



Appeal Decisions

Site visit made on 19 January 2026

by **E Brownless BA (Hons) Solicitor (non-practising)**

an Inspector appointed by the Secretary of State

Decision date: 22 May 2026

Appeal A Ref: APP/J0540/W/25/3368017

Land adjacent to The Pearl Centre, Lynch Wood, Peterborough, PE2 6FY

- 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 Mrs Emily Armstrong of FI Real Estate Management Ltd against the decision of Peterborough City Council.
 - The application Ref is 24/01654/FUL.
 - The development proposed is described as 'temporary change of use of land for storage of motor vehicles (sui generis)'.
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Appeal B Ref: APP/J0540/W/25/3368018

Land To The North Of Lynch Wood, Lynch Wood, Peterborough, PE2 6DF

- 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 Mrs Emily Armstrong of FI Real Estate Management Ltd against the decision of Peterborough City Council.
 - The application Ref is 24/01655/FUL.
 - The development proposed is described as 'temporary change of use of land for car parking (sui generis)'.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. In Appeal A, I have removed the words '*(Resubmission of 24/00602/FUL) – Retrospective*' from the description of development as these are not an act of development. For the same reason, in respect of Appeal B, I have removed the words '*(Resubmission of 24/00603/FUL) - Retrospective*' from the description of development.
4. In respect of Appeal A, the application form indicates that the change of use commenced on the 1 March 2024. Similarly, in respect of Appeal B, the change of use is stated to have commenced on the 14 January 2024. The developments have therefore already taken place and are therefore retrospective in nature. However, it is well established that retrospective proposals fall to be determined on their planning merits in the same manner as development proposed in advance of implementation. The fact that the developments have already taken place does not

in itself weigh either for or against the proposals. The appeals should therefore be considered having regard to the Development Plan, the National Planning Policy Framework, and all other material considerations.

5. Appeal A seeks planning permission for a change of use of land to use for storage of motor vehicles (*sui generis*). Appeal B seeks planning permission for a change of use to car parking. The appellant has set out how the changes of use are intended to operate and, in respect of Appeal B, describes the proposed use of the appeal site as 'vehicle car storage'. The appellant sets out that *'besides staff, the only vehicles entering the site will be individual cars designated for storage. Individual vehicles will also enter from the same access point'*. The evidence goes on to clarify that, non-staff vehicles will be brought to the site for storage either individually or on car transporters, although car transporters would not enter the appeal site (for Appeal B) and all vehicle deliveries would take place on land to the west of the site. The sites for Appeal A and Appeal B are adjacent to each other, with access from the highway to the site for Appeal B, being taken through the site of Appeal A. The appellant has provided a Transport Technical Note dated October 2024 (TTN) which has considered the proposed use of the appeal sites together. On this basis and given that a number of the main issues are common to each appeal site, where relevant I have dealt with these together. However, where issues are not applicable to both appeal sites, I have dealt with these separately.

Main Issues

6. The main issues that are common to Appeal A and Appeal B are:
 - i) the effect of the developments on highway safety; and
 - ii) whether the proposed developments provide adequate living conditions for neighbouring occupiers with particular regard to noise and disturbance.
7. In addition, for Appeal B, there is a further main issue which is the effect of the proposed development on biodiversity.

Reasons

Highway Safety – Appeal A and Appeal B

8. Policy LP13 of the Peterborough Local Plan 2016-2036 (adopted July 2019)(LP) requires new development to provide an efficient and effective transport network that is well managed and maintained, and among other things, allows for the safe and efficient movement of all modes of transport, and to assist those with access and mobility difficulties. Planning permission for development that has transport implications will only be granted if appropriate provision has been made for safe, convenient and sustainable access to, from and within the site by all user groups, and, following appropriate mitigation the development would not result in a residual severe impact on any element of the transportation network including highway safety.
9. Access into and out of the appeal site (Appeal A) is taken via the existing access point onto the highway, Lynch Wood Road. This point of access would also be used to serve the appeal site of Appeal B, as a separate point of entry from the highway is not proposed. It would be necessary for individual vehicles to use the access point and drive through part of the site forming Appeal A in order to access the site of Appeal B. As no car transporters are proposed to enter the site of

Appeal B, vehicle loading and unloading from car transporters for both appeal sites would take place within the site of Appeal A.

10. The appellant has submitted a TTN in support of the appeal schemes and drawing A1-03 '*Site Plan as Proposed*' includes a swept path analysis demonstrating the movements of a car transporter as it accessed and egressed the site from the highway, and the internal movements required within the site. The Highway Authority have objected to the appeal schemes.
11. I am mindful that the site of Appeal A has historically been used for car parking, that it contains some 575 spaces and there have been no recorded accidents in the vicinity of the site access point. However, since the proposed developments would see car transporter vehicles entering the site of Appeal A, there are material differences between the established and proposed uses of the site.
12. Extracts of the swept path analysis have been included within the TTN and these show that, in making a left turn into the site from the highway, a car transporter would overrun an area of raised pavement located within the middle of the road and which forms a pedestrian refuge island. Given that a central refuge is designed to enhance road safety by providing a safe space for pedestrians and cyclists to wait within whilst crossing the highway, there is substantial risk of vehicular and pedestrian conflict such that the access arrangement of the appeal schemes would cause a substantial risk to highway and pedestrian safety.
13. In addition, in egressing the site, the swept path evidence shows that a car transporter would, in turning left, need to occupy the full width of both carriageways including that of oncoming traffic and, in making a right turn out of the appeal site, it would over sail the verge. This would further compromise the safety of pedestrians and road users.
14. Within the site, whilst the swept path analysis provides evidence that a car transporter would be capable of manoeuvring around the site in a forward gear, in order to do so, the on-site turning manoeuvres would overrun some of the raised kerbs of the islands positioned at the end of the car parking aisle along the proposed route. Notwithstanding that the interior of the appeal site would be accessed by only employees of the operator, given the constraints of the site there is potential for conflict between employees and transporter vehicle traffic, such that the internal layout of the site is currently unsuitable for a car transporter.
15. Whilst the appellant has suggested that limited works within the site, including the removal of a small amount of kerbing, could be undertaken, no substantive evidence has been provided to demonstrate any measures that would satisfactorily address the off-site highway safety concerns identified. In particular, no robust option has been advanced to overcome the constrained nature of the access arrangements and the operational difficulties associated with car transporter movements.
16. Furthermore, the evidence submitted by a number of interested parties indicates that car transporters have, on occasion, been observed to park within the public highway in close proximity to the site access whilst vehicles are loaded and unloaded. This adds further weight to the existing access arrangements being incapable of accommodating such vehicles in a safe and efficient manner. The consequence is an increased likelihood of conflict with pedestrians and other highway users, to the detriment of highway safety.

17. Collectively, these matters weigh significantly against the appeal proposals and reinforce the conclusion that the proposed developments would result in unacceptable impacts on highway safety.
18. Whilst it is acknowledged that movements associated with car transporters would be relatively limited, with the appellant indicating that such visits would occur no more than three times per week, this does not materially diminish the concerns identified. The issue is not solely one of frequency, but of the nature and consequences of those movements when they occur. Even infrequent car transporter activity has the potential to result in obstruction of the highway, interference with pedestrian movement, and conflict with other road users due to the constrained access arrangements and inadequate on-site manoeuvring space. Given the size and operational characteristics of such vehicles, each occurrence would give rise to a disproportionate level of harm to highway safety and convenience. Consequently, the limited frequency of transporter visits attracts only very limited weight in favour of the proposals and does not outweigh the significant highway and pedestrian safety concerns identified above.
19. Accordingly, for the reasons set out above, I conclude that the appeal schemes would give rise to unacceptable impacts on pedestrian and highway safety arising from inadequate access and operational arrangements for car transporters. There would be conflict with LP Policy 13 which seeks to ensure that development provides safe, suitable and efficient access arrangements and does not result in a severe residual impact on the transport network or highway safety. In addition, the schemes would fail to satisfy the aims of the National Planning Policy Framework (the Framework), which states that development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios¹.

Living Conditions of Neighbouring Occupiers – Appeal A and Appeal B

20. LP Policy LP17 sets out that new development should not result in an unacceptable impact on the amenity of existing occupiers of any nearby properties. This includes, among other things, noise resulting in the disturbance of the occupiers or users of any nearby property or land.
21. The appellant's submitted Noise Impact Assessment dated October 2024 (NIA) concludes that the noise levels from the two sites would be below the BS8233:2014 criteria during the operational daytime period such that '*the temporary land uses will not result in an unacceptable noise impact on the amenity of the existing occupiers of any nearby properties*'. In reaching this conclusion, information regarding noise emissions from the proposed operational activities on site is stated to have been determined using data from previous noise surveys, is based on the site operating between the hours of 09:00 to 16:30 hours Monday to Friday, and takes account of the likely daily vehicle movements predicted by the appellant. This Model Input Data is set against the baseline ambient noise levels experienced on the site.
22. However, the monitoring undertaken to inform the baseline ambient noise survey is shown to have been undertaken in between the 20 – 25 October 2022 (as shown in Table 4.1), and therefore the baseline survey work underpinning the NIA

¹ National Planning Policy Framework Paragraph 116

was undertaken a considerable period prior to the NIA conclusions being reached. It is unclear whether the noise character of the area had remained the same or had changed in the intervening period. Moreover, whilst the NIA concludes that predicted noise levels are below the daytime noise level criteria such that noise levels from the storage and distribution of motor vehicles and car parking will result in a No Observed Adverse Effect Level (NOAEL) at the closest sensitive receptors, little evidence has been provided to demonstrate what impact would occur outside of daytime operational hours.

23. Whilst the NIA conclusions are noted, they are based upon predicted data rather than data from the actual use and, moreover, representations of a number of interested parties have described experiencing noise and disturbance from the actual use during the daytime operational hours and during unsociable hours at night and during the weekends.
24. Interested parties living within the vicinity of the appeal sites describe hearing the loading and unloading of vehicles from transporter vehicles and the sounding of horns and car alarms. Whilst an appropriately worded planning condition would be capable of restricting the operational function of the business to daytime hours (09:00 to 16:30, Monday to Friday), such that the arrival and departure of vehicles and vehicle transporters, the unloading and reloading of vehicles and manoeuvring within the site would occur only during these periods, the anecdotal evidence is that nearby residents have experienced noise and disturbance arising from the operation of the business during the daytime.
25. Furthermore, the appeal schemes have the potential for a significant number of vehicles to be stored at all hours of the day and night, this would not overcome the issue of noise and nuisance caused during unsociable hours when the noise character of the area is likely to be quieter and nearby occupiers are more likely to be susceptible to noise and disturbance. I find that the quality of life of neighbouring occupiers is therefore likely to be diminished due to the change in the acoustic character of the area and this is likely to materially compromise their living conditions. Similarly, given the proximity of neighbouring businesses within the business park, there is a likelihood that an adverse impact to neighbouring businesses could arise.
26. I have given consideration to whether the harm arising from noise and disturbance outside of the proposed daytime operating hours could be satisfactorily mitigated through the imposition of an appropriately worded planning condition requiring the provision of, and adherence to, an agreed management plan. However, limited details have been provided to explain how the appellant would be notified of and respond to instances of vehicle alarm activations. There is little substantive evidence to show how quickly a response would be undertaken and even with a detailed plan in place I am mindful that there could be a considerable number of stored vehicles present within the sites at any one time thus increasing the likelihood of inadvertent alarm activations. Given the nature of the use, there would remain a significant likelihood of unpredictable and intermittent noise occurring, particularly during unsociable hours, and therefore, whilst I note that the Council's Pollution Control Team did not raise any objection to the appeal schemes, on the evidence before me and in my judgment, I conclude that a management plan would not overcome the significant harm which is likely to be caused to nearby occupiers.

27. Although it has been put to me that the nearest neighbouring residential uses are located at a distance of some 45 metres and 80 metres from the sites, I note that the NIA observes Ascot House to be in residential use and, according to the measurements set out within the NIA, it is positioned some 10 metres, approximately, from the site boundary. In any event, irrespective of the separation distances, the anecdotal evidence of nearby occupiers points to noise events already occurring during, and outside of, the typical daytime activity. As such, notwithstanding the presence of dense vegetation along the boundaries of the appeal sites, as evidenced in the appellant's submitted photographs, I do not find that the boundaries of the sites would be a sufficient barrier to ameliorate the effects of noise emanating from the sites.
28. The appellant also refers to the proposed uses being similar to the lawful use of the site as overflow car parking for users and employees of the premises located within the business park. Whilst I note that there are some similarities, I consider that there are likely to be material differences between use as a conventional car park, where vehicles are likely to arrive and depart intermittently and would be less likely to remain parked for considerable periods of time and overnight.
29. The appellant advises that the site of Appeal B is allocated for employment in accordance with LP Policy LP46 and I note that both sites form part of a wider allocation covering Peterborough Business Park as designated within LP Policy LP4 which aims to improve employment rates and support jobs. Notwithstanding that the policy allocations support a level of development and activity, this does not provide adequate justification for the living conditions of nearby occupiers to be materially compromised.
30. Accordingly, I conclude that, on the basis of the evidence before me, the appellant has failed to demonstrate that the appeal schemes would operate without unacceptable adverse impact being caused to occupiers of nearby residential and business properties. The appeal schemes are therefore contrary to the provisions of LP Policy LP17, the requirements of which are set out above and there would be conflict with the Framework² insofar as it aims to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, among other things, unacceptable levels of noise pollution.
31. Although the Council's reason for refusal specifies conflict with LP Policy 17(a), which is concerned with loss of privacy to occupiers of nearby property, the correct reference is LP Policy LP17(c), which concerns noise and/or vibration levels resulting in disturbance for the occupiers or users of any nearby property or land. However, both parties have presented their evidence, in Appeal A and Appeal B, on the basis of noise and disturbance, rather than loss of privacy, and I have therefore also considered this matter in relation to noise and disturbance. It would appear that the inclusion of 17(a) is an error.

Biodiversity – Appeal B only

32. LP Policy 28 sets out that development should avoid adverse impact on existing biodiversity and geodiversity features as a first principle. Where adverse impacts are unavoidable they must be adequately and proportionately mitigated. If full

² National Planning Policy Framework paragraph 187(e) (formerly paragraph 180(e) of the National Planning Policy Framework 2023)

mitigation cannot be provided, compensation will be required as a last resort where there is no alternative.

33. As part of the appeal, the appellant has submitted a Preliminary Ecological Appraisal Report dated December 2022 (Ecological Report) and Biodiversity Assessment Report dated December 2023 (Biodiversity Report). Whilst these were undertaken in respect of another scheme of development at the site, the findings of the Biodiversity Report set out the biodiversity baseline measurement of the site and it confirms the site was comprised of a total of 7 habitat types with a baseline of 7.29 habitat area units and 1.21 linear hedgerow biodiversity units. The Ecological Report identifies the site as providing areas of suitable habitat for reptiles, and whilst it is stated that it is unlikely that reptiles are present on site at a high density, it recognises all species of reptiles are protected through domestic legislation and recommends precautionary measures are undertaken during construction to prevent the killing or injury of reptiles.
34. Subsequently, the appeal site has undergone significant vegetation removal including neutral grassland, bramble scrub and blackthorn scrub. Although vertical features such as hedgerow and trees along the edges of the site have been retained, the site is at present, predominantly comprised of a combination of gravel and bare ground such that it is considered by the appellant to be a 'low value habitat'. The Council argue that the vegetation removal was not undertaken in accordance with the precautionary measures stipulated within the Ecological Report and therefore was not carried out in a sensitive way with regard to reptiles. Little information has been provided by the appellant to contradict the Council's assertion.
35. In seeking to justify the loss of a significant amount of quantified biodiversity, the appellant places reliance on the temporary nature of the proposed change of use and contends that an extant planning permission³ (the Extant Scheme) would ultimately deliver the recommendations for habitat creation, enhancements and the purchase of offsite biodiversity credits as set out within the Biodiversity Report. However, this approach would lead to the deferral of biodiversity mitigation and enhancements and, in any event, notwithstanding the completion of a section 106 planning obligation for the Extant Scheme, there is no certainty as to when, or indeed whether the extant permission would be implemented and the associated biodiversity net gain realised. Implementation of the extant permission would remain at the discretion of the landowner and could not be guaranteed, and it therefore remains possible that the extant scheme may not come forward at all, or that an alternative permission with different biodiversity and landscaping requirements could be pursued.
36. I have given consideration to the imposition of a planning condition to require equivalent biodiversity mitigation and enhancements to be secured within the application site along the lines of the 'final site plan' for the Extant Scheme. However, it is not clear whether equivalent mitigation and enhancements to biodiversity are capable of being achieved in light of the current layout, condition and use of the site compared to that of the Extant Scheme and upon which the recommendations of the Biodiversity Report were based. The proposed mitigation

³ Planning Reference: 22/01793/FUL - a scheme of development for a number of employment units (Use Class E(g)), associated access works, parking and landscaping for which the Council granted planning permission in December 2024, within the area of land forming the appeal site for Appeal B.

is therefore uncertain and fails to demonstrate that there would be adequate and proportionate mitigation to compensate for the loss of biodiversity.

37. Accordingly, the proposal has resulted in the substantial removal of habitat with a consequent negative impact on biodiversity, species and habitats and thus the appeal scheme fails to preserve or enhance the biodiversity value of the site, contrary to LP Policy 28, the requirements of which are set out above.

Other Matters

38. The appeal schemes would not cause adverse harm to neighbouring occupiers in terms of their effect on visual amenity, overlooking, privacy, loss of light and overshadowing. No objection has been identified by the Council in respect of either schemes effect on flooding, archaeology, heritage, drainage, light pollution, air quality, smoke and dust and the loss of public green space. In addition, in relation to Appeal A, no adverse impact on biodiversity has been identified. In addition, the appellant indicates that the delivery of vehicles would be undertaken outside of peak hours to avoid traffic congestion at peak times of the day. However, the absence of harm is a neutral matter that weighs neither for nor against the proposals.
39. My attention has been drawn to the Extant Scheme and I note that the Highway Authority did not make an objection to that application. However, the appeal schemes before me require the delivery and collection of motor vehicles by a car transporter and there is limited evidence before me to suggest that this situation would be comparable to the Extant Scheme. Whilst it is argued that the proposed trip generation created by the appeal schemes would be lower than the trips of the Extant Scheme, this does not overcome the harm that would be caused to highway and pedestrian safety. A comparison of the Extant Scheme with the appeal scheme is therefore of limited relevance in this instance and I have determined the appeal schemes before me on their individual planning merits.
40. Whilst the appellant sets out that the Lynch Wood Business Park has undergone investment recently there is limited evidence to show how the proposed uses would be able to help support business within the park.
41. As considered in *Tesco Stores Ltd v Dundee City Council [2012] UKSC 13*, I have had regard to the need for planning policy to be 'interpreted objectively in accordance with the language used and read in its proper context'.

Planning Balance

Appeal A

42. The appeal scheme would make efficient and effective use of under-utilised land, which would thereby avoid the need for new construction works elsewhere and helps contribute to a strong, competitive economy so that businesses can invest, expand and adapt. This is a matter which attracts moderate weight in favour of the appeal scheme.
43. However, set against the appeal scheme's benefits, I have concluded that, the scheme would have a detrimental effect on highway and pedestrian safety and it would fail to provide adequate living conditions for neighbouring occupiers with particular regard to noise and disturbance. These are each matters to which I attach significant weight. The appeal scheme would conflict with LP Policies LP13

and LP17 and I find that the material considerations weighing in favour of the appeal scheme do not justify a decision otherwise than in accordance with the development plan.

Appeal B

44. The appeal scheme would make efficient and effective use of under-utilised land, which would thereby avoid the need for new construction works elsewhere and helps contribute to a strong, competitive economy so that businesses can invest, expand and adapt. This is a matter which attracts moderate weight in favour of the appeal scheme.
45. However, set against the appeal scheme's benefits, I have concluded that, the scheme would have a detrimental effect on highway and pedestrian safety, it would fail to provide adequate living conditions for neighbouring occupiers with particular regard to noise and disturbance, and it would have an unacceptable effect on biodiversity. These are each matters to which I attach significant weight. The appeal scheme would conflict with LP Policies LP13, LP17 and LP28 and I find that the material considerations weighing in favour of the appeal scheme do not justify a decision otherwise than in accordance with the development plan.

Temporary Permission

46. I have been asked to consider granting a temporary planning permission for a period of three years for each appeal scheme. Whilst this would give the appellant time to bring forward the Extant Scheme, the harms outlined above would still arise throughout the duration of a temporary permission and they would be no less significant merely because the development would be time limited. During that period, the development would continue to give rise to significant unacceptable impacts in conflict with the relevant policies of the development plan. A temporary planning permission for either or both appeal schemes is therefore not justified.

Conclusion

Appeal A

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

Appeal B

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

E Brownless

INSPECTOR