



Appeal Decision

Site visit made on 4 June 2025

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2025

Appeal Ref: APP/E2530/W/25/3360408

Vacu Lug Traction Tyres Ltd, Gonerby Road, Grantham, Lincolnshire NG31 8HE

- 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 Gurditt Singh, Vaculug Limited against the decision of South Kesteven District Council.
 - The application Ref is S24/0539.
 - The development proposed is described as the 'construction of new retail units and associated car parking, access and servicing on an existing redundant overflow car park.'
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new retail unit and associated car parking, access and servicing at Vacu Lug Traction Tyres Ltd, Gonerby Road, Grantham, Lincolnshire NG31 8HE in accordance with the terms of the application, Ref S24/0539, subject to the conditions in the attached schedule.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. It is however clear from the submissions that the proposal involves the construction of a single retail unit. Accordingly, I have considered the appeal on this basis and this is also reflected in my decision paragraph. This also omits the reference to the existing car park as this is not part of the act of development.
3. The revised National Planning Policy Framework (Framework) has been published since the Council made its decision. All parties have had the opportunity to comment on this matter through the usual appeal timetable deadlines and I have considered the revised Framework in my decision.
4. The appellant considers that the Council has sought to expand and introduce new issues in its Statement of Case that go beyond its decision notice. Even if I was to accept this was the case and notwithstanding a function of such an appeal statement is to amplify the reasons for refusal, the appellant has commented on such an approach through its Final Comments. Hence, this has not resulted in unfairness or disadvantage, and in also having regard to my decision. The main issues that I have identified in any event are those which are set out in the Council's reasons for refusal.

Main Issues

5. The main issues are the effect of the proposal on (i) the character and appearance of the area with particular regard to open space; (ii) highway safety by way of parking; and (iii) if there is harm, whether this is outweighed by the benefits of the proposal.

Reasons

Character and Appearance

6. The appeal site comprises a hardstanding car parking area and a modest sized area of informal open space. The car park is used by employees of an adjacent commercial premises, and buildings associated with this use bound this part of the site. To its frontage is a narrow strip of trees and vegetation, set between a security fence and a low wall. There are also some trees on the rear boundary. The open space area is demarcated from the car park by a security fence. It is a well maintained area of grassland with a number of trees, along with a bench. Its frontages onto both Gonerby Road and Orchard Close are open, and it is available for public use.
7. The area in the vicinity of the site consists of residential and commercial uses, together with a school. With the associated buildings and hardstanding areas, it is urban in character. The appearance is varied, including the larger industrial like buildings on the neighbouring commercial premises, and the semi-detached houses and bungalows which are found along Orchard Close. The open space area provides some visual relief in these surroundings and it contributes towards the local character and appearance. As it is at the corner of Gonerby Road and Orchard Close, it is also a locally prominent feature.
8. The existing car park forms part of a locally important employment site under Policy E4 of the Council's South Kesteven District Council Local Plan 2011 – 2036 (2020) (Local Plan) and is identified on the Policies Map as such. The open space area does not fall within this designation and it is not identified specifically by the Local Plan. Policy OS1 of the Local Plan however protects all existing open space.
9. The proposal would involve the partial loss of the open space area as it would contain a vehicular egress route from the proposed car park that would be associated with the retail unit. It would result in the loss of some of the trees and grassland. The area would thus be reduced in size and also be the subject of traffic movements as vehicles would pass through this area up to the proposed access point onto Orchard Close. The footway along Orchard Close would also be diverted into the site to take account of this new access. This would add to the partial loss of the open space.
10. With the reduction of the open space that would result and the addition of vehicular movements, this would lessen its function in providing a green buffer in these surroundings. Accordingly, both its appreciation within the area and its positive contribution to the local character would be reduced. The part of the open space that would be lost to the proposal would take on more of an urban character and in contrast to its somewhat existing verdant form. No mitigation is proposed in the open space area itself.

11. With the partial loss of the open space, there would not be an overall benefit to the character and appearance by the proposal when the construction of the new retail unit is also considered. The existing car park area is well screened from the road and so its form does not appreciably detract from the local character to the extent that would result from the partial loss of the open space. In any event, the area to the front of the proposed retail unit would also be used as car parking and the areas that would be available for landscaping would be similar to that which is already found on this part of the site.
12. This adverse effect would be tempered to a degree because of the open space that would remain, in particular as this would be on its most prominent part, nearest the Gonerby Road and Orchard Close junction. This includes the trees which most pleasingly contribute to the character, grassland and the bench. The area would still be accessible to members of the public. The Council's Tree Officer did not object to the planning application as regards the loss of trees, although this seems more likely to relate to the value of the trees as specimens, rather than character and appearance. Nevertheless, as harm would arise with the loss of character and appearance and as the open space is an aspect of this character, it cannot be said to be protected by the proposal.
13. Any recreational merit the open space area has is informal and related to its character and appearance. As I have set out, both the bench and public access would be retained in the remaining area. As I already find conflict with Policy OS1 over the loss of the open space, this does not take my deliberations further.
14. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area with particular regard to open space. As such, it would not comply with Policies DE1 and OS1 of the Local Plan where they concern high quality design, local distinctiveness and retaining important features and the protection of all existing open spaces. It would also conflict with Section 12 of the Framework where it sets out that decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
15. I do not though find conflict with Policy E4. The harm that I have identified in character and appearance terms centres on the open space area. As this area is not identified within the designation under Policy E4, the proposal does not fall foul of this policy.
16. The harm that would arise attracts moderate weight. This is due to the loss of the open space area being partial and as the part that would be retained would continue to contribute favourably to the character and appearance of the area.

Highway Safety

17. The B1174 Gonerby Road links Grantham town centre to the A1, north of the town. The stretch outside of the site is subject to a 30 miles per hour (mph) speed limit. Immediately to the south, there is an advisory 20 mph speed limit which relates to a school and which is also the subject to a Traffic Regulation Order (TRO) with zig zags. There is also a parking restriction by way of a bus stop outside of the site. Otherwise, there are not parking restrictions in the vicinity of the site. A footway and cycleway run adjacent to the site frontage on Gonerby Road, with a footway next to the Orchard Close frontage.

18. The proposed retail unit would be served by 21 parking bays. The appellant has provided details of the predicted parking demand and which utilises parameters from similar retail stores. This shows that even at the busiest time, there would still be 10 parking bays available. There is no substantive evidence to the contrary. The proposed car parking area would be positioned towards the front of the site and readily accessed from Gonerby Road. It would therefore be less convenient to park on the road, than it would be to use the car park. Hence, it would be unlikely there would be either a lack of parking availability or that convenience would lead to unacceptable levels of on-street parking.
19. Clearly at times of day when children are being dropped off or picked up for school, there will be more parked cars in the vicinity of the school. The Highway Authority has also submitted photographic evidence of vehicles parked in the vicinity of the site and no doubt the TRO has displaced parking into the wider area. However, as the proposal would have its own off-street parking area that would likely have spare capacity at all times, it would be unlikely to further contribute to these issues. In addition, a proposal is to address its own parking demand and not solve existing parking issues in an area.
20. My attention has been drawn to on-street parking issues related to a retail unit in Grantham and the steps that the Highway Authority have had to take to address this matter. With the parking for the appeal proposal being provided to the front of the store that would limit the potential for on-street car parking, this would also lessen the likelihood that the Highway Authority would have to take future action. As a consequence, this does not alter my conclusion on this issue.
21. The current parking on the site would be relocated within the larger commercial use site, with an upgraded separate access off Gonerby Road. It has been asserted that the basis of its current use is on shift patterns and as such the proposal would likely be less intensely used as regards parking because the vehicular movements would be more spaced out across its hours of opening. At the time of my visit, the current parking area was well used and this appeared to be at a greater level than is predicted for the proposal.
22. The proposal would also include a dedicated service bay for deliveries and so it is not apparent why the proposal in itself would result in Heavy Goods Vehicles parking on the road. The retail unit is of a moderate size and so it would be unlikely to generate a great deal of large vehicular movements. In any event, the appellant is agreeable to deliveries taking place outside of the usual school dropping off and picking up times.
23. As it would be unlikely that the proposal would reasonably result in undue on-street parking, it would not result in restricted visibility at crossing points and junctions in the area for pedestrians, cyclists or other road users that would raise safety fears. There is also no compelling evidence that the predicted trip generation would raise a cause for concern on such a road, where accidents are reported to be low. Nor do I find there would be conflict with large commercial and employment uses in the broader area and their associated vehicles. An adjoining access into the neighbouring use would also be part of the upgraded access to the site, while other such uses are too distant to have a discernible impact.
24. I conclude that the proposal would not have an unacceptable effect on highway safety by way of parking. Therefore, it would comply with Policy ID2 of the Local

Plan where it sets out that new developments should not severely impact on the safety and movement of traffic on the highway network or that any such impacts can be mitigated through appropriate improvements, including the provision of new or improved highway infrastructure.

25. The proposal would also comply with paragraph 116 of the Framework as this is not a situation where it should fail due to 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.
26. While the Council's reason for refusal on highway matters does not include Policy E4, it has referred to this policy in relation to highways and parking. The proposal would not impact unacceptably on the local and/or strategic highway network and its scale in this regard would not harm the amenities of the locality. As a result, it would comply with this policy.

Benefits

27. The appellant has set out that the proposal, when operational, would generate up to 12 new job opportunities (8 full time, 4 part time). There would also be construction related jobs. This would assist in terms of employment, skills and the need to support economic growth. This is supported by the Framework in relation to economic and social benefits. It would also have the benefit of providing further services for local people for their day to day needs as it is intended that the retail store would be occupied by a convenience operator, who has been identified. It would also be readily accessible from the nearest residential areas on foot, notwithstanding it would clearly also be aiming to attract roadside trade. These economic and social benefits attract significant weight in my decision.
28. The existing car parking area and the open space area are clearly delineated so that the parking area can be deemed to be previously developed land. As the proposal would in part make use of such land, it would also attract support from the Framework in relation to making an effective use of the land. The Framework also gives substantial weight to the value of using suitable brownfield land within settlements for identified needs, which I consider has been met in this case given that an occupier has been identified. As it is geared to local and passing trade, it would not unacceptably affect the town centre, while other such uses in out of centre locations are not afforded protection through the planning system from competing developments.
29. The Framework also considers that proposals on such land should be approved unless substantial harm would be caused. Where the harm arises in this case, it concerns the part of the site that is not previously developed land and, as I have set out, moderate harm would arise.

Other Matters

30. Noise can be ably controlled through conditions over opening and delivery times. The same applies regarding any future proposals for external plant and machinery, which can be the subject of a noise assessment and mitigation, as appropriate. As those details are not before me, it is not possible to know what such mitigation might be, whether this be acoustic fencing or otherwise, but that would be resolved at the discharge of condition stage. The proposed retail unit would be set at a

lower land level than the nearest neighbouring properties and it would be of no great scale as regards other effects on living conditions.

31. Issues over waste and vermin are matters for the appellant and/or the site operators, and there is not a particular reason why this would not be ably managed. While I note concerns about vehicles that would be used during construction damaging the road, as I have set out, the road provides a link to and from the A1 and so such vehicles already likely utilise this route, and in considering there are already existing commercial uses which are also likely to use such vehicles. Drainage matters can be ably addressed through the imposition of a planning condition.
32. There is not compelling evidence that the site holds particular ecological interest. As the application was made prior to April 2024, it is not subject to Biodiversity Net Gain under the small sites exemption. The potential for alternative uses on the site is not for my consideration, which concern solely the proposal which is the subject of the appeal.

Planning Balance

33. The benefits include the economic and social matters that arise from the generation of employment, skills and providing for day to day services for its users. The re-use of the car park as previously developed land is also a clear benefit. When taken together, the benefits attract substantial weight in my decision.
34. The harm arises from the effect on the character and appearance of the area related to the partial loss of the open space and the associated conflict with policy. It would amount to a conflict with the development plan as a whole, with the protection afforded to open space. Overall, the harm attracts moderate weight, when also considering the open space that would remain. All other matters attract neutral weight.
35. I thus find that the benefits would outweigh the harm and this supports the grant of planning permission. This is a case where there are material considerations that indicate that the proposal which is the subject of the appeal should be determined otherwise than in accordance with the development plan.

Conditions

36. In addition to the timescale for implementation, I have imposed a condition concerning the approved plans which show the proposal, for the purposes of certainty. A condition concerning the replacement car parking is imposed in the interests of highway safety. I have also imposed a condition that requires a construction management plan (CMP), in the interests of highway safety and protecting living conditions. A condition requiring surface and foul water drainage arrangements is imposed, in the interests of providing satisfactory drainage and minimising flood risk. A condition is also imposed requiring full levels details, to protect living conditions.
37. Conditions are imposed concerning materials and landscaping, in the interests of character and appearance. Conditions are imposed concerning land contamination, in the interest of protecting public health and concerning any lighting, in the interests of protecting living conditions. For the same reason, a condition is imposed for any external plant and machinery, which includes noise

matters. A tree protection condition is also applied, in the interests of the amenity value of the retained trees.

38. Conditions are imposed regarding the implementation of the parking, access and turning, the size of delivery vehicles and a car park management plan, in the interests of highway safety. For the same reason and to protect living conditions, a condition is imposed concerning delivery hours. Also, for the reason of protecting living conditions, conditions are imposed concerning a delivery management plan and the opening hours of the premises.
39. I have imposed pre-commencement conditions concerning the CMP, drainage details, the replacement car parking, levels and tree protection as these are matters that need to be attended pre-commencement to ensure a not unacceptable form of development, and so are reasonable and necessary. I have not imposed such conditions related to materials and landscaping, as these matters can be dealt with satisfactorily before development takes place above ground level. Where I have altered the wording of the remaining conditions put forward by the Council, I have done so in the interest of precision and without changing their overall meaning.

Conclusion

40. For the reasons set out above and having regard to all matters raised, the appeal should be allowed, subject to the conditions.

Darren Hendley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 1657-100(P) Revision D Site Location Information, 1657-102(P) Revision J Proposed Site Plan, 1657-103(P) Revision E Proposed Plan_Elevations_Roof Plan
- 3) No development hereby permitted shall commence on the existing car park until the proposed re-location of car parking as shown on drawing no. 1657_102(P) Revision J Proposed Site Plan shall have been demarked and set out and available for use and retained as such thereafter.
- 4) No development hereby permitted shall commence, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities and road cleaning arrangements;
 - v) measures to control the emission of dust and noise during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) hours of construction work, site opening times, hours of deliveries and removal of materials; and
 - viii) details of construction traffic routeing.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.
- 5) The development hereby permitted shall not commence until details of the means of surface and foul drainage have been submitted to and approved in writing by the local planning authority. The development shall not be first brought into use other than in accordance with the approved details and thereafter be retained.
- 6) Notwithstanding drawing no 1657-104(P) Proposed Site Section XX, no development hereby permitted shall commence until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 7) No development hereby permitted above ground level shall take place until samples of all external facing brickwork materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.
- 8) No development hereby permitted above ground level shall take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include i. planting plans; ii. written

specifications (including cultivation and other operations associated with plant and grass establishment); and, iii. schedules of plants, noting species, plant sizes and proposed numbers/densities.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 9) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 10) Prior to the installation of any external lighting on the development hereby permitted, full details including luminance levels and light spillage shall be submitted to and approved in writing by the Local Planning Authority. The lighting installation shall only be carried out in accordance with the approved details.
- 11) Prior to the installation of any external plant or machinery on the development hereby permitted, full details and specification including noise emissions and any noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The external plant or machinery installation shall only be carried out in accordance with the approved details.
- 12) No site clearance, preparatory work or development hereby permitted shall take place until a scheme including fencing for the protection of the retained trees has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

- 13) The development hereby permitted shall not be first brought into use until the vehicle parking spaces, access and turning areas have been provided in accordance with drawing no 1657-102(P) Revision J Proposed Site Plan and shall not be used for any purposes and shall be retained as such thereafter.

- 14) The development hereby permitted shall not be first brought into use until a delivery management plan has been submitted to and approved in writing by the local planning authority. The deliveries to the development shall thereafter be carried out in accordance with the approved details.
- 15) Deliveries to the development hereby permitted shall be limited to no more than a 12m rigid truck as has been assessed in the Transport Statement (Report No 22223-001) January 2024.
- 16) Deliveries shall be taken at the site only between the hours of 09.30 to 15.00 and 16.00 to 18.00 on Mondays to Saturdays, and not at any time on Sundays or on Bank or Public Holidays.
- 17) The premises shall only be open for customers between the hours of 0700 to 2200 Mondays to Sundays.
- 18) The development hereby permitted shall not be first brought into use until a car park management plan has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.