
Appeal Decision

Site visit made on 20 February 2017

by Joanna Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 02 March 2017

Appeal Ref: APP/C3620/W/16/3164523

Vacant Agricultural barn, Partridge Lane, Newdigate, Surrey RH5 5BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Class Q of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mrs Sarah Macdonald against the decision of Mole Valley District Council.
 - The application Ref MO/2016/0706/PNQ, dated 25 April 2016, was refused by notice dated 16 June 2016.
 - The development proposed is "conversion of agricultural building to provide three single bedroom dwellings ground floor accommodation".
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q of *The Town and Country Planning (General Permitted Development) (England) Order 2015* (the GPDO) for the "conversion of agricultural building to provide three single bedroom dwellings ground floor accommodation" at land at Vacant Agricultural barn, Partridge Lane, Newdigate, Surrey RH5 5BP in accordance with the terms of the application Ref MO/2016/0706/PNQ, dated 25 April 2016, and the plans submitted with it, subject to the following condition:
 - 1) The building shall not be converted until a scheme to protect the future occupiers of the dwellings from aircraft noise associated with London Gatwick Airport shall have been submitted to and approved in writing by the local planning authority. All works that form part of the approved scheme shall be completed and operational before any part of the building is occupied and shall be retained as approved thereafter.

Preliminary matters and main issue

2. The Council has not raised any concerns about the criteria set out in Q.1. of the GPDO, and I see no reason to disagree. Q.2. of the GPDO permits a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses), and building operations reasonably necessary to convert the building to such a use, subject to a number of conditions.
3. The Council's reason for refusal says that the proposal would fail criterion (b) of Schedule 2, Part 3, Class 2 of the GPDO, noise impacts of the development. However, it is not the noise that the development would cause, but an existing

external source of noise, namely aircraft noise, due to the location or siting of the barn that is at issue. So, the GPDO condition Q.2.(e) is more relevant.

4. With this in mind, the main issue in this appeal is whether the location or siting of the Vacant Agricultural barn (the barn) makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses), having regard to noise from aircraft using London Gatwick Airport.

Reasons

5. The appeal site is reached by a gated access on the roughly east side of Partridge Lane. The barn is situated in a field a little way from the lane. Due to its relationship to the flight path of aircraft coming into and leaving London Gatwick Airport, the site is affected by aircraft noise. The Council's reason for refusal says that the site lies within Noise Exposure Category C 57-60 Leq in which residential development is contrary to Policy ENV56 of the *Mole Valley Local Plan* (LP).
6. However, LP Policy ENV56 predates current national policy and guidance in the *Noise Policy Statement for England*, the *National Planning Policy Framework* (Framework), and Planning Practice Guidance (PPG). Instead, it refers to the Noise Exposure Categories (NEC) in Planning Policy Guidance 24: *Planning and Noise*, which has been revoked and replaced by the Framework.
7. By contrast, the appellant's acoustic consultant's noise assessment (the assessment) has been carried out in accordance with current national policy and guidance, as well as British Standard BS 8233:2014 *Guidance on sound insulation and noise reduction for buildings* (BS 8233) and the World Health Organization (WHO) Guidelines for Community Noise.
8. The assessment includes results of an on-site noise survey. This shows that the mean daytime and night-time ambient noise levels are 58 dB $L_{Aeq, 16 \text{ hr}}$ and 52 dB $L_{Aeq, 8 \text{ hr}}$ respectively, which fall within NEC category B when assessed using the noise criteria in LP Policy ENV56. It also gives mitigation options.
9. Using BS 8233 sound insulation R_w values the assessment shows that, with double glazing and a typical roof construction, internal noise levels are predicted to be 10 dB below the BS 8233 daytime criterion of 35 dB $L_{Aeq, T}$ and 11 dB below the night-time criterion of 30 dB $L_{Aeq, T}$ when all windows are closed. Because the guideline noise levels would be likely to be exceeded by up to 8dB if windows are partly opened for natural ventilation, alternative means of ventilation including passive or mechanical silenced whole house ventilation are recommended instead.
10. For the control of aircraft $L_{Amax, F}$ levels inside bedrooms at night, the assessment says that a minimum composite façade sound reduction of 38 dB R_w would be required to mitigate $L_{Amax, F}$ levels, in order to achieve the WHO's 45 dB $L_{Amax, F}$ guideline noise level. Detailed BS 8233 noise calculations are recommended to guide the design of the wall and roof construction, and the selection of components including windows and ventilation units. It also recommends that noise measurements should be carried out inside the dwellings during construction to confirm the sound insulation performance of the building.

11. The assessment explains that private outdoor areas should be excluded from the scheme to avoid exposing future occupiers to high external daytime noise levels. Having regard to the red line shown on the location plan, there would be almost no space outside the barn, so there would be no private outdoor areas.
12. Whilst my colleague dismissed a proposal for conversion of the barn to 3 dwellings in his an appeal decision ref APP/C3620/W/16/3106097, there would appear to have been little acoustic data or authoritative noise assessment before my colleague. Another colleague's appeal decision ref APP/C3620/W/15/3025999 for a similar proposal in Partridge Lane was also put to me, but I have few other details of that scheme. So, I have dealt with the proposal before me on its merits and in accordance with its site specific circumstances and relevant local and national policy and guidance.
13. Subject to the imposition of the appellant's suggested condition, which has been considered in the light of the guidance in Framework paragraph 206 and the PPG, the proposal would not harm the living conditions of the future occupiers, with regard to aircraft noise. It would satisfy the thrust of LP Policy ENV56 which aims to take account of noise levels, and the Framework which aims to prevent new development from being adversely affected by unacceptable levels of noise pollution.
14. Therefore, subject to the imposition of a condition for a scheme of noise attenuation measures, I consider that the location and siting of the barn would not make it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses), having regard to noise from aircraft using London Gatwick Airport.

Conclusion

15. For the reasons given above and having regard to all other matters raised, the appeal should be allowed and prior approval should be granted. In the grant of approval, the appellant should note that condition Q.2.(3) of the GPDO requires that the development must be completed within a period of 3 years from the date that the prior approval is granted and paragraph W(12)(a) of the GPDO requires that the development is carried out in accordance with the details provided in the application.

Joanna Reid

INSPECTOR