



Appeal Decision

Site visit made on 24 September 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2025

Appeal Ref: APP/Y0435/W/25/3366076

4 Osier Way, Olney, Milton Keynes MK46 5FP

- 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 T Northey on behalf of Abbeymill Homes and Stoic Roofing and Construction against the decision of Milton Keynes Council.
 - The application Ref is PLN/2024/2138.
 - The development proposed is amendment to car park layout permitted under 22/02012/FUL to include provision of a fenced compound area
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Milton Keynes Council against Mr T Northey on behalf of Abbeymill Homes and Stoic Roofing. This application is the subject of a separate decision

Preliminary Matters

3. The appellant submitted amended plans and a report with the appeal¹. The changes include a re-configured layout, with fencing moved, the moving of the opening to the compound which means pedestrian and vehicular access is from the car park, landscaping and a report containing drainage information which is based on the amended scheme. The appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which people's views were sought. While the Council have seen sight of the amended plans as part of this appeal, they have not had the opportunity to formally comment or consult on the amended plans prior to the appeal being lodged and significant changes to the appeal scheme are proposed. For that reason, I consider that the Council, along with any interested parties, would be prejudiced if I determined the appeal on the basis of the amended plans. Accordingly, I have determined this appeal based on the plans originally submitted with the planning application, on which the Council made its decision.
4. At the time of my site visit, I saw that the development had commenced, and I have dealt with the appeal on that basis.

¹ Site Plan OSW-PL100B
Elevations OSW-PL200A
Plan OSW-PL300A
Compound & Rear Car Park Soft Landscaping Details ART237.02.0
Concrete Slab Surface Water Assessment / Drainage Report 22/49638 01

Main Issues

5. The main issues are the effect of the proposed development on:

- highway safety,
- the character and appearance of the area,
- flooding, and
- biodiversity.

Reasons

Highway safety

6. The appeal site relates to a small car park that serves an office building and a small section to the rear of the car park that has been enclosed for use as a storage compound for materials.
7. The compound would be accessed from the highway with the gates opening directly into it. There is no dedicated space for loading and unloading which would mean that vehicles would need park on the highway which has parking restrictions. This could cause an obstruction to other road users, particularly due to residential dwellings and business that are close by meaning that the road is well used.
8. There is also no dropped kerb which could result in damage over time through vehicles manoeuvring and potentially seeking to park close to the gate and on the kerb and footway. This could also cause an impediment for users of the footway. There is also potential for vehicles to use the entrance of the car park to manoeuvre which could cause further conflict with users of the car park.
9. I therefore conclude that the proposed development would harm highway safety. It would conflict with Policy CT2 of the Plan:MK 2016-2031 (Plan:MK) and Paragraph 115 of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure that development provides safe, suitable and convenient access for all potential users.

Character and appearance

10. The appeal site is located on the entrance to a residential housing estate with a cluster of business located within proximity. The appeal site is located on the edge of the businesses which then transitions to the residential estate which is generally linear with pockets of open space and wide, vegetated borders.
11. The appeal site is small, but it is surrounded by tall, wooden fencing which is located close to the road. There is no screening of the proposal and as a result it is stark and stands out in the street scene. I note that similar fencing is used elsewhere, however, in other areas it has a functional appearance in connection with other uses and development. This differs from the stark appearance of the proposed development which stands out in the street scene as an unexpected feature.

12. I note that it is proposed to use landscaping to try and soften the appearance of the development. However, very little details are before me to demonstrate this and in any case, due the height of the fencing and closeness to the road and car park, I am not convinced that there would be sufficient space in order to sufficiently screen the development.
13. I therefore conclude that the proposed development would harm the character and appearance of the area. It would be contrary to Policies D1 and D2 of Plan:MK and Policy ONP12 of the Olney Neighbourhood Plan 2016 to 2031 (NP). Amongst other things, these seek to ensure that development response appropriately to the site and surrounding context, exhibit a positive character or sense of place and is well designed.

Flooding

14. The development has not been supported by a drainage strategy. The development has replaced an area of soft landscaping with a concrete base which means that surface water is being discharged to areas around the development. There is a road on one side and a watercourse on the other side of the which means that surface water has the potential to be discharged into these areas without any mitigation.
15. I therefore conclude that the proposed development would not be safe from flooding. It would be contrary to Policies FR2 and FR3 of the Plan:MK and ONP12 of the NP. Amongst other things, these seek the management of surface water run off and the protection of watercourses.

Biodiversity

16. The development is located close to a watercourse which could mean that surface water runoff, which would be untreated and could possibly be polluted flowing into the watercourse. The application has been supported by limited information in relation to surface water run off and it has therefore not been demonstrated that the development would not harm aquatic flora and riparian fauna.
17. I therefore conclude that the proposed development would harm biodiversity and would conflict with Policies NE1 and NE2 of the Plan:MK and Policy ONP12 of the NP. Amongst other things, these seek to ensure that development will not have an effect on ecology and biodiversity assets and all reasonable possibilities for mitigation have been put in place.

Other Matters

18. I note that the appellant considers the Council has been unwilling to engage with the appellant during the consideration of the application, however, I am only in a position to consider the planning merits of the appeal.
19. I acknowledge the operational need of the development, which supports two business through storage of materials, however, this does not outweigh the harm I have identified.

Conclusion

20. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR