



## Appeal Decision

Site visit made on 20 January 2026

by **F P Tinsley MA (Hons) MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2026

**Appeal Ref: APP/Z2505/W/25/3373902**

**The Firs Luxury Retreat, West End Road, Wyberton, Boston, Lincolnshire  
PE21 7LL**

- 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 Arundell against the decision of the Boston Borough Council.
- The application reference is Ref: B/25/0311
- The application sought planning permission for 'Application under s73 for the variation of Conditions C2 (Approved Plans), C7 (Lodge details), C8 (Flood Warning & Evacuation Plan), C10 (On-Site Foul Water Drainage), C11 (Surface Water Drainage), C12 (Construction Environment Management Plan), C13 (Landscaping Works), C14 (Landscape Management Plan), C15 (Preliminary Ecological Appraisal and Habitats Regulations Assessment), C18 (EV Charging Points), C21 (Provision of a Wall) & C22 (Waste Management) of permission B/21/0077 at The Firs Luxury Retreat, West End Road, Wyberton, Boston, Lincolnshire PE21 7LL without complying with Condition No15 of Ref: B/24/0173, dated 18 July 2025
- The condition in dispute is No 15 which states "In accordance with the recommendation outlined in the approved Noise Assessment prepared by Environmental Noise Solutions, 14/01/2021 (ref: NIA/9537/21/9533/v1/The Firs, Boston) forming part of approved application B/21/0077, a 2 metre high Acoustic Fence shall be erected along the southern boundary of the site as shown in approved drawing 'Landscape Masterplan Rev E 1:500'. The site shall not be used until such time as the fence is in place and shall be retained thereafter."
- The reason given for the condition is "In the interests of the residential amenities of neighbouring residents in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019."
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. In the banner heading above I have repeated the description of development detailed on the decision notice for planning permission Ref: B/24/0173. This was itself an application under section 73 of the Town and Country Planning Act 1990 to vary conditions on permission reference Ref: B/21/0077. Notwithstanding the description of development used on the decision notice, there are no powers under section 73 to alter the operative part of the development. Therefore, the original act of development remains common to Ref: B/21/0077, Ref: B/24/0173 as well as the scheme before me. Namely, the siting of up to 15 lodges with amenity space,

landscaping, and internal road network, parking areas and associated infrastructure. I have made my determination on that basis.

3. On my site visit I was able to establish that the development for which planning permission is sought without compliance with Condition 15 has commenced and is in use as a holiday park without installation of the acoustic fence along the southern boundary of the site as required by Condition 15. There are currently 7 lodges on site positioned in an arrangement consistent with that permitted under Ref: B/24/0173 which showed 9 lodges on the approved drawings. I have considered the proposals under the provisions of section 73 of the Town and Country Planning Act 1990 (as amended). I have considered the proposals under the provisions of section 73 of the Town and Country Planning Act 1990 (as amended).
4. This appeal only relates to the requirement to install an acoustic fence along the southern boundary of the site. Condition 15 does not include a requirement to install an acoustic fence along the northern boundary, albeit that may be covered by other conditions. However, this is not a matter for determination in this appeal.

### **Background and Main Issues**

5. The main issues in this appeal are:
  - whether the acoustic fencing on the southern boundary is necessary to protect the living conditions of the adjacent residential occupants having regard to noise.
  - the effect of the omission of the acoustic fencing on the character of the area.

### **Reasons**

#### *Living Conditions*

6. Policy 30 of the South East Lincolnshire Local Plan (adopted 2019) (the Local Plan) states, amongst other things, that development proposals will not be permitted where they lead to unacceptable adverse impact upon the amenities of the area and noise. Policies 2 and 3 of the Local Plan also refer to the relationship between new and existing development, and the consideration of residential amenity as part of securing high quality design. This approach is consistent with paragraph 198 of the National Planning Policy Framework which states, amongst other things, that planning decisions should mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development.
7. It is clear from the planning history that an acoustic fence along the southern boundary formed part of the noise mitigation deemed necessary for the proposed siting of up to 15 holiday lodges. This was predicated on the technical noise evidence provided by the appellant as part of planning reference B/21/0077. Both physical barrier (acoustic fencing) and management systems were recommended to limit adverse noise effects emanating from occupants of the holiday park to nearby residents. These measures were made the subject of planning conditions, and similar conditions were imposed on the subsequent permission (Ref: B/24/0173).
8. Having regard to the southern boundary, the main potential for adverse impact relates to the residential property to the south. This is a large dwelling with a

substantial rear garden adjoining the appeal site. The boundary comprises a hedge offering some visual screening but is likely to provide limited acoustic defence. The holiday park entrance, a significant section of the site access road, and one of the lodges are located close to this boundary, with the lodge incorporating outdoor areas that could accommodate noise generating activity by guests. It is foreseeable that this could comprise sporadic or intermittent noise-generating activities from guests socialising whilst on holiday. The nature of such noise would generally be particularly annoying for nearby residents. Moreover, such activity would be likely to coincide with times of good weather and or recreational periods when the adjacent residents would also be seeking to enjoy their garden.

9. This concern is one identified by the Council's Environmental Health Officer (EHO). Whilst they acknowledge that day to day operation of the holiday park is unlikely to generate adverse noise impacts, they highlight the potential for sporadic or intermittent noise generating activities, or particularly noisy guests. Given their particular expertise, I attribute significant weight to this professional judgement.
10. The appellant relies upon a Baseline and Operational Noise Survey, undertaken over a three-day period in 2024, which concluded that no mitigation was necessary to protect noise sensitive receptors from the routine operation of the holiday park. Nevertheless, it is not clear from this evidence what level of occupation the lodges had during this time. In any event, it is a too short a period to adequately reflect the nature of noise from occupants over an extended holiday season. Moreover, although reference is made to fewer lodges at the site, this is not guaranteed and the description of development cannot have changed since Ref: B/21/0077. For these reasons, the subsequent noise survey garners less weight than the original Noise Assessment.
11. My concerns are reinforced by representations received from the occupier of the southern property who has described instances of noise and disturbance arising from activity within the holiday park. The nature of these incidents is consistent with intermittent or sporadic noise generating behaviour. This indicates that the current arrangement has resulted in some degree of harm to their living conditions. I am satisfied that that the additional physical barrier provided by acoustic fencing would be likely to mitigate such effects.
12. In light of the evidence before me, I am satisfied that retention of the disputed condition is both reasonable and necessary to address the potential for intermittent and disruptive noise arising from the operation of the holiday park. I conclude that the condition requiring installation of acoustic fencing along the southern boundary is necessary to safeguard the living conditions of the occupiers of the adjacent dwelling to the south. In its absence, the development would fail to comply with Policies 2, 3 and 30 of the Local Plan.

### *Character*

13. The Council consider that the absence of the acoustic fence along the southern boundary would give rise to a noise environment that would be detrimental to the peaceful character of the area.
14. The holiday park and the surrounding residential development contribute to a mixed character which is not wholly rural and incorporates a variety of built forms and activity. The installation of acoustic fencing would reduce, to some degree, the

extent of noise permeating from the site into the wider area. However, I have not been provided with evidence concerning its general effectiveness in this regard. Neither the original Noise Assessment nor the subsequent Baseline and Operational Noise Survey specifically addressed this matter; both focused on neighbouring noise-sensitive receptors, and it was the impact on these properties that formed the original primary justification for the acoustic fencing rather than impact on the wider surrounding area. This is evident in the reason given for Condition 15 on the decision notice.

15. In the absence of evidence demonstrating either a need for acoustic fencing to address noise impacts on the wider area's character, or evidence of the fence's effectiveness in doing so, condition 15 is not justified on this basis.
16. For these reasons, I conclude that acoustic fencing is not required to prevent harm to the asserted rural character of the area in relation to noise. Its omission would therefore comply with Local Plan Policies 2 and 3, which, amongst other things, require development to relate positively to its surroundings and to protect local character and landscape quality.

### **Other Matters**

17. The Council has referred to Local Plan Policies 1 and 9, which address the spatial strategy and visitor economy in the area. I have not been directed to specific wording within these policies that would be directly engaged in the context of the proposal before me, and they have therefore not been determinative.
18. In addition to the requirement in Condition 15 in planning reference B/24/0173 for the provision of acoustic fencing along the southern boundary, acoustic fencing is also referenced in Condition 16 and is shown on the approved plans cited in both Condition 1 and Condition 2. The planning application subject to this appeal does not seek to vary or remove any of these conditions. However, given my findings it has not been necessary to raise this matter with the parties further.

### **Conclusion**

19. In conclusion, I consider that the condition is necessary and reasonable. I find that the proposal would be contrary to the development plan read as a whole and there are no material considerations to outweigh the conflict. The appeal is dismissed.

*F P Tinsley*  
INSPECTOR