



Appeal Decision

Site visit made on 12 March 2026

by **S Bennett-Matthews**

an Inspector appointed by the Secretary of State

Decision date: 07 May 2026

Appeal Ref: APP/Y0435/W/25/3372531

First Circle Packaging Ltd, Jenna Way, Interchange Park, Newport Pagnell, MK16 9QJ

- 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 First Circle Packaging Limited against the decision of Milton Keynes Council.
 - The application Ref is 24/02013/FUL.
 - The development proposed is the erection of a surface-mounted ancillary storage building anchored to existing hardstanding at First Circle Packaging Limited, Jenna Way, Newport Pagnell, MK16 9QJ
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Decision

1. The appeal is dismissed and planning permission for the erection of a surface-mounted ancillary storage building anchored to existing hardstanding (retrospective) at First Circle Packaging Limited, Jenna Way, Newport Pagnell, MK16 9QJ is refused.

Preliminary Matters

2. For clarity, I have used the description of development as set out in the appeal form in my decision, omitting words that do not directly relate to acts of development.
3. The application form indicates that the development had already been completed. During my site visit, I observed that the surface-mounted ancillary storage building, anchored to existing hardstanding, had been erected and was in active use for storage associated with the existing warehouse operations. My determination of the appeal, however, is based on the submitted plans upon which the Council reached its decision, rather than on the development as constructed.

Main Issues

4. The main issues are:
 - the effect of the development on highway safety, with particular regard to the adequacy of HGV parking, manoeuvring and loading and unloading, having regard to the reduction in the size of the service yard,
 - Adequacy of surface-water drainage
 - Compliance with local energy efficient and carbon-reduction policies
 - planning obligations or financial contributions for public art and carbon offsetting.

Reasons

Highway Safety

5. The development comprises a relatively large industrial storage building anchored to existing hardstanding. The appeal scheme is formed of an aluminium frame with light grey cladding and fabric-covered pitched roof and positioned at one end of the service yard. The appeal site itself is located within an area designated for employment land and is enclosed by the public highways known as Jenna Way, Howard way and North Crawley Road. In the wider context, the surrounding area is characterised primarily by industrial type buildings forming part of the Interchange Park industrial estate, including the development site. Agricultural land lies beyond the industrial estate, with the residential area of Newport Pagnell located within the wider locality.
6. The Council's Highway Department considers that the development would result in the loss of service yard space that was previously used for HGV trailer parking and that insufficient evidence has been provided to demonstrate how safe HGV manoeuvring, parking and servicing could be accommodated. It argues that the proposed HGV parking provision is significantly below the Council's adopted standards, with no supporting parking assessment to justify the shortfall. Recent aerial imagery is said to show existing overspill HGV parking onto Jenna Way, indicating current parking pressures that could be exacerbated by the development.
7. The Council further contends that submitted plans fails to demonstrate how the reduced service yard would function safely and efficiently in practice. In particular, uncertainty remains regarding the intended use of the larger shutter door on the elevation facing the A422 and the potential implications for vehicle movements, servicing arrangements and the operations of both the existing warehouse and the development. Finally, it raises concern that the red-line boundary excludes the main warehouse and parts of the service yard, preventing conditions from securing the relationship between the development, the warehouse and associated HGV parking, creating the potential for independent operation of the ancillary building.
8. The appellant submits that the development is ancillary to existing operations. It also contends that the development has no adverse effect on existing HGV parking across the site which remains sufficient. The appellant contends that recent satellite imagery demonstrates the service yard area in question was used for external storage prior to the erection of the appeal scheme, and there is no evidence of any highway safety issues arising at the site of the development over the last 12 months. Further, any concerns about the use of the development, can be addressed by restricting it to ancillary B8 use.
9. I have carefully considered the evidence submitted by the appellant. While a swept path analysis has been provided, demonstrating that 16.5 metre articulated HGV can enter, manoeuvre within and exit the site safely in a forward gear, this assessment is limited to the movement of a single vehicle. It does not address the wider operational demands of site in the context of the reduced service yard space, including how multiple HGVs, trailers manoeuvring, loading and unloading simultaneously during normal business operations. Beyond, the swept- path analysis, no technical evidence or parking assessment has been provided to

demonstrate how that the overall HGV parking requirement across the site could be met.

10. During my site visit, I observed approximately 8 HGV trailers parked within the site in front of the existing warehouse within associated loading bays, with a further two HGV trailers parked opposite to these bays. In addition, approximately seven HGV trailers were parked in parking bays at the opposite end of the service yard from the ancillary storage building. These observations indicate that the service yard is operating at a relatively high level of use notwithstanding that no HGVs were observed entering or exiting the development at the time of my site visit. No HGVs trailers were parked on Jenna Way. These observations represent a single snapshot in time.
11. While the appellant has provided a swept-path analysis to demonstrate how a single HGV could manoeuvre within the development, no technical evidence has been submitted to assess the overall impact of the development on on-site HGV parking capacity, manoeuvring or loading and unloading activity. Nor has any evidence been provided to demonstrate how parking displacement arising from the reduction in the service yard space can be accommodated elsewhere within the site. On the basis of the evidence before me, I am not persuaded that the reconfigured site would continue to operate safely and efficiently, nor that there would be no potential risk of overspill onto Jenna Way.
12. Given the importance of ensuring safe, efficient operational arrangements and adequate parking capacity, the evidential gaps identified above gives rise to uncertainty which weights significantly against the appeal scheme in highway terms. Policy CT10 of Milton Keynes Plan MK (2016 -2031) (Plan:MK), requires development proposals to comply with the Council's adopted parking standards unless mitigating circumstances justify a departure. The policy further states that onsite parking should not be reduced below the required level where this would create additional off-site parking pressures that cannot be satisfactorily accommodated.
13. The Council's concerns regarding the red-line boundary, which excludes the main warehouse and parts of the service yard give rise to uncertainty as to how the development could be functionally linked to the wider site operations. While the appellant suggests that this could be addressed through a condition restricting the use to ancillary B8, I am not persuaded that such a condition would be sufficiently precise or enforceable given that the key operational areas fall outside the application boundary. In absence of evidence to the contrary this creates the potential for the ancillary storage building to be occupied or operated independently of the main warehouse, with no effective mechanism to control future site operations or associated parking demands.
14. For the reasons set out above, I conclude that the development conflicts with Policies CT1, CT2, CT5 and CT10 of Plan:MK which seeks to promote safe and efficient transport networks , mitigate the impacts of development on the operation and safety of the highway network and ensure that on-site layouts and parking provision accords with the Milton Keynes Parking Supplementary Planning Document (January 2016).
15. In absence of sufficient evidence demonstrating that adequate HGV parking, manoeuvring and operational arrangements can be maintained within the site, I

find the development would compromise highway safety and operational efficiency. The development is therefore in conflict with Policy GS10 of the Milton Keynes City Plan 2050 (MK: Plan 2050), which requires proposals to mitigate their impact on the operational safety of highway networks with the provision of appropriate and adequate on site-parking.

Whether the development provides an adequate surface water drainage strategy

16. The Lead Local Flood Authority (LLFA) states that the submitted drainage information does not provide sufficient detail to demonstrate that surface-water run-off from the development would be managed appropriately on site. In particular, the proposed discharge route and its capacity have not been clearly defined, nor have supporting calculations been provided to show that flood risk would not be increase on or off site. The LLFA also notes that although reference is made to sustainable drainage features, there is insufficient information to demonstrate how these would function as part of an integrated drainage system.
17. The appellant states that the development is located within Flood Zone 1 and contends that the submitted drainage strategy, together with further engagement with the LLFA demonstrates that surface water runoff from the development could be manage by the imposition of a condition.
18. Notwithstanding the omissions, there is no evidence before me to indicate that the surface-water drainage matters identified above could not be addressed through the imposition of a suitably worded planning condition requiring the submission and approval surface- water drainage strategy, were I minded to allow the appeal. Such an approach would be capable of securing compliance with Policies FR1, FR2 of Plan: MK and Policies CEA13 and CEA15 of the MK: Plan 2050.
19. While I am satisfied that surface-water drainage issues could, in principle be managed in this way, reliance on a planning condition attracts only limited weight in favour of the development. In any event, the ability secure an acceptable surface- water strategy by condition does not outweigh the significant harm I have identified above in respect of highway safety, site operation and HGV parking capacity.

Whether the development complies with local energy efficient and carbon reduction requirements.

20. The Council contends that the submitted Energy and Climate Statement does not demonstrate compliance with Policies SC1, SC2 of Plan: MK and CEA1 of MK: Plan 2050. In particular, insufficient information has been provided in relation to the development's energy performance, the scale of anticipated carbon savings or the consideration of opportunities to connect to community energy networks, including Combined Heat Power (CHP) or Combined Cooling Heat and Power (CCHP) systems. As a result, it has not been adequately demonstrated the proposal would meet the relevant local requirements or energy efficiency and carbon reduction.
21. The appellant contends the development is a temporary, demountable structure required to meet immediate operational needs and is inherently sustainable due to its low energy demand, fabric -first design modular construction, limited waste, short construction period and absence of water usage. On this basis the appellant considers that the Councils' request for detailed energy and carbon-reduction

information to satisfy Policies SC1, SC2 of Plan: MK and CEA1 of Plan 2050 is disproportionate in this case.

22. There is disagreement between the Council and appellant as to whether the submitted information is sufficient to demonstrate compliance with the relevant policies. Policies SC1 of Plan:MK requires non -residential development exceeding 1,000 sqm to be supported by an Energy and Climate Statement demonstrating how energy and climate sustainability would be achieved. Policy SC2 Plan:MK requires consideration of opportunities to connect to community energy networks including existing Combined Heat Power (CHP), Combined Cooling Heat and Power CCHP) systems or local energy networks. Policy CEA1 of the MK Plan 2050 similarly requires development proposals to demonstrate how sustainable standards would be met, including net-zero carbon targets and energy efficiency.
23. Having considered the submissions of both the Council and appellant, together with the relevant policy framework, I am satisfied that the energy efficiency and carbon reduction matters identified could in principle, be addressed through the imposition of a suitably worded planning condition requiring the submission of further information, were I minded to allow the appeal. Such an approach would be capable of securing compliance with Policies SC1, SC2 of Plan: MK and CEA1 of MK Plan 2050. However, even if such a condition were imposed, this matter would attract limited weight and would not outweigh the significant harm I have identified above to highway safety, site operations and HGV parking capacity.

Whether the development should make planning obligations and, contributions and if not, whether sufficient evidence has been provided to justify non- compliance with the relevant policy requirements.

24. The Council considers the development to be major non-residential development and therefore subject to planning obligations including financial contributions towards infrastructure, public art and carbon offsetting in accordance with Policies INF1, CC1, SC1 of Plan: MK and, Policies CEA1, GS9 of Plan:MK2050. The appellant disputes the need for such obligations arguing the development is ancillary to an existing operation, that the payment of contributions would impose a financial burden on the business and would result in no impacts on cultural wellbeing or public art or sustainability requiring mitigation.
25. However, no technical or viability evidence has been submitted to justify departure from the relevant development plan policies or to demonstrate the development unviable if planning obligations were applied. In absence of robust justification or evidence to the contrary, I find that the development fails to comply with Policies INF1, CC1, SC1 of the Plan:MK and, CEA1, GS9 of Plan MK 2050.

Conclusion

26. The development conflicts with the development plan when read as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed.

S Bennett-Matthews

INSPECTOR