessed.
37. I note that the Appellant's response to the appeal statement of case provided by the Council indicates that the revision to the condition provided in the recently approved permission (No. 11) is now considered to be acceptable. It is clear that the application has been assessed on the basis of the use of the marquee by a maximum of 400 patrons. Therefore, I see no reason to delete this limitation on attendance, particularly in circumstances where the Appellant finds the revised condition acceptable.
38. Condition 8 should therefore be deleted and replaced by a new condition that reflects Condition 11 of the recently granted permission by retaining the 400 patron limit but eliminates the need for any register to be maintained. This condition is

necessary to protect the living conditions of the occupants of nearby properties and would accord with the provisions of Policies EN4 and DE1 of the SKLP.

#### *Condition 9*

39. The Planning Officers Report recommended a condition (No. 6) which set out that “The number of weddings/events shall be limited to 25 per annum unless otherwise agreed in writing by the local planning authority”. The Appellant’s Statement of Case identifies that this recommended condition was considered to be acceptable. However, following consideration at Planning Committee, draft condition 6 was replaced by Condition 9 of the planning permission which limits the number of weddings/events to 1 day events on alternative weekends.
40. Condition 8 of the recently granted planning permission sets out that “The number of weddings/events shall be limited to 25 per annum unless otherwise agreed in writing by the local planning authority”. This condition is consistent with the draft condition recommended in the Officer Report.
41. I have no evidence to indicate the considerations of the Council that led to the imposition of the condition on the recently granted planning permission being consistent with that recommended in the Officer Report and which the Appellant found to be acceptable. I accept the Appellant’s view that Condition 9, as currently worded, unduly restricts the use of the marquee. The reason for the condition is in the interest of the amenities of the occupiers of neighbouring dwellings. However, a number of other conditions are provided which address such matters on each and every event. There is therefore no reasonable basis to justify a restriction in the number of weddings/events to 1 day on alternative weekends as per the current wording of Condition 9.
42. Moreover, the Council has already accepted a modification to such condition as set out in Condition 8 of the recently granted permission. Therefore, Condition 9 should be deleted and replaced by a new condition which is consistent with that provided in the recently granted permission. This would be necessary to protect the living conditions of neighbouring occupiers and would accord with Policy DE1 of the SKLP.

#### **Conclusion**

43. For the reasons given above, the appeal is allowed and planning permission varied as set out in the decision above.

*Stephen Normington*

INSPECTOR