



Appeal Decision

Site visit made on 5 January 2026

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2026

Appeal Ref: APP/K3605/W/25/3375242

Land West of Horizon Business Village, 1 Brooklands Road, Weybridge KT13 0TJ

- 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 NW1 IOS 2 Unit Trust against the decision of Elmbridge Borough Council.
 - The application Ref is 2025/1211.
 - The development proposed is use of site for open storage (Use Class B8).
-

Decision

1. The appeal is allowed and planning permission is granted for use of site for open storage (Use Class B8) at Land West of Horizon Business Village, 1 Brooklands Road, Weybridge KT13 0TJ in accordance with the terms of the application, Ref 2025/1211, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the description of development from the appeal form as an amended description of development was agreed during the application process.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers with respect to noise and disturbance.

Reasons

4. The application was accompanied by a Noise Impact Assessment (NIA) dated April 2025. This states that it has been carried out in accordance with BS 4142:2014+A1:2019 methods for rating and assessing industrial and commercial sound. This concluded that adverse noise impacts are unlikely to occur as a result of the proposed development and recommended noise emission limits for any new plant or equipment that may subsequently be installed at the site.
5. The Environmental Health Officer reviewed the assessment. While disagreeing with a different assessment method being used for the property immediately adjacent to the site access, they did not raise any specific concern with the method or conclusions of the NIA. Nor has the Council identified any specific areas of concern or provided any technical evidence to rebut the NIA. I do not have any reason to consider that the NIA has not been carried out in accordance with the appropriate methodology or to disagree with its findings.
6. Concern has been raised that the night time assessment period extends until 11pm in the evening. However, the appellant has reiterated they would agree to conditions controlling the hours that the site could be open and the site serviced by

HGVs. I will return to this however it is a matter which could be controlled by condition.

7. The proposal would have an acceptable effect on the living conditions of neighbouring occupiers with respect to noise and disturbance. It would therefore be in accordance with Elmbridge Local Plan Development Management Plan (2015) (DMP) Policy DM5 which requires development to incorporate measures to mitigate the effects on existing residents.
8. The reason for refusal also referred to DMP Policy DM2. However in relation to amenity, it specifically refers to outlook, daylight, sunlight and privacy. It therefore would not be of direct relevance to the reason for refusal.

Other Matters

9. It is not in dispute between the main parties that the site has a history of open storage uses and is a non-strategic employment site. The proposed development would therefore not reflect a significant change to the character and appearance of the area. I have no reason to believe the use would have an adverse effect on the operation of surrounding commercial uses.
10. There is no substantive evidence that the traffic generated by the proposal would adversely affect the safe operation of the public highway or affect emergency service response times. The submitted swept paths show that vehicles larger than 7.5T would not be able to pass each other, and it would be challenging for 7.5T vehicles to pass on the topmost bend on the site. However, it is not uncommon for large vehicles to have to wait, or other vehicles wait for them. Visibility of other vehicles along the access road is good across the car park, and I am satisfied there would be appropriate access arrangements to the site.
11. There is no substantive evidence before me that the proposal would result in vehicle movements that would damage the highway. It is not within the remit of the planning system to restrict vehicle use of the public highway. Decisions whether to impose and subsequently enforce any traffic regulation orders restricting vehicle movements are controlled by other legislation. Roadworks are an inevitable part of maintaining infrastructure and would not affect my assessment of the proposal.
12. The Environmental Health Officer expressed no concerns with the Air Quality Assessment submitted with the proposal. I have no reason to consider that it has not been carried out appropriately. I am therefore satisfied the proposal would have an acceptable effect on air quality. The Council did not raise any concerns with respect to vibration and I have no reason to consider there would be an adverse effect arising from the level of vehicle movements that would be generated by the site. A Vehicle Operating Licence operates independently of the planning system.
13. There is no requirement for consultation to be carried out with surrounding occupiers prior to the submission of an application for planning permission of this nature. There is no substantive evidence the proposal would lead to an increase in crime and disorder. The site is hardstanding and so would be of limited use for wildlife.
14. This proposal is to be assessed on its own merits and not in comparison to other alternatives that may exist. Previous choices by the landowner, or decisions

outside of those matters that fall within the control of the planning system would not affect my assessment of the proposal. Any breach of planning controls in the future would be a matter for the Council. The Council has powers available to it to decline to determine repeat applications.

Conditions

15. The Council has suggested several conditions should the appeal be allowed. I have had regard to these in light of the advice contained within paragraph 57 of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG). I have made minor amendments to some in the interests of clarity. I have imposed standard conditions relating to the commencement of development and approved plans to define the terms of the permission.
16. Given the use of the site is only acceptable on the basis of the submitted assessments with respect to noise and disturbance, it is reasonable to restrict the use of the site to open storage only, as other uses within use class B8 would have the potential to have a different impact to that assessed.
17. In the interests of the living conditions of surrounding occupiers, it is reasonable and necessary to control the hours of operation from the site, delivery hours, levels of noise emanating from it and to ensure there is not obtrusive light. I have amended the lighting scheme condition to also control the hours the lights would be in use and amended the noise levels condition to reflect the hours the site would be in use. Control over lighting would also be necessary in the interests of enhancing biodiversity.
18. It is reasonable and necessary in the interests of the character and appearance of the area to limit the height of open storage to 4.5m. Given the level of flood risk on the site it is necessary for there to be a flood evacuation plan.
19. It is reasonable and necessary in the interests of highway safety and sustainable transport to require the parking and turning facilities to be provided and retained. However, there is no detail as to where and why banksmen would be required so this would not be reasonable. Nor would it be enforceable to require vehicles to use specified routes or to prevent vehicles parking on the public highway or land not within the appellant's control. While the access road is identified within the red line, it is not necessary to impose a condition regarding parking on this as it is not likely that vehicles would be permitted to block the access road to the site. Consequently, these aspects of a Delivery and Service Management Plan would fail to meet the tests in the Framework.

Conclusion

20. For the reasons given above, the appeal should be allowed.

Jennifer Wallace

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 7203-3 Rev D (Location Plan), 7203-6 Rev A (Existing Elevations) and 7203-4 Rev F (Proposed Site Plan).
- 3) The application site shall be used for open storage only within Class B8 and for no other purpose (including any other purpose in Class B8 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that order with or without modification) without express planning permission.
- 4) Notwithstanding the annotations on the approved plans, the development hereby approved shall not be first occupied until space has been laid out within the site in accordance with the approved plans for vehicles / cycles to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / loading and unloading / turning areas shall be retained and maintained for their designated purposes.
- 5) The site shall not be open for use during the hours of 8pm to 6am Monday to Saturday and 6pm to 9am Sundays and Bank Holidays.
- 6) Heavy Goods Vehicle movements to and from the site in relation to the development hereby permitted shall not take place outside the hours of 7am - 7pm Monday to Saturday, 10am - 4pm on Sundays and Bank Holidays.
- 7) Any fixed plant or machinery on site shall not exceed the calculated noise limit of 50LAr,Tr (6am to 8pm Monday to Saturday and 9am to 6pm Sundays and Bank Holidays) and 48LAr,Tr(8pm to 6am Monday to Saturday and 6pm to 9am Sundays and Bank Holidays), as measured and detailed in Noise Impact Assessment April 2025, Document No: 307-SVA-RPT01-00 dated 17/04/2025. The fixed plant or machinery shall be operated and maintained in accordance with the approved details for its lifetime.
- 8) Before the site is brought into use, details of a scheme for any external lighting shall be submitted to and approved in writing by the Local Planning Authority.

The lighting scheme shall refer to national guidance and identify the type of lighting to be installed, height of columns, any shielding and lux mapping showing light spillage level received at ground level. Details shall also include the design and appearance of fixtures including columns, casings and brackets as applicable.

The lighting scheme shall identify how the installation of any new external lighting is orientated and shielded or otherwise designed and positioned, such that the light from them does not cause light nuisance to residential properties in the near vicinity. It shall also specify the hours during which the lights shall be in use.

It shall also include details on how the lighting scheme would not adversely impact commuting or foraging bats. It will set how the External Lighting

Scheme aligns with good practice guidelines such as Bats and Artificial Lighting (Guidance Note 08/23) and shall include technical sign off from an ecologist.

The development shall be carried out and maintained in accordance with the approved plan and details thereafter.

- 9) The height of open storage shall not exceed 4.5m when measured from ground level.
- 10) Prior to occupation of the development hereby permitted, a flood evacuation plan, including an escape/egress route, shall be submitted to, and approved in writing by, the Local Planning Authority.