



Appeal Decision

Site visit made on 17 November 2025

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 December 2025

Appeal Ref: APP/E2530/W/25/3372567

Top Lock Meadows, Uffington Road, Stamford, PE9 3FF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr William Anderson of My Pad Ltd against the decision of South Kesteven District Council.
- The application Ref is S24/2026.
- The application sought planning permission for a residential development of 41 dwellings and associated works, without complying with conditions attached to planning permission Ref S17/2496, dated 26 July 2018.
- The conditions in dispute are:
- Condition 2, which states that: The development hereby permitted shall be carried out in accordance with the following list of approved plans: Site Plans and Sections: WM/SL/1 REV D, WM-SS-1 REV C, WM/EW/1 REV D, WM/RBS/1 REV A, WM/LP/01. House Types: WM/A1/1, WM/B1/1, WM/C1/1, WM/C1/2, WM/C2/1, WM/C2/2, WM/D1/1, WM/D1/2, WME1/1, WM/E1/2, M/E1/40/1, WM/E1/40/2, WM/F3/1, WM/F3/2, WM/F4/1, WM/F4/2, WM/F5/1, WM/F5/2, WM/G1/1, WM/G2/1, WM/G3/1, WM/G3/2, WM/G4/1, WM/G6/1, WM-H1-1 REV A, WM-H2-1 REV A, AF2 2B4P, AF2W 2B4P, AF3-3B6P, AFG1 1B2P, AFG2 1B2P, AF2 – PLOT 2-AF2, AF2W- PLOT 3 & 4-AF2W, AF3 – PLOTS 1 & 6-AF3, AFG1 – PLOT 5-AFG1, AFG2 – PLOT 7-AFG2, AFG3 – PLOT 13-AFG3, APARTMENTS 1B2P-2B3P - ELEVATIONS, APARTMENTS 1B2P-2B3P – FLOOR PLANS. Garages: WM/SG, WM/DG, WM/STG. Landscaping: URS 03C, URS 04, WM/BW/1 REV B. Details: WM/DET/01, WM/DET/02, WM/DET/03. Pond and Drainage: CARL100/219/P, CARL100/101L/P. Unless otherwise required by another condition of this permission. Reason: To define the permission and for the avoidance of doubt.
- Condition 16, which states that: The proposed development shall be implemented in strict accordance with the conclusions and recommendations contained in the submitted Noise Assessment. No dwellings shall be occupied until all of the noise mitigation measures have been implemented in accordance with the approved details and retained throughout the lifetime of the development. Reason: To ensure that the occupiers of the proposed dwellings are protected from any noise and disturbance resulting from the adjacent industrial land uses, in accordance with the requirements of Policy EN1 of the adopted Core Strategy.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made on behalf of My Pad Ltd against South Kesteven District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The development has been completed, and all the dwellings appear occupied. The application subject to this appeal sought to vary conditions 2 and 16 of the original planning permission. No objections were raised to the proposed variation of

condition 2, in so far as it related to the revised boundary treatment constructed along the Uffington Road frontage, or the revised retaining wall designs and ground levels of rear gardens along the southern boundary of the site.

4. However, the proposed variation to conditions 2 and 16, to permit the construction of a timber fence along the western boundary of the site, adjacent to Meadow View Business Park, in lieu of the 3m high wall recommended by the noise report subject to condition 16 and shown on approved plans listed at condition 2, was refused by the Council on the grounds of noise, and was subject to a high volume of objections from local residents, primarily relating to appearance.

Main Issues

5. Having regard to the concerns of the Council and residents, the main issues are the effect of varying conditions 2 and 16, on i) the living conditions of occupiers of the development, with particular regard to noise and disturbance from adjacent business premises; and ii) the appearance of the development.

Reasons

Noise

6. Reference is made to noise surveys conducted in 2014, 2015 and 2017. Whilst condition 16 does not specify which report the development must be undertaken in accordance with, it is logical to assume that the 2017 report, which reflects the date of the application, would have provided revised information and superseded any earlier reports. This assumption is supported by the fact that the 2015 Noise Report I have been provided with a copy of, relates to a different development on a smaller part of the site, with noise barriers being recommended in completely different locations to those referred to in the scheme before me.
7. I have been provided with a copy of site layout plan WM/SL/1 Rev C, although the approved plans listed in the decision notice refer to WM/SL/1 Rev D. It is proposed to delete the previously approved site layout drawing number and replace it with drawing number Stamford/SL-01 Rev A, which indicates a 1.8m high fence, set back behind planting. At present there is an approximately 2m high close boarded timber fence, which is not set back. Paragraph 11 of the appeal statement refers to this being replaced with a more substantial 2m high fence as shown on submitted drawing SD802, although this drawing actually shows a lower 1.8m high, board and batten fence. Drawing number WM/EW/1 Rev D external works and materials layout, is proposed to be replaced with WM/EW/1 Rev G. None of the plans before me clearly or precisely show the position of the various boundary treatments, which are obscured in part by the site boundary outline. The plans also appear to indicate new boundary treatment outside of the application site, and it is unclear if this is on land under the appellant's ownership or control.
8. The appeal site is adjacent to Meadow View Business Park, which comprises multiple units occupied by a mixture of uses and operators. I have not been provided with any planning history for the business park, setting out any restrictions in terms of the approved lawful uses of the units or their operating hours, and the submitted 2024 noise report does not appear to have been informed by this either. The noise report is largely based on assumptions of uses taking place in the units rather than facts of what does or could occur. It also suggests that there is no nighttime activity taking place on the business park, but I

have not been advised of any restrictions or conditions that are in place to prevent this happening. Moreover, correspondence from a local resident suggests that there is noise as late as 11pm and from 6:30am. The submitted survey covers only a 3-hour period between 10am and 1pm on a single day.

9. It was apparent from my visit that the units located closest to the new houses comprise a Thai boxing gym (use class E) (units 1 & 2), and a used car sales business (sui generis) (units 9 & 10), with an attached motor engineer (use class B2) (unit 8). There are car body and repair shops (use class B2) (units 4, 5 & 6), and the large industrial building (unit 7), located furthest from the new houses was occupied by an electrical contractor's store (use class B8) and an auction house (sui generis). According to the signage at the site entrance, unit 3 is currently vacant and I have not been provided with any details of its lawful use. I also noted signage to the front of the business park indicating that units are available to let. The use of these could therefore change in the near future.
10. I acknowledge that Class E uses are considered capable of being carried out in residential areas without causing detriment to amenity. The car sales business is also highly unlikely to generate any significant noise disturbance, given its modest scale and position adjacent to a busy main road, and due to it being sui generis, this could not change to another use without planning permission and is unlikely to operate late into the evening. However, there are also class B2 and B8 units present on the business park, which could potentially operate 24 hours a day, 7 days a week, as well as an auction house that I have not been provided with any details of, or been advised was hosting an event during the course of the submitted noise survey.
11. At the time of my visit, which took place between approximately 15:30 and 16:00, the main source of noise was road traffic, and there was no obvious noise from the business park. Whilst it is unclear how effective a 3m high wall would be in the position shown, given the significant entrance opening directly opposite the new houses, this does not alleviate the need to consider the potential indoor and outdoor uses, and potential operating hours of the business park, having regard to factual evidence and the potential worst-case scenario. Any revised boundary treatment should be based upon this.
12. As I have not been provided with a copy of the 2017 Noise Report, I am not aware of exactly what recommendations were made, and I have not been provided with any evidence as to which, if any, other noise mitigation measures have or have not been complied with. Whilst it is suggested that the houses would have been built to a standard which protects them from noise, I noted that those closest to the business park have opening windows facing it, which would reduce the effectiveness of double glazing in terms of achieving appropriate internal daytime and nighttime levels in the houses when windows are open.
13. The purpose of the noise mitigation condition is to protect occupiers of the new houses from adjacent commercial uses, taking into account changes that could occur during their lifetime. Even if the current occupiers of the business units are not causing any disturbance, based upon the limited evidence before me, I cannot be certain that would always be the case for the life of the business units and residential development. It is evident from the information before me that occupiers and uses of the units have changed since the development was first approved and as units are currently available to let, they may soon change again. Furthermore,

existing or future businesses would be at greater risk of noise nuisance complaints and constraints being imposed on their operation, without the appropriate mitigation measures being put in place.

14. I noted that there is only fencing and planting between the business park and the residential care home to the southwest, and the over 55's housing to the south, but I am not aware of the circumstances surrounding the approval of these other developments, of any conditions or compliance with them, or of any alternative measures that may have been taken to protect those residents from noise.
15. I therefore conclude that condition 16 is necessary to protect occupiers of the development from noise from the adjacent business park in accordance with policies DE1 and ENV4 of the South Kesteven District Council Local Plan 2011-2036 (January 2020) (the local plan) and paragraph 198 of the National Planning Policy Framework (the Framework). These policies require, amongst other things, that new development should not have an adverse impact on existing operations or residential amenity, and will only be permitted if any adverse impacts can be appropriately mitigated by measures included in the proposals. Policy 4 of the Stamford Neighbourhood Plan relates to development proposals for new business and employment sites and as such is not relevant to this residential development.

Appearance

16. The purpose of the plans condition is to ensure that the development is completed in accordance with the approved plans and specifications that were necessary to make it acceptable and policy compliant. Paragraph 140 of the Framework advocates conditions referring to plans and drawings which provide visual clarity about the design of the development and the approved materials, and states that approved development should not be materially diminished between permission and completion, as a result of changes being made to the permitted scheme and approved materials.
17. Based upon the drawings provided, which do not all correspond with those listed on the decision notice, the 6m wide access to the business park was to be retained, with a 1.8m high boundary wall extending a short distance to the north of it and a 3m high acoustic wall to the south of it, which would be set back from the footpath, and would only extend up to the rear boundary of the business park. The remainder of the boundary along the footpath edge up to the Wigmore Place entrance is not clearly specified on any drawings I have been provided with.
18. I agree with the views of local residents that the existing tall close boarded fence, sited hard up to the edge of the footpath, is not a high-quality finish for a prominent road fronting boundary. The condition and appearance of this, or an alternative fence, is likely to deteriorate quickly, whereas a wall constructed using high quality materials, is more likely to stand the test of time. Setting the wall back behind the footway, with planting in front of it as shown on the approved plans, would soften its appearance, which at 3m high would otherwise be visually dominant.
19. However, drawing number Stamford/SL-01 Rev A, indicates the replacement 1.8m high fence would be set back behind planting, which would be a slight improvement upon the existing situation provided the fence and landscaping were appropriately maintained. Although no planting details or future maintenance plan for the fence or planting have been submitted, this could be a requirement of any amended or additional condition. Subject to appropriate planting and maintenance

and taking into account the limited extent of the wall along the street frontage, the replacement of the wall and planting with an appropriate quality fence also set back behind planting, would result in an acceptable end appearance.

20. I therefore conclude that whilst a stone wall would be preferable to a timber fence, given its limited extent and subject to it being set back behind planting as shown, the fence would be acceptable and the 3m high stone wall labelled on drawings listed in condition 2 is not necessary to ensure an appropriate end appearance. In this respect I note that there is fencing on the other boundaries of the Business Park, which is set back from pavements and parking areas, and screened by planting. As such, the revised fence and planting would accord with policy DE1 of the local plan, and paragraph 135 of the Framework, which amongst other things seek to ensure new development will function well and add to the overall quality of the area over the lifetime of the development, will be visually attractive and effectively landscaped and create a high standard of amenity for future users.

Conclusion

21. The replacement of the approved wall with fencing set back behind landscaping would not result in significant harm to the appearance of the development subject to an appropriate landscaping and maintenance plan. However, it has not been effectively demonstrated that the 3m high acoustic wall is no longer necessary to mitigate noise and disturbance from existing and future uses of the business park on occupiers of the residential development.
22. For the reasons given above, I therefore conclude that the conditions should not be varied, and the appeal is dismissed.

R Bartlett

INSPECTOR