Planning Inspectorate

Appeal Decision

Site visit made on 30 October 2025

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2025

Appeal Ref: APP/A2525/W/25/3369055
Greenworld Park, Sutton Bridge, Spalding PE12 9RN

- 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 Franklin Bros Limited against the decision of South Holland District Council.
- The application Ref is H18-0528-24.
- The development proposed is erection and use of mobile asphalt plant.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal has been accompanied by a Noise Addendum (prepared by Blue Tree Acoustics) and an Odour Technical Note (prepared by noiseAir Acoustics and Air Quality). These documents have been provided at appeal in response to the reasons given for refusal. Whilst the Council did note that the Noise Addendum was reviewed by the Council's Environmental Protection Officer, the same cannot be said for the Odour Technical Note. Crucially, these documents were not before the Council, its consultees or any interested parties at the application stage, and I cannot be certain that these documents have been reviewed by all parties with an interest in this appeal.

3. This is a submission of new information. The Planning Inspectorate Appeals' Procedure Guide makes it clear in chapter 16 that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council. Accepting the additional evidence would have deprived those who were entitled to be consulted of the opportunity to make any representations, which, given the nature of the evidence, may have been feasible. I have therefore determined the appeal on the same basis as the Council. I have not therefore considered this new information in this appeal as it would prejudice the Council, its decision and any interested parties.

Main Issue

4. The main issue is whether the proposal would be acceptable in terms of its effect on the living conditions of neighbouring occupiers and the residents of Sutton Bridge, with particular regard to noise and odour.

Reasons

5. The appeal site is situated within an industrial estate located to the south of Sutton Bridge. The area of the industrial estate which would be utilised is currently used for the storage of HGV trailers. The site is bound to the south by the A17, while to the

north lies Sutton Bridge Memorial Park and several residential streets. A substantial tree line of notable height and density separates the site from these northern residential areas.

Noise

6. The proposed development entails the production and export of asphalt, which will inherently generate noise associated with industrial operations. This would include the sound emissions from the movement of HGVs, their hydraulic mechanisms, the closing of vehicle doors, and onboard audio systems. Additionally, the asphalt production process would produce noise from mechanical and electrical plant equipment, industrial processing activities, and the loading and unloading of materials and associated vehicles.

7. The application is supported by a BS4142:2014+A1:2019 Sound Assessment Report, prepared by Blue Tree Acoustics, which outlines a series of noise attenuation measures to be implemented as part of the proposed development. These measures include the installation of an acoustic steel sandwich panel screen around the mixing tower, the fitting of a silencer to the burner, the provision of acoustic barriering around the dryer, the enclosure of the exhaust fan, and the lining of cold store hoppers with rubber to mitigate impact noise from materials striking steel surfaces. Additional operational controls would include the imposition of site speed limits to minimise engine revving, the design of vehicle routes to reduce the need for reversing and associated reversing alarms, and the use of smooth, hard-surfaced routes to limit vehicular noise. The appellant has also indicated a willingness to accept a planning condition restricting the hours during which noise-generating activities may occur.

8. The Sound Assessment Report identifies two measurement locations selected to assess potential noise impacts. The first location is situated adjacent to the residential estates of Flint Gate and Church Gate, while the second is positioned near the residential street of Kenzie Drive. Both locations are considered sensitive receptors due to their proximity to the appeal site and their residential nature.

9. As outlined in the Sound Assessment Report, and following the incorporation of the proposed mitigation measures, the predicted noise impact at the identified receptors is +6dB above the existing background levels during daytime operational hours. This level of increase is classified as an ‘adverse impact’. The Council refers to the exposure hierarchy table, which confirms that such an effect would be perceptible. Consequently, the development is expected to alter the acoustic character of the area, with noise being audible and likely to influence the behaviour of residential occupants. The available evidence therefore suggests that the proposal would result in a detrimental effect on neighbouring residential properties, particularly those situated along Kenzie Drive, Flint Gate, and Church Gate. This would occur for the lifetime of the development.

10. The identified adverse noise impact would occur during the operational hours of the proposed development and would be concentrated within a confined area of the broader industrial estate for a significant portion of the daytime, even after the implementation of designed-in mitigation measures. This would result in a sustained pattern of industrial process noise generation near to residential receptors for the lifetime of the development. The provision of industrial noise, the types of which are

outlined above, would create an incongruous and intrusive level of noise which would adversely impact this residential setting.

11. Within their appeal statement, the appellant references noise measurements taken at an operational asphalt plant located in Chesterfield. These results are included in the addendum to the submitted Noise Assessment. However, for the reasons outlined in the Preliminary Matters section of this decision, this additional information has not been accepted and, accordingly, has not been considered further in the assessment of the appeal. Furthermore, although the appeal site is situated within an HGV goods yard and adjacent to the A17, both of which are existing sources of noise, the proposed development introduces an additional concentrated industrial process that would further contribute to the acoustic environment.

12. Overall, I am not satisfied that the evidence provides sufficient clarity or robustness for me to conclude that in this particular case the proposal would, by reason of noise, result in acceptable living conditions for neighbouring residential occupiers in Sutton Bridge.

Odour

13. The application was supported by an Odour Assessment (prepared by noiseAir Acoustics and Air Quality, dated October 2024). The assessment notes that the proposals have the potential to result in odour emissions at sensitive locations within the vicinity of the appeal site during normal operation. It outlines that the magnitude of odour impact depends on several factors. These include the frequency of which a receptor is exposed to odour, its intensity, duration, unpleasantness and location.

14. The Odour Assessment identifies ten sensitive residential receptors, each recorded with a high level of sensitivity, over varying distances from the appeal site. A review of the proposed operations undertaken in the assessment finds that the source odour potential is classified as medium. This is due to its magnitude, unpleasantness and mitigation. In conclusion, the assessment predicts the effected significance as slight at one receptor, with negligible at the other nine.

15. However, this analysis is limited to these qualitative predictions, with no convincing explanation of the real-life consequences of the development and its effect upon these residential receptors. In addition, it is noted that these ten receptors are purely residential. Immediately next to the site is Sutton Bridge Memorial Park. This is a core area of public space which contains sports pitches and a play area. An assessment of the effect of the development with regard to odour on this public space is absent. Receptors R3 and R4 are located on either side of the park and therefore, an approximation of the effect of odour on the park could be somewhat estimated. However, this effect is not guaranteed. This absence of assessment is further compounded by the fact that the report fails to explain the effect of the scheme in quantitative terms across the ten receptors which were surveyed. As such, it is not possible to understand the effect of the development in quantitative and scientific terms, nor is it possible to limit the overall expulsion of fumes in an enforceable and practical mechanism through the use of planning conditions.

16. Therefore, there are critical failings of the supporting evidence before me. It follows that this leads me to the conclusion that it has not been clearly proven that odour would not have a harmful effect upon the surrounding locality, including on residential and non-residential receptors. These failings are further exacerbated by the qualitative approach to this evidence presentation, which prevent the

development of the asphalt plant from being controlled through the use of planning conditions. Taking these factors into account, it is concluded that the development would have an unacceptable impact on the living conditions of neighbouring occupiers, with regard to odour.

Summary

17. To summarise, the proposed development would have a harmful effect upon the living conditions of neighbouring occupants and residents of the surrounding area, with particular regard to noise and odour. Consequently, the proposed development would be contrary to Policies 2, 3, 7 and 30 of the South East Lincolnshire Local Plan 2019. Collectively, these policies seek to prevent unacceptable adverse impacts upon the amenities of and conflict with neighbouring land uses, having regard to the effects of noise and odour, amongst other things.

Other Matters

18. Concern has been raised regarding the Council's handling of the application. However, this falls outside the scope of matters for consideration within the context of the main issues of this appeal decision. Interested parties have also made comments both objecting in response to this appeal and at the application stage of the proposal. These comments have been reviewed during my assessment of the appeal. As I have found conflict with the development plan to the main issues, which were taken from the decision notice provided by the Council, I have not explored the content of these comments within this decision.

Planning Balance and Conclusion

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework indicates that a decision should be taken in accordance with the development plan.

20. It is contended that the development would contribute an investment of £3.1 million to the local area. Whilst this is not thoroughly explained in significant detail, the development of the proposal within an established employment site, close to an access point onto the A17 would provide some benefits in general terms. It would provide employment. There would be economic benefit through the construction of the development, which would be followed through its day-to-day operation. These material considerations which attract limited, but positive weight.

21. However, in my overall consideration of the scheme, these material considerations do not outweigh the harm and conflict with the development plan. There are no material considerations of such weight or significance before me as to justify a decision otherwise than in accordance with the development plan.

22. For the reasons above, the appeal should be dismissed.

J Smith

INSPECTOR