



Appeal Decision

Site visit made on 10 August 2019

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2019

Appeal Ref: APP/Z3825/W/19/3226651

Stafford House, Bonnetts Lane, Ifield RH11 0NX

- 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 Hasnain Mohsin of Millat-E-Jaffariya (registered charity No 295830) against the decision of Horsham District Council.
 - The application Ref DC/18/1584, dated 30 July 2018, was refused by notice dated 9 November 2018.
 - The development proposed is described on the application form as the 'use of premises for mixed use purposes comprising a residential living unit and as a community meeting facility for Shia Muslims'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. There is a detailed planning history to Stafford House, as noted in the Council's officer report associated with application Ref DC/18/1584. I understand that the land associated with it was formerly more extensive, incorporating outbuildings which have subsequently become Daisy Cottage (the nearest dwelling to the appeal site, now in separate ownership). My decision, however, focusses squarely on the acceptability of the development proposed. It does not address whether or not any development undertaken or proposed to date was, or is, authorised. The exception is where that has a bearing on the acceptability of the proposal.
3. The Council explains that application Ref DC/11/1350 made in respect of the site previously was deemed to be withdrawn. I understand that resulted from the failure to agree the terms of an agreement under section 106 of the Town and Country Planning Act 1990 as amended (the '1990 Act') which would have set limits on the number of attendees and timing of the community use then proposed. The Design and Access Statement ('DAS') related to this scheme explains that was as a result of the potential for such restrictions to unduly fetter use of the premises relative to the varying needs of the community. As I understand it the authorised use of Stafford House is as a dwelling, albeit that it has been used for community events.
4. The DAS also advocates that the proposal be allowed 'without undue controls over activity levels and numbers of events etc.'. It would not be appropriate for me to seek to modify the development in such a way that would make it

substantially different from that set out in the application.¹ A condition has however, been advanced that would limit the times that community use and events may occur.² That is to accord with the approach taken in the Noise Survey and Assessment ('NSA').³ I will return to that matter. I note at this stage, however, that no similar limitation on the number of attendees has been suggested as acceptable.

5. I acknowledge some flexibility is necessary to provide for a community centre that would meet the needs of the Shia Muslim community, that the operation of churches may not be limited by planning conditions or obligations, and that there is a role for self-regulation with neighbours. On the first point there is a list of religious observances and community events before me, and the confines of the building would play a role in limiting the number of attendees. Whilst I accept the second point in general terms, no specific examples have been brought to my attention, and many churches and other religious establishments were established before modern planning requirements. Whilst uses often integrate or coexist without recourse to formal processes, the absence of limitations may, in itself, cause friction or poor relations between new and established uses (in the absence of clarity as to what is acceptable, or not).
6. The appellant explains, in counterpoint to some who have made representations, that the proposal is not for a mosque. Whilst both a mosque and the development proposed would likely represent a mixture of use classes D1 and C3, there is a terminological and cultural difference. A mosque potentially suggests a more intensive use, wider catchment area, and differential impacts (for example associated with calls to prayer). I have therefore used the appellants description of the proposed facility in their supporting statement, namely a community centre.

Policy context

7. Each proposal must be determined on its merits in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding a review underway, in this instance the development plan includes policies of the Horsham District Planning Framework (adopted 27 November 2015, the 'HDPF'). Stafford House falls within the Parish of Rusper, close to the administrative boundary of Crawley Borough Council. The latter aligns with the River Mole a short distance away, around 170 metres to the south.
8. The Parish was, on 18 February 2016, designated as an area for the purposes of preparing a neighbourhood plan. However I understand that work is yet to reach a sufficiently advanced stage such that it may be accorded significant weight. I have also had regard to various other material considerations including the National Planning Policy Framework ('NPPF'), the Planning Practice Guidance ('PPG') and to the provisions of the Equality Act 2010 as amended (the '2010 Act'), notably section 149.
9. Policies in the development plan, and also those in the NPPF, pull in different directions. HDPF policy 42 'Inclusive Communities', criterion 6, sets out that

¹ Planning Practice Guidance Reference ID: 21a-012-20140306.

² Condition 1 of the Supplementary Statement supporting application Ref DC/18/1584.

³ Noise Survey and Assessment, undertaken by Acoustic Associates, Ref J2477, dated 17 July 2018.

particular account will be taken of the need to address requirements stemming from the 'specific needs of faith and other community groups'. HDPF policy 43 'Community Facilities, Leisure and Recreation' also broadly accords in-principle support to the provision of new or improved community facilities. NPPF paragraph 92 sets out how planning should plan positively for community facilities, including places of worship. Religion or belief is a protected characteristic under the 2010 Act, in respect of which steps should be taken to meet associated needs (section 149(3)(b)).

10. Nevertheless such support is not unqualified. HDPF policy 42 is prefaced with support being accorded to 'positive measures', with reference made in NPPF paragraph 92 to community facilities enhancing the 'sustainability of communities'. HDPF policy 43, criterion 2, expresses a preference for community facilities being located within built-up areas (other than where that is impractical), i.e. in line with the spatial hierarchy for the District set via HDPF policy 2 'Strategic Development'. Section 149(1)(c) of the 2010 Act sets out that I must have due regard to the need to foster 'good relations' between those who share a relevant protected characteristic and others.
11. Moreover no one element of the development plan, or of the NPPF, automatically outweighs any other. HDPF policy 2 seeks also to manage development around the edges of existing settlements, including to protect the rural character and landscape. That is amplified and effected via HDPF policies 25 'The Natural Environment and Landscape Character' and 26 'Countryside Protection'. The latter explains that 'any proposal must be essential to its countryside location' and that it should not lead to a 'significant increase in the overall level of activity in the countryside'. In brief HDPF policies 32 and 33 seek to ensure that development integrates appropriately with its surrounding context, visually and in respect of the living conditions of those nearby. As refined via the PPG in respect of noise in particular,⁴ NPPF paragraphs 170 and 127 similarly set out that planning should recognise the intrinsic character and beauty of the countryside and seek to ensure a 'high standard' of amenity for existing and future users.

Main issues

12. The main issues are whether or not it has been demonstrated that (i) the location proposed is justified, with particular regard to the effect of the development proposed on local character and appearance, (ii) the proposal would have an acceptable effect on the living conditions of the occupants of Daisy Cottage in relation to noise. If I find that harm would result in respect of either or both main issues, I will then gauge whether other material considerations are nevertheless sufficient to justify allowing the appeal.

Reasons

Location

13. Stafford House is a substantial detached property which appears turn-of-the-century in origin, or earlier, set within a spacious and broadly level plot of some 0.2ha. The property has been altered and added to over time, including via a conservatory projecting beyond its eastwards side elevation and a lean-to area to the rear extending close to the common boundary with the plot of Daisy

⁴ Notably Reference ID: 30-005-20190722.

Cottage. Stafford House is accessed via Charlwood Road, which to the south becomes Ifield Road (rather than via Bonnetts Lane). The former projects north-westwards into the rural surroundings of Crawley beyond the established extent of the town, broadly demarcated by the River Mole.

14. On account of the proximity of Crawley, and of Gatwick Airport to the north-east above Langley Green, there are various hotels and leisure uses, including other faith centres, relatively nearby. There is a pavement by the appeal site running to Ifield, streetlighting, and two well-served bus stops close by.⁵ However the appeal site is clearly beyond what is recognisably urban, where development becomes more sporadic. Charlwood Road here is flanked by established hedgerows and mature trees and therefore has a semi-rural character. There is an open field opposite the appeal site which, it appeared, is given over to grazing. There are only occasional buildings dotted about nearby northwards of the appeal site along Charlwood Road. Bonnetts Lane is essentially rural in character, being enclosed by vegetation and trees (and does not benefit from the connectivity or amenities of Charlwood Road).
15. I understand part of the rationale for the Council's in-principle support for application Ref DC/11/1350 was on the basis that the appeal site is 'appropriately placed' with reference to proximity to Crawley and in terms of accessibility.⁶ The appellant has also indicated that around 80% of the local Shia Muslim community reside in Langley Green, as opposed to other areas of Crawley.⁷ I note the concerns of nearby residents regarding the intensity of traffic and highway safety. However there is nothing to indicate other than that vehicular access to the site would be safe and suitable, improved access is proposed, and the appeal site is well set-back from the carriageway such that there is good visibility of oncoming traffic.⁸ Notwithstanding subsequent reasoning regarding potential numbers of attendees, the effects of additional vehicular movements associated with a community centre here given the surrounding context would likely be of little significance. In terms of accessibility, the scheme may reasonably be described as suitably located.
16. The proposal would entail significant alterations and additions to Stafford House in order to provide additional and better appointed space and facilities for gatherings, ceremonies and religious instruction. The lean-to area would be removed, as would certain outbuildings. The original building would be extended by way of a two-storey side extension projecting towards Bonnetts Lane. Via a glazed link that extension would connect with a new two storey building set forwards of the principal elevation of Stafford House.⁹ The footprint and ridgeline of the new building would be broadly comparable with those characteristics of the existing property, and would be set at an acute angle to it (responding to the curve of the appeal site by the adjacent junction). Permeable surfacing would be laid to enable around 80 vehicles to be parked on site, access widened, and boundary features and trees either retained or augmented.

⁵ Currently served by Southdown PSV's No 257 service, and Metrobus' No 2 (as detailed in the Green Travel Plan).

⁶ Council statement of case, paragraph 7.8.

⁷ Albeit that the source data for that map is not readily identifiable.

⁸ Plans 1574.3/01 and 1574.3/02.

⁹ I understand that would assume the function of a marquee that has previously been installed on site.

17. Stafford House is well set back within its plot such that it is only partially visible from Charlwood Road. The topography is relatively flat, and the appeal site bounded by mature trees and established vegetation. The extension and new building have evidently been designed so as to reduce their prominence and to tie in with the design of the existing property. They would be tucked towards the north-westerly boundary of the site, and the new building would partially obscure Stafford House as extended.
18. There are a range of property sizes nearby, and a number along Bonnetts Lane have a greater visual presence than would be the case of the development proposed (by virtue of their siting and less substantial boundary features).¹⁰ Whilst HDPF paragraph 9.18 sets out that rural areas of the District are important elements of its overall character, the appeal site is not within a landscape that is formally designated in that respect. On account of the transitory role the area plays relative to Crawley and its surroundings, most views of the development proposed are likely to be fleeting.
19. Nevertheless the proposal would substantially add to the floorspace and scale of Stafford House. The Council gives the extent of that change as from 176 sqm internal floorspace presently to 488 sqm proposed, an increase of some 277%. The appellant contends a more accurate metric is gross external area, which is instead stated to be 239 sqm presently compared to 491 sqm proposed (still more than double, representing an increase of some 105%).
20. That is notwithstanding that I am told that the previous application Ref DC/11/1350 was made on the basis that the ground floor of the premises 'was adequate to serve the needs of the community, and that it was likely that no more than 30 people would use the property at any one time'.¹¹ As the development proposed would project closer to Charlwood Road near a bus stop with widened access, the increased bulk resulting from the scheme is nevertheless likely to be perceptible. That would inevitably reduce the openness of the site, thereby impinging upon the contribution that the appeal site has to the semi-rural character around Crawley. However those physical changes would, in themselves, be slight and are therefore not determinative.
21. Nevertheless the proposal would enable a significant increase in the intensity of use likely to occur here, or to be able to occur. That is whether considered relative to the established use of the site or the proposal in 2011 referenced above. The list of events before me gives attendance typically of around 30 to 75 individuals. However that number rises to 120 in several instances, to 175 in relation to others, and to 250 on a very few occasions. As noted above the appellant has not ventured an upper limit in terms of attendees, and the number of attendees may increase in time (or not).
22. That increased intensity is not solely numerical or abstract. It will result in an increase in comings and goings at a relatively prominent juncture of the highway network, as well as a significant number of vehicles parked within the appeal site at any one time. That will have a visual effect out of character with a rural, or in this case semi-rural, location which is inherently more tranquil; I was unable to identify other sites nearby where such extensive parking is

¹⁰ Including Maxey Cottage, Wester House and Parkholme.

¹¹ Council statement of case, paragraph 7.10.

located as close to a pavement as is proposed here.¹² The other instances of more prominent buildings referred to above along Bonnetts Lane appeared to be dwellings, or originally such, with commensurate levels of parking. The intensity of use combined with visual effects would be uncharacteristic, particularly in contrast to the open fields opposite and nature of Charlwood Road and Bonnetts Lane described above.

23. As set out above HDPF policy 43, criterion 2, expresses a preference for community facilities being located within built-up areas (other than where that is impractical). HDPF policy 25 acts as a counterpoint in explaining that 'any proposal must be essential to its countryside location'. I acknowledge that Millat-E-Jaffariya has searched for some time for a permanent facility, as opposed to renting other spaces with associated difficulties in securing bookings sufficiently flexible to align with religious observances. Notwithstanding the representations of some, I also note that other facilities in and around Crawley cater principally for Sunni Muslims, who hold different tenets and observe differing customs.
24. However there is no substantive evidence before me of the other locations or facilities that have been considered relative to this proposal and discounted for whatever reason (whether that is their practical availability, or financial viability), for example those more centrally located within Langley Green. Aside from brief references in the DAS and supporting supplementary statement, there is no thorough explanation of the actions taken to identify potential alternatives over time. The evidence before me falls short of justifying the intensity of development proposed in this particular location in planning terms with reference to the harm, albeit limited, to local character that would result. I therefore conclude that the location of the proposal conflicts with the relevant provisions of HDPF policies 43 and 26.

Daisy Cottage, noise

25. Any use has the potential to generate noise, however some have greater potential than others. By consequence there are separate provisions for addressing noise which amounts to being prejudicial to health or a nuisance.¹³ The appellant aptly describes such provisions as a 'backstop'. However noise and disturbance may still be adverse without being so severe as to amount to a statutory nuisance, and therefore also relevant to planning.
26. Development plan policy 33 'Development principles', amongst other requirements, sets out that development shall not result in 'unacceptable harm to the amenity of occupiers/ users of nearby property and land', including in respect of noise. Similarly paragraph 170(e) of the NPPF sets out that planning should avoid individuals being subject to 'unacceptable levels' of noise. The PPG explains how noise which affects the behaviour of neighbours in ostensibly minor ways should be mitigated and reduced to a minimum.¹⁴ Industry-standard metrics assist in that respect. However, inevitably, they cannot account for the character of a particular environment. Even relatively small changes in the surrounding context may have a significant perceptive effect.

¹² Generally parking provision is more substantially set back from the highway network, such as at Trivells Hotel to the west or by Crawley Rugby Club to the south, mitigating its effect on character.

¹³ Under the Environmental Protection Act 1990.

¹⁴ Reference ID: 30-005-20190722

27. The nearest facing elevation of Daisy Cottage is some 12.5 metres away from a brick wall topped with close-boarded fencing demarcating the boundary with Stafford House. That would provide for some degree of attenuation. The space between it and Daisy Cottage is largely driveway, with outside space around that property on all sides. The nearest elevation of Daisy Cottage contains no windows, albeit that the appellant's NSA has modelled, theoretically, a window in that location. That is a precautionary approach, noting that there is a casement and vent window serving a living room close by a the south-eastern elevation of Daisy Cottage (from which a line may be drawn at an acute angle to the rear elevation of Stafford House).
28. The NSA indicates that, between 1800 on 8 June 2018 and 1200 on 14 June 2018, the L_{90} background daytime and night time (2300-0700) sound level recorded here was 48 dBA and 34 dBA respectively. The former is relatively high, reflecting in part the surrounding context of Charlwood Road, Bonnetts Lane and Gatwick Airport. Those are averages drawn from 15 minute periods or increments of study; figures two and three of the NSA, however, show that many individual increments were significantly above that level.
29. With reference to British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings ('BS8233'), the NSA explains that guideline values for noise experienced in living rooms and bedrooms during the day should be 35 $L_{Aeq,16hr}$ (dB), falling to 30 $L_{Aeq,16hr}$ (dB) during the night for bedrooms. The comparable values for acceptable levels of noise in external amenity space are given as between 50 and 55 $L_{Aeq,T}$ (dB). I note that BS8233 figures are averages over a longer, or different, time period than 90 minutes used in the NSA. Therefore the latter gives a more sensitive analysis than indicated by standard metrics.
30. However the figures given above appear to be for 'continuous anonymous noise'. That is noise generated by sources such as road traffic, which inherently draws the attention less than music, speech or intermittent sounds. The community centre would primarily generate the latter. In such circumstances BS8233 recommends that the noise criteria referred to above should be reduced, the NSA adopting a 5 dB reduction in that context. The NSA further states that Annex G of BS8233 suggests that, if windows are partially opened for ventilation, 'the insulation of the building envelopment would be reduced to approximately 15dB'.
31. Within the acoustic study period, Stafford House was used for evening prayers and a shared meal, which included amplified sound. Measurements were taken more frequently during that event in recognition of potential fluctuations in sound intensity, i.e. in five minute increments. Measurements were taken in positions ST1 and ST2 shown in NSA appendix A.¹⁵ NSA section 3.3 gives the results of the short-term survey, whereby the level varies at ST1 between 52 and 54 dBA, with a peak five minute interval reading of between 52 and 56 dBA.
32. The comparable figures for ST2 vary respectively between 47 and 49 dBA with a peak five minute interval reading of between 49 and 52 dBA. Applying the highest five minute interval figures via computer modelling, the NSA explains

¹⁵ Adjusted to be free-field, i.e. to discount the effect of sound reflection from nearby surfaces.

that the closest façade of Daisy Cottage would be subject to noise of around 37 dBA directly resulting from the community use of Stafford House, with the reading at the nearest façade containing a bedroom window being 35 dBA. With 15 dB of attenuation from a partially open window the resultant sound levels experienced within Daisy Cottage are given in section 4.3 of the NSA as $L_{eq,5min}$ 22 dBA and 20 dBA.

33. Those figures are below the 35 $L_{Aeq,16hr}$ (dB) recommended in BS8233, even if adjusted by 5 dB for intermittent rather than anonymous noise. The NSA further contends that because of the differential between the observed L_{90} background daytime sound level of 48 dBA and night-time figure of 34 dBA, any noise resulting from activities in Stafford House would effectively be effaced by that which is already present. Using a logarithmic calculation, the NSA forecasts that the use of the site for parking of 80 vehicles, potentially a rare occurrence, would increase the noise generated by 4 dB at most, thereby resulting in noise at the façade of Daisy cottage of around 41 dBA and 39 dBA.
34. Certain measures to mitigate the potential effects of noise have also been suggested. The development proposed would effectively draw the community use further away from Daisy Cottage, including via removal of the lean-to structure (which I am told is used from time-to-time for food preparation presently). An internal door to the conservatory would be provided, and there would be greater sound attenuation by virtue of the design and location of the hall/ meeting room forward of the principal elevation of Stafford House.
35. The NSA also advances that for the women's meeting room, I understand intended to be within Stafford House as it stands and as extended, additional measures could be taken in respect of requiring speakers to face in a certain direction, limits on sound amplification and that 'doors windows to the northern façade would need to remain closed and only used in the event of an emergency'. Subject to those measures, the appellant contends that it has been demonstrated 'as a matter of scientific fact' that adverse effects would not arise, in terms of noise, to the occupants of Daisy cottage. I disagree.
36. Not unreasonably the NSA is reliant on average noise measurements, whether over 15 or 5 minutes periods. Inevitably that cannot account for episodic noise likely to arise in practice, for example vehicle manoeuvring, entering and exiting vehicles, and conversations within the grounds of Stafford House (all of which have the potential to exceed the observed background sound level of 48 dBA and potentially the highest 5 minute average of 56 dBA recorded at position ST1 in the short term study). As noted in BS8233 intermittent noise, particularly that related to speech, inherently diverts attention. There is no substantive justification before me as to why a noise reduction figure of 5 dB in reflection of those differential qualities is appropriate, as opposed to another figure. Notwithstanding averages, in my view, the proposal has the potential to result in occasional intrusive noise, i.e. that which is likely to affect the behaviour of the occupants of Daisy Cottage.¹⁶
37. To some extent the NSA is also self-referential. As set out in section 3.2, the long-term measurement of baseline noise levels here occurred during a period where events were held at Stafford House. The 'background sound level' of 48

¹⁶ With reference to PPG Reference ID: 30-005-20190722.

dBA therefore appears to take account of noise already arising from community use. It cannot reasonably be argued that the noise generated from the development proposed is inherently justified relative to a background position which already is already subject to some uplift from community use.¹⁷ Moreover the positions for monitoring long-term noise measurements and short term measurements are not the same, such that the figures are not directly comparable.¹⁸

38. The NSA study period included an event attended by some 70 to 80 people, which I am told is typical of numbers. However the list before me detailing the anticipated schedule of events and attendees, indicates that although attendance at regular prayers is predominantly estimated at around 30 to 75 individuals, that number rises to 120, 175 and 250 on certain occasions. Those numbers are inconsistent with the NSA, and I have set out above that the proposal would represent a significant increase in intensity of use, without limit on the number of attendees. The potential for noise and disturbance is likely, although not precisely, to increase in line with the number in attendance.
39. Based on that list, most events would occur between 0630 and 2200, although occasional events would run as late as 0300. Some community use is therefore proposed to occur during the night-time, i.e. outside of 0700 to 2300 as defined in the NSA. The appellant has suggested foregoing community use commencing before 0700, notwithstanding that may fetter the ability to use the facility flexibly (as was unresolvable in respect of the 2011 application). There is some merit in that suggestion, and I acknowledge that fewer individuals would attend events such as vigils extending into the night than other events, thereby moderating the potential for adverse effects to arise.
40. However, within the terms of the NSA, the baseline figure that should be sought of bedrooms during the night is 30 $L_{Aeq,16hr}$ (dB), reduced by 5dB to 25 $L_{Aeq,16hr}$ (dB) on account of the quality of noise that would result. I am told, based on modelling software that with a 4 dB increase resulting from additional parking, the noise at the façade of an elevation containing a bedroom window of Daisy Cottage would likely be 39 dBA. Appreciating that noise is measured on a logarithmic rather than linear scale, within the terms of the NSA the resultant level, even given 15 dB of attenuation from a partially open window, would result in an expected internal sound level in a bedroom of Daisy Cottage of 24 dB. Whilst episodic, that is at the threshold of acceptability, particularly noting my reasoning above regarding the concerns I have with the premise of the NSA (in terms of the numbers of attendees and justification for a 5 dB intermittent noise reduction).
41. Furthermore the 15 dB attenuation provided by a partially open window referenced in Appendix G of BS8233 relates to a worked example, as is indicated by the word reduced 'to' rather than 'by'. The associated footnote explains that circumstances may 'vary significantly depending on the window type and the frequency content of the external noise'. In my view it cannot consequently be applied as prescriptively as the NSA suggests.

¹⁷ In that context, incidentally, the use of the term 'background noise' does not fully reflect that such a measurement will have included intermittent noise as well as continuous autonomous noise.

¹⁸ That may cut both ways as the long term measurement position set out in appendix A of the NSA is furthest from the proposed parking area within the appeal site, but also closer to Bonnetts Lane and therefore likely to be affected by greater noise from passing traffic.

42. I accept that the main area of garden space associated with Daisy Cottage lies other than immediately adjacent the common boundary with Stafford House. Nevertheless peak five minute interval readings for modelling point ST2 next to the boundary between the two properties reached as high as 52 dBA, compared to the assessed baseline of 48 dBA. Whilst the boundary wall, fence and distance would provide some attenuation, when a 5 dB reduction for intermittent noise is applied that level of noise exceeds the 50 to 55 $L_{Aeq, T}$ (dB) recommended for external amenity space (albeit with the recommended time (T) unspecified in that instance).
43. There is some contextual noise from highways and Gatwick Airport; at the time of my site visit planes were taking off broadly east to west, with the flight path tracking close by. However in my view, whilst clearly audible, flights and vehicle movements are part of the baseline auditory context to the site by virtue of their mechanical white-noise quality. They are therefore likely to be less significant than the peaks and attention-directing qualities of noise likely to arise by virtue of the development proposed. I also note that Daisy Cottage falls in the direction of the prevailing wind, which is not the case of Gatwick Airport to the north-east. That may have some differential effects in terms of carrying sound.
44. Mitigation could reduce the potential for adverse effects. However such measures are reliant on a number of actions being taken on a day-to-day basis, many of which are unlikely to be adhered to simply by virtue of accident or human fallibility, others are likely to be unenforceable, and some are unreasonable.¹⁹ In the first category fall actions such as ensuring amplification is directed away from Daisy Cottage. In the second are proposals such as ensuring that the internal door to the conservatory remains shut, and that noise limits in respect of amplification are adhered to. Requiring that all eight north facing windows and both doors in that elevation are closed other than in emergencies would likely be unreasonable, for example by limiting natural ventilation during hot weather.
45. There are various factors that would, or if implemented via appropriately-worded conditions were the development otherwise acceptable, mitigate the potential for adverse effects to result to the occupants of Daisy Cottage in relation to noise. However for the above reasons, given the unquantified intensity that would result from the proposal, and the shortcomings with the evidence before me, it has not been demonstrated that the proposal would ensure a high standard of amenity. By contrast the proposal has the potential to result in intrusive noise which cannot in my view be suitably mitigated or reduced to a minimum based on the evidence before me. I therefore conclude that the proposal would conflict with the relevant provisions of HDPF policy 33 and NPPF paragraph 170(e).
46. The appellant further contends that the Council objected to the scheme on unfounded grounds, or gave scant consideration to NSA, notwithstanding that the onus is generally on the appellant to provide sufficient evidence in support of a proposal.²⁰ That is effectively a challenge to their substantive handling of

¹⁹ Notwithstanding the appellant's position that all comply with the requirements in NPPF paragraph 55.

²⁰ Section 62(3)(b) of the Town and Country Planning Act 1990, subject to section 62(4A).

the case. However inherent in my reasoning above is that there are unresolved issues with the NSA, not intrinsically in its own terms, but in the judgements placed upon its findings in so far as they relate to justifying the development proposed. Similarly the appellant's argument that the proposal is better situated here than in a more close-knit urban location, where there is the potential for adversely affecting a greater number of individuals, effectively argues against the proposition that the scheme would be acceptable. Moreover, as set out above, there is limited evidence before me of the consideration that has gone into alternative locations.

Other matters

47. There are many representations before me attesting to the value of the space proposed and of the work of the Charity since its establishment in 1987.²¹ I accept the practical challenges entailed in securing appropriate facilities, understand that the nearest comparable centre is quite some distance away in south London, and acknowledge that the proposal would clearly be beneficial to the Shia Muslim community in terms of provision to enable religious observances and celebrations. I do not treat those benefits lightly. In theory adverse effects on local character and to living conditions may, on balance, be acceptable in the event that there is robust justification for development being necessarily situated in a particular location.
48. However in this instance, that is not the case. There are shortcomings with the justification for the intensity of the community centre, its potential effects in respect of noise to the occupants of Daisy Cottage, and little of substance before me in respect of alternatives in support of this proposal being essential within the terms of HDPF policy 26. I cannot therefore reach a finding that the other material considerations in favour of the proposal are sufficient to outweigh the harm that would result.

Conclusion

49. For the above reasons, having taken account of the development plan as a whole, the approach in the NPPF, and all other relevant considerations including the provisions of the 2010 Act and the representations made in respect of the proposal, I conclude that the appeal should be dismissed.

Thomas Bristow
INSPECTOR

²¹ Including from the Prevent Co-ordinator of Crawley Borough Council who refers to there being extremely limited community centre availability in the area.