



Appeal Decision

Site visit made on 4 August 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/Q3060/W/25/3363438

Land North East of 255 Sneinton Dale, Sneinton, Nottingham NG3 7DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mohammad Khan against the decision of Nottingham City Council.
 - The application Ref is 24/01599/PFUL3.
 - The development proposed is change of use of land to storage and sale of cars.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. From the evidence before me and my site visit observations, it is clear that the change of use has occurred, so I am considering this appeal retrospectively.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the surrounding area;
 - the living conditions of nearby residents, with particular reference to noise, disturbance, and exhaust fumes; and
 - Biodiversity and the protected tree.

Reasons

Character and appearance

4. The appeal site was previously a large area of vacant land and historically was in residential use. The site is bounded to the side and rear by residential dwellings. The immediate area is entirely residential. There are examples nearby of larger commercial uses that integrate with residential dwellings, such as the nearby pharmacy, and a short walk from the site is a local centre. The nearby mini roundabout junction provides a clear transition between that area and the residential area.
5. Prior to the use commencing, the site was largely covered in overgrown grass, presenting a not publicly accessible or formally designated open green space area. Approximately 40 cars at a time would be stored, and a small sales office and visitor car parking is proposed. The site now has a commercial appearance with the introduction of a large number of vehicles parked within the site. Whilst the extent of built form would be very limited, the number of cars stored covers a large amount

of the land. The use of the land for storage and the sale of cars appears incongruous in this residential area. Thus, the proposal fails to respect or enhance the streetscape.

6. The appellant highlights that the previously overgrown nature of the site also made a negative visual contribution to the area. Allowing land to become overgrown would not represent justification to allow such development. In any event, the Council has powers to serve the owner notice if it appears that the amenity of the area is adversely affected by the condition of the land.
7. Conditions have been suggested to manage the number of cars that could be stationed at the site at any one time and a landscaping plan. I am not satisfied that these conditions would adequately overcome the harm identified above. Furthermore, it would be difficult to enforce a condition relating to the number of cars.
8. As highlighted, the introduction of a housing development would introduce built development, but the principle of such a development would be in keeping with the area. In any event, my role is to determine the appeal based on the planning merits and impacts of the proposed development before me.
9. For the reasons given above, the proposal has a harmful effect on the character and appearance of the surrounding area. Consequently, it conflicts with Policy 10 of the Greater Nottingham Aligned Core Strategies: Part 1 Local Plan (2014) (ACS) and Policies DE1 and DE2 of the Nottingham City Land and Planning Policies Development Plan Document: Local Plan Part 2 (2020) (LAPP). These seek, amongst other things, to ensure development respects and enhances the streetscape.

Living conditions

10. There are numerous dwellings abutting the site's side and rear boundaries. There are also dwellings on the opposite side of Sneinton Dale. Therefore, there are a large number of residential windows that face onto the site and main private amenity spaces that adjoin the site.
11. The use would generate noise and disturbance, for example through comings and goings, engine noise, exhaust fumes and music from vehicles. Local residents have also highlighted noise and disturbance has occurred since the change of use, and have provided photographs. This includes from vehicle alarms, vehicles being repaired, transporters arriving late at night to deliver vehicles, vehicle headlights as well as highlighting the poor condition of the site with parts associated with the use being stored.
12. There is a baseline of noise due to the level of traffic along Sneinton Dale. Having said that, most of the dwellings that adjoin the site are set back from Sneinton Dale so the level of background noise they experience is less. At the time of my site visit there were no commercial uses in the wider area generating noise that was audible from the appeal site and the site was closed so there was also no noise or disturbance occurring from the use. Nevertheless, I acknowledge my site visit was a snapshot in time.
13. The appellant states that the noise would be likely to fall below the World Health Organisation recommended levels. However, that has not been supported through

an appropriate noise assessment carried out and reported in accordance with current authoritative guidance, British Standards and best practice by a competent person, as set out in the supporting text of Policy IN2 of the LAPP. The appellant has not provided any robust evidence to adequately demonstrate that the development is compatible with the area which is paramount given that the immediate area is entirely residential, and there are many dwellings which adjoin the site.

14. Based on the evidence submitted and given the number of dwellings that are adjacent to the site, the residential nature of the immediate streetscene, and the previous uses of the site, the proposal does not provide a satisfactory level of amenity for neighbouring properties. I am not persuaded that the noise and disturbance generated by the use is compatible within its residential context.
15. The suggested landscaping plan condition could provide a buffer. A planning condition could be attached to ensure that the hours of operation would not be within unsociable periods and a noise management plan (NMP). However, based on the evidence submitted, I am not satisfied that such conditions would adequately address the harm identified above.
16. The appellant highlights that the site does not fall within an Air Quality Management Area and the movement of vehicles to and from the site would not result in significant levels of emissions. They also highlight that a NMP could ensure that engine idling is restricted on site. Nonetheless, given the proximity to dwellings, exhaust fumes add to the disturbance the proposal has on the residential area.
17. For the reasons given above, the proposal has an unacceptable effect on the living conditions of nearby residents, with particular reference to noise, disturbance, and exhaust fumes. Consequently, it conflicts with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP. These seek, amongst other things, to ensure a satisfactory level of amenity would be provided for occupiers of neighbouring properties.

Biodiversity and protected tree

18. It appears that the site has been cleared of the vegetation that had grown as a result of the site's long-term vacant condition. Therefore, the Council set out that, based on the evidence submitted and date the application was submitted, the pre-development biodiversity value should be assessed/ estimated. The appellant states that the site was of limited, if any, ecological value, and even if the scheme must contribute towards Biodiversity Net Gain (BNG), this would not be in any significant way.
19. A BNG report has been provided which suggests that the development would be subject to the de minimis exemption and sets out recommendations. Based on the evidence submitted and given the long-term vacant condition of the site which comprised overgrown vegetation, I am not satisfied that the BNG report adequately considers the baseline biodiversity value of the site prior to the change of use taking place. Thus, I am not persuaded that the report represents a competent survey that accurately establishes a robust baseline.
20. It would not be appropriate to seek to address this issue by planning condition until the appellant has adequately considered the pre-development biodiversity value. Therefore, bearing in mind the precautionary principle, there is an absence of

robust evidence to demonstrate that the change of use is subject to the de minimis exemption, or if not then an overall net gain in biodiversity could be achieved at the site, and that the change of use increases biodiversity.

21. To the front of the site is a large, mature tree, protected by a Tree Preservation Order (TPO). The tree positively contributes to the character and appearance of the area. The TPO tree is not shown on the plans. I am satisfied that a planning condition would ensure that the TPO tree is protected whilst the use is in operation.
22. For the reasons given above, whilst the proposal has an acceptable effect on the TPO tree it has an unacceptable effect on biodiversity. Consequently, the proposal complies with Policy EN7 of the LAPP which seeks to retain and protect high value trees. However, it conflicts with Policy 17 of the ACS and Policy EN6 of the LAPP. These seek, amongst other things, to increase biodiversity, and where possible development will be expected to protect and promote biodiversity.

Other Matters

23. The development provides economic benefits. The construction of the sales office and the business would create jobs, which could increase local expenditure. Nevertheless, the number of jobs created would be small given the size of the development and nature of the proposal. Taking into account paragraph 85 of the Framework and the strategic ambition of the Government, I give the economic benefits of the proposal very limited weight.
24. A petition has been provided showing a number of residents are in favour of the development which re-uses a redundant site, and highlights that the land for a long time has been badly maintained, overgrown, and used for fly tipping which has led to rodents. Such matters do not outweigh the conflict I have found, and as already stated the Council have powers to address these concerns, where they see appropriate.

Conclusion

25. Although the proposal has an acceptable effect on the TPO tree and provides some benefits, it gives rise to significant conflict with the requirements of the development plan relating to character and appearance, amenity, and biodiversity. As such, the proposal conflicts with the development plan as a whole.
26. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR