



Appeal Decision

Site visit made on 7 January 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2020.

Appeal Ref: APP/P0119/W/19/3238687

Welling Cottage Farm, Moorhouse Lane, Hallen BS10 7RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Cole against the decision of South Gloucestershire Council.
 - The application Ref P19/3017/F, dated 18 March 2019, was refused by notice dated 19 July 2019.
 - The development proposed is for the conversion of an existing rural building into a residential dwelling (Class C3).
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Decision

1. The appeal is dismissed.

Procedural and Background Matters

2. Section E of the appeal form indicates a different description of development to that which was used on the planning application form. However, I have used the original description in my determination of this appeal as it is an accurate and adequate description of the development for which planning permission is sought.
3. The appellant has made reference to an amended plan that includes an acoustic note on the windows and building fabric which seeks to overcome concerns in the refusal notice. This represents new information, I am mindful that the appellant on their appeal form did not indicate that they were submitting any new information at the appeal stage. The appeals procedural guide makes it clear 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 local planning authority, and on which interested people's views were sought'¹.
4. Nevertheless, having regard to the Wheatcroft Principles², it is my view, that the additional information does not fundamentally alter the scheme in terms of its design, while the details submitted seek to protect the amenities of future occupiers. Whilst I appreciate that the information is technical in nature given that it seeks to introduce noise mitigation, the Council have had sight of it and had the opportunity to comment. Furthermore, I do not consider that the interests of neighbouring occupiers would be prejudiced in my accepting of the

¹ Annex M, M.2.1, The Planning Inspectorate Procedural Guide, Planning Appeals – England, August 2019

² Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]. This decision has since been confirmed in Wessex Regional Health Authority v SSE [1984] and Wadehurst Properties v SSE & Wychavon DC [1990] and Breckland DC v SSE and T. Hill [1992].

information. I have therefore assessed the appeal on the basis of the additional information.

5. The appeal site lies within the Green Belt, but the Council is satisfied that the proposal would not constitute inappropriate development in the Green Belt. I see no reason to take a different view.

Main Issues

6. The main issues in this case are:

- whether the proposal would provide acceptable living conditions for its future occupiers, with particular reference to noise; and
- the effect of the proposal on the setting of the Grade II listed building known as Wellinghouse Farmhouse and the character and appearance of the area.

Reasons

Living conditions

7. The appeal building, a former milking parlour, is located in the open countryside and within a small cluster of traditional buildings that include two dwellings, one of which, Wellinghouse Farm, is a Grade II listed building. The proposal would involve converting the appeal building to a residential dwelling and would include external areas for private amenity and parking.
8. There are two principal existing sources of noise which could impact upon the living conditions of the future occupiers: road traffic noise from vehicles on the adjacent M5; and noise generated from trains on the Bristol-London railway line. I noted from my site visit that both the road and railway line were visible from the appeal site and in close proximity, while sound from them was clearly audible from external areas immediately adjacent to the appeal building. In the case of the road the character of the noise was constant rather than intermittent, however, I acknowledge that this would have been a snapshot in time.
9. Policy PSP21 of the Council's Local Plan³ states that development proposals that would introduce noise sensitive receptors in locations likely to be affected by existing sources of noise, shall be accompanied by an assessment of environmental noise and an appropriate scheme of mitigation. Where the Council requires a dedicated noise survey to assess a development, as in the case of the appeal scheme, specific guidance on its content is provided in the Council's document entitled 'Specific Guidance Note 1 – Planning and Noise, March 2015'. The Appellant has not provided this information.
10. In the absence of a noise survey that meets the Council's guidance, I am unable to determine with any confidence whether or not future occupiers of the dwelling would be exposed to harmful noise emissions from within and outside of the appeal building. The appellant has provided additional information in the form of a drawing note to indicate that noise entering the building can be insulated by noise reducing materials and fixtures. However, even though I have accepted this information, without having details of the baseline noise environment it is not clear whether these measures would be an effective way

³ South Gloucestershire Local Plan: Sites and Places Plan, adopted November 2017

- of safeguarding the amenities of future occupiers from harm. Moreover, the mitigation relates to internal measures, therefore even if I were to conclude they were acceptable I would not know what effect the existing noise environment would have on the proposed external space around the dwelling and the living conditions of the residents using the space.
11. I acknowledged that the proposed dwelling would be further away from the existing adjacent dwellings, while in combination with the road and railway embankment they could form an effective noise barrier. However, this is insufficient reason to justify the proposal, given that a more thorough noise assessment would establish the level of noise impact that would be incurred on future occupiers.
 12. The appellant points to the guidance contained in BS8233, where it states that meeting noise levels may not be achievable in all circumstances and that development should be designed to achieve the lowest practicable levels without prohibiting development. However, I consider that it would not be possible to apply the compromise position, referred to in the guidance, to the prevailing noise environment without having details of this in the first instance.
 13. The Council did not refer to the requirement for a noise assessment in its written pre-application advice. This is regrettable given the benefits that front loading an application can contribute to making effective decisions and delivered in an efficient manner. Nevertheless, the Council's failure to provide notification of the need for an assessment in its pre-application advice does not exempt the appellant from providing one at the application stage. Furthermore, the request for the information was made following a formal consultation with the Council's Environmental Protection Section.
 14. I have considered requesting a noise assessment through a condition, however, I do not consider that this would be reasonable as the findings may require mitigation that cannot be provided.
 15. I conclude that there is insufficient information before me to provide certainty that the proposed development would not result in unacceptable living conditions for future occupiers in terms of the effect from noise. The proposal therefore conflicts with Policies PSP8 and PSP21 of the Local Plan and Policy CS9 of the South Gloucestershire Local Plan Core Strategy, adopted December 2013 (the Core Strategy). Amongst other matters these policies require proposals to be supported by an assessment of environmental noise and to protect the amenities of residents from unacceptable noise. The proposal would also fail to accord with the National Planning Policy Framework (the Framework) where it requires development proposals to safeguard the amenities of future occupiers.

Character and Appearance

16. The appeal building is a large former milking parlour dating back to the first half of the 20th century. The cement exterior walls are painted white, while the roof is covered in corrugated sheeting. The building has a small number of window and door openings. It is one of many buildings that surround the Grade II listed Wellinghouse Farm (the listed farmhouse), with the appeal building located a short distance to the west.

17. The listed farmhouse is a distinctive early seventeenth century two and a half storey dwelling built from random rubble stone and having double Roman and pantiled roofs. Notable features include a number of projecting gables and two prominent chimney stacks. The listed farmhouse is surrounded by a number of former ancillary detached and interconnected outbuildings, that are now in separate ownership.
18. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications. The Framework defines the setting of a heritage asset as the surroundings in which it is experienced. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or, may be neutral.
19. The views of the listed farmhouse are interrupted by surrounding buildings, many of which are used as workshops for car repairs. This results in partial glimpses of the listed farmhouse, whilst its roof and chimneys can be seen rising above adjacent buildings when viewed from the driveway leading to it.
20. The north eastern flank wall of the appeal building along with the opposing elevation of the barn located across the farmyard serve to frame close range views of the listed farmhouse when viewed from the driveway and front yard area. From these areas there are largely uninterrupted views of the listed farmhouse's front elevation. Views of the historic farmyard fronting the listed building can also be seen in this context. This relatively open area enclosed by former farm buildings contributes positively towards the setting of the listed farmhouse, from which it derives some of its significance.
21. In their submissions, the Council do not consider that the appeal building, in its current state, makes a positive contribution to the setting of the listed building. In their view its functional design and rudimentary appearance, compared to the historic stone buildings around it, give it the character of a cheap and functional structure, as opposed to a good quality permanent, addition to the group of buildings.
22. The proposed elevations of the building would incorporate a mix of stone and timber cladding to replace the existing white cement rendered exterior walls. A new metal sheet roof will replace the existing metal sheeting.
23. The limited and glimpsed inter-visibility between the listed farmhouse and the appeal building mean that the proposed changes to the south west and north west elevations would not be clearly seen in context with the listed farmhouse. There would however, be clear views of the proposed stone elevations on the north west flank wall and part of the south east elevation within the historic setting of the listed farmhouse. The proposed stonework would nevertheless be consistent with the surrounding buildings and the listed farmhouse, such that it would serve to preserve its setting.
24. In considering the effect on the character and appearance in more general terms, the other buildings in the cluster including the listed farmhouse, largely incorporate stone elevations with clay roof tiles. However, a number of the ancillary former farm buildings have elements of timber cladding at gable ends, in addition to large timber door openings. In this context, the proposed

materials would not appear unfamiliar, in contrast to the existing building with its white rendered walls. Moreover, the economy of additional window and door openings proposed would not harm the understanding of the building's role in the context of the former farmyard.

25. I acknowledge that the proposed development would domesticate the appearance of land around the outbuilding. However, I observed from my site visit that the proposed amenity space already has play equipment on it and appeared to be in use by the existing occupiers. Moreover, the proposed parking spaces would be located in an area already used for this purpose. Therefore, whilst the proposed dwelling would introduce further domestic paraphernalia such as outdoor seating at the external amenity area, it is not considered that the proposal would significantly alter the character of the existing group of buildings in this respect.
26. Concluding on this main issue, the proposed development would preserve the setting of Wellinghouse Farmhouse and would not result in harm to the significance of the listed building. It would also be acceptable in terms of its impact on the character and appearance of the area. Therefore, it would accord with Policies CS1, CS9 and CS34 of the Core Strategy and Policies PSP1, PSP17 and PSP40 of the Local Plan. Amongst other things, these policies seek to respond to local character, conserve the historic environment and protect the setting of listed buildings. The proposed development would also conform with the aims of the Framework where it requires proposals to preserve the setting of heritage assets.

Conclusion

27. I have found no harm to the character and appearance of the area, including the setting of the Grade II listed Wellinghouse Farmhouse as a result of the proposal. However, the determining issue in this case is the lack of information provided to allow the assessment of the proposal on future living conditions, where I have concluded that the proposal is in conflict with the development plan and the Framework.
28. For the reasons given, I conclude that the proposal is unacceptable, and the appeal is dismissed.

R. E. Jones

INSPECTOR