



Appeal Decision

Site visit made on 31 May 2023

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2023

Appeal Ref: APP/F2605/W/22/3305660

Lydney House Hotel, Norwich Road, Swaffham PE37 7QS

- 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 Optimum Patient Care Limited against the decision of Breckland Council.
 - The application Ref 3PL/2021/1122/F, dated 30 July 2021, was refused by notice dated 28 February 2022.
 - The development is change of use of existing Hotel (Use Class D2) to a Holiday Let (Sui Generis).
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal property is the grade II listed Grady's Hotel a c1760 red brick house with a pantile roof set in a large plot (Lydney House) within the Swaffham Conservation Area (CA). The development which has already taken place is a change of use. There is no operational development proposed. I have considered the appeal on that basis and adjusted the description accordingly.
3. The significance of Lydney House is founded on its historical and architectural interest whereas the CA derives its significance from its range of historic buildings and their layout. Mindful of my statutory duties, consistent with the Council, I agree the scheme, would have a neutral impact on both relevant designated heritage assets. The Council's concerns therefore relate only to the impact of the development on nearby residents with particular regard to noise and disturbance.
4. The main issue is therefore the effect of the development on the living conditions of nearby residents with particular regard to noise and disturbance.

Reasons

5. The appeal property is a substantial three storey, detached building set in a large plot with mature trees, lawns and amenity areas. It has 11 ensuite bedrooms and evidence indicates as a single holiday let it can accommodate up to 22 people. Extending along the northern boundary of the appeal site is Lydney Close, a row of eight terraced two and half story dwellings with their main front elevations facing the appeal site.
6. I accept if used as a hotel, all individual rooms could be booked by a single party and occupied by that single party without restriction. I also accept that

such a scenario could result in a level of activity taking place at the premises equivalent to that which could take place if the whole appeal property was let via a single group booking. I acknowledge the hotel use could also have entertainment within its grounds unrestricted. I also note the property has a cellar which can be used for socialising without causing disturbance outside the appeal property.

7. I have had regard to the Noise Policy Statement for England (2010). I have also considered the appellants noise assessment which concludes that noise levels generated by the development are likely to be the same as the hotel use. It suggests even with the alleged worst case (loudest) behaviour of guests, noise can be sufficiently mitigated to acceptable levels. It also notes that the external areas were not extensively used during the survey which was undertaken in November and finds the normal use of Lydney House has little to no effect on the existing noise climate. The assessment acknowledges the windows and doors would be more likely than not to be closed in the winter/autumn but recommends that a noise management plan is implemented to among other things, forbid the use of external amenity areas or hot tubs after 2200 and require windows and doors be kept closed after 2200 unless noise levels inside the building are relatively low.
8. However, it is highly unlikely that all hotel rooms would be available to book by a single party at any given time for any prolonged period. Even if the appeal property could be booked in this way, its use in this way by large groups would be nowhere near as frequent as it would be if the property was available solely as a single holiday let. Furthermore, any large group booking the whole substantial property for their exclusive use would obviously wish to socialise. Indeed, this would clearly be the most likely reason why they would wish to let the appeal property. Furthermore, there is no substantive evidence to suggest hotel entertainment events would be a frequent occurrence.
9. Consequently, in my view, the use of the appeal property as a holiday let for a single large group of up to 22 people would increase the level and desire for social activity to take place among residents using the property than would be the case if operating as a hotel. In good weather, it is inevitable a single large group of people, would most comfortably and effectively be drawn to external areas of the property including its amenity areas and lawns to socialise.
10. I have considered the appellants assurances that visitors would agree to and sign terms of conditions which require no noise to be heard outside of the property between the 2200 and 0800 (quiet hours) any day. I note house rules are also displayed in and around the appeal property which require doors to be kept closed and the quiet hours adhered to. I also note the willingness to set all this out and more in a noise management plan which could be agreed and secured through the use of an appropriate planning condition.
11. However, irrespective of how jovial any socialising may be, a single group of up to 22 people occupying the appeal site with its amenity areas and lawn so close to the dwellings on Lydney Close, in my judgment, significantly increases the risk of frequent noise and disturbance being generated from the appeal site, beyond levels which you would expect to experience in a residential street such as Lydney Close. Even if it were reasonable to ensure windows and doors were kept shut and people were mainly inside the building after 2200, the potential

for such levels of noise and disturbance outside these hours so close to dwellings suitable for family occupation is still significant and harmful.

12. Thus, based on the details before me, I am not satisfied that any noise management plan would contain enforceable measures to prevent these effects. I therefore find the development harms the living conditions of nearby residents with particular regard to noise and disturbance. It is therefore in conflict with Policy COM03 of the Breckland Local Plan (2019) which, among other things, seeks to ensure new development does not harm the amenity or living conditions of people living nearby.

Conclusion and Planning Balance

13. I acknowledge 8 cleaners and two gardeners work approximately two full days per week, and a number of other local businesses also benefit economically from the enterprise. Even if, I accepted the proposal would be beneficial to tourism and overall found significant economic benefits arising from the scheme, any economic benefits there may be, are insufficient to overcome the harm I have identified to the living conditions of the occupants of dwellings nearby with particular regard to noise and disturbance.
14. I have also considered the comments with regard to the development ensuring the heritage asset remains in use. However, there is no substantive evidence in the form of detailed accounts or other similar financial related evidence, that allows me to form a view on the substance of such claims. Thus, I have determined the appeal on the basis that its authorised use as a hotel would be viable irrespective of the outcome of this appeal.
15. Thus, on balance, for the reasons given above and taking into account all other matters raised, I conclude that the development would not accord with the development plan and the appeal should therefore be dismissed.

L Fleming

INSPECTOR