



Appeal Decision

Site visit made on 26 June 2024

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2024

Appeal Ref: APP/P3420/W/23/3333944

Land at Station Road, Onneley, Staffordshire CW3 9QQ

- 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 Mr J Finney against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref is 23/00606/FUL.
 - The development proposed is change of use of land to holiday lodge site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form did not provide a description of the development proposed. Instead, a cross reference was made to a planning statement. In Part E of the appeal form it is stated that the description of development has not changed but, unlike the application form, a description is provided. This appeal form description matches that provided on the Council's decision notice. Therefore, I have used this description in the banner heading above.
3. Since the Council determined the application, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar as it relates to the main issue has not been significantly changed there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly. I have referred to the updated paragraph numbers.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of occupiers of nearby properties, with particular regard to noise and disturbance, antisocial behaviour and pollution.

Reasons

5. The appeal site comprises a parcel of land within the village of Onneley. It sits on the inside bend of Station Road to the south and east with agricultural land to the north and a detached dwelling known as Graceland to the west. Onneley is a rural village that lies outside a settlement boundary as defined by the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, adopted October 2009 (CSS). Residential properties and other buildings are

dispersed across Onneley along several rural lanes off the main A525 road through the village. The wider surrounding area is predominantly characterised by undulating open countryside.

6. The appeal site is currently a field, which I saw at my site visit appeared to have last been used for taking hay. It is bound by trees and hedgerows with unenclosed access taken directly off Station Road. The site sits on slightly higher land than Station Road, a mostly unlit narrow lane with no footway, which curves around two sides of the site. There are several residential properties within spacious plots along Station Road.
7. The proposed development would introduce a leisure use on the site in the form of holiday lodges. The submitted plans and information indicate 9no lodges of approximate maximum 20m length and 6.8m width would be accommodated on the site, laid on concrete pads. The existing access from Station Road would provide access to the lodges and parking for two vehicles would be provided next to each lodge. A general grassed amenity area is denoted on the plans along the northern part of the site.
8. Given the location of the proposed use within the village, close to surrounding residential properties, there is potential for the proposal to cause noise and disturbance to nearby residents. The comings and goings and activities of holiday makers can differ from those associated with permanent residential occupiers. This is of particular significance due to the proximity of the site to the neighbouring detached dwelling to the west, 'Gracelands'. I observed that windows to this dwelling were particularly close to the boundary of the appeal site. Furthermore, elevations of East View House and Red Barn as well as the rear garden of Yew Tree Farm face towards the appeal site, albeit these properties are separated from the site by the narrow Station Road.
9. The application is accompanied by a Noise Impact Assessment (NIA)¹. On the basis of a noise survey taken over 24 hours for four days at a location on the site fronting Station Road, it is clear that average ambient (LAeq) and background (LA90) noise levels in the area are low. This finding concurs with my observations at my site visit, on a weekday. The NIA concludes that the predicted indoor noise level from vehicle movements and car door slams associated with the proposed use at the most noise sensitive property (Gracelands) with windows partially open, would be below WHO² guidelines of 45dB_{LAMAX} relating to sleep disturbance.
10. However, while noise relating to vehicles would be within the WHO guideline, in the context of BS8233:2014³ internal ambient noise levels state that 30dB LAEQ,8 hour is suitable for sleeping within a bedroom. I note that the maximum internal noise level within a room with a partially open window at the most affected noise sensitive receiver from a car door slam, as evidenced in the NIA, would be above this level during night time given the existing quiet environment. It is therefore possible that there could be some noise disturbance from the slamming of car doors at night time.
11. Although the Council query the use of WHO guidelines in assessing the effect of vehicle noise upon surrounding residents, no substantive evidence to counter

¹ Venta Acoustics, Noise Impact Assessment, Report VA4443.221212.NIA, 20 June 2023

² World Health Organisation

³ BS8233:2014 – Guidance on sound insulation and noise reduction for buildings

the submissions from the appellant's acoustic consultant has been provided in relation to vehicle noise.

12. On the basis of the evidence before me, on the basis of the number of vehicular movements and frequency of car door slams associated with 9no lodges, I am satisfied significant harm to the living conditions of neighbouring residents with regard to vehicle noise would be unlikely.
13. Notwithstanding the above, it is acknowledged in the NIA that the daily activity of guests using the proposed lodges could have the potential to create noise and disturbance. I note that the proposed lodges are of a size that would reasonably accommodate family occupants and/or groups. Even if the industry standard occupancy rate referred to by the appellant as 3.49 people per unit is taken into account, given the level of accommodation proposed in a relatively small area, the proposal would create a considerable amount of noise and disturbance through visitors in-car audio systems and noise associated with visitors entering and exiting their cars and lodges, which could reasonably include raised voices, as well as noise associated with outdoor recreational use such as children playing, music and outdoor dining.
14. While recognising the unpredictable nature of noise from visitors, the appellant has attempted to quantify expected noise levels from voices from the proposed area of green space measured to the rear garden of Gracelands in a 'Response to Refusal' letter⁴ (RtR). The RtR indicates that, even if noise levels from voices within the garden of Gracelands were lower than existing ambient noise levels, there would be parts of the day and night when raised voices would be audible above background noise level. From the information presented in Table 1.2, it is unclear whether measurements are based upon noise from a single voice whereas the site could accommodate groups of visitors conversing or playing in the green space when there would be a concentration of cumulative activity within a relatively small space.
15. The information provided in relation to voices therefore has limited value in enabling me to assess the overall noise likely to be experienced by neighbouring residents, and associated with the full operational use of the appeal site. In the absence of a definitive methodology or metric for the assessment of general noise from visitors, the exercise of planning judgement is required.
16. I consider the general murmur of conversation would not in reality be consistent as sound arising from conversation is inherently variable and intermittent. In this respect, although excessive noise from visitors may not necessarily be a regular occurrence, it is likely that, at times, noise and disturbance would be significantly greater than would be expected in the context of the rural residential location along Station Road.
17. Increased noise and activity, including from vehicle headlights, would be especially noticeable outside of daylight hours when there is currently unlikely to be any regular activity at the site and when surrounding residents might reasonably expect there to be a quieter and less active environment. Activities of visitors would also be more frequent during warmer months when guests would generally spend time sitting or playing outside. This would have an adverse effect on the enjoyment of the gardens of the neighbouring properties,

⁴ 4Venta Acoustics VA4443 Response to Refusal letter dated 23 November 2023

which would also be more likely to be used in warmer months. Existing low background noise levels would mean that any excessive noise generated by users of the site would also be likely to be intrusive, which would amount to an Observed Adverse Effect according to the hierarchy set out in Planning Practice Guidance⁵. This is likely to alter behaviour, attitudes or have other physiological responses.

18. Although the appellant claims typical average occupancy of a holiday lodge site is 44%, occupancy rates in the local area were indicated to be higher than this. All year round use of the site would also include events such as Christmas and New Year which would reasonably be expected to attract celebratory group gatherings of holiday occupancy.
19. Given the above, the NIA recognises the value of a noise management strategy to control noise from the proposed development. Details of a Noise Management Plan (NMP) and a Site Management Plan (SMP) have been submitted. Nonetheless, I am not convinced that noises emanating from within the appeal site could be satisfactorily controlled via the NMP or the SMP, particularly as the site would be managed remotely.
20. I recognise the proposal has been reduced from a previous scheme that was for 14no lodges on the site and that the consultation response from the Council's Environmental Health department refers to this incorrect number. Nevertheless, the lack of on-site supervision, even for 9no holiday lodges, especially during the evening hours, would mean that activities on the site could not be readily monitored.
21. I have taken into account that the proposed holiday park would offer high quality accommodation aimed at providing a quiet holiday retreat where numbers of guests per lodge would be limited, and large group bookings and pets would be prohibited. I also acknowledge that users of the site may be provided with guidelines and details of permitted and prohibited activities on the site. However, it is inevitable that children playing and other noisy activities would occur from time to time. As set out above, this would have the potential to be significantly intrusive.
22. Even if the day-to-day running of the business was undertaken by a local employee, it is unclear whether they would be contactable 24 hours a day. Callouts to the site to deal with issues could take considerable time to respond to, disturbance would either not be nipped in the bud quickly or it may have ceased by the time a callout was responded to. In any event, it would be incumbent on neighbouring occupiers or other holiday lodge visitors to make calls to report issues. Twice yearly community liaison meetings between holiday park management and local residents, whilst useful, would not deal sufficiently with issues that may arise between those meetings. Furthermore, I have no means available to me to ensure that the management of the site or the location of the employee would not change over time to one more distant from the appeal site.
23. The SMP sets out that waste collection would be limited to daytime hours, arrivals would be limited to the hours between 12pm and 4pm and departures before 10am. Nonetheless, due to the rural location of the site, visitors are likely to be reliant on a car to access facilities, services and for leisure trips.

⁵ ID: 30-005-20190722

Therefore, vehicles would most likely come and go from the site at all times, including during evening hours. Although the evidence indicates noise from vehicles would not be significant, there would be the potential for noise from visitors returning late in the evenings and conversing to be intrusive for occupants of neighbouring properties. While the effect of such activity from individual lodges would not be significant, due to the proximity to Graceland and the concentration of 9no lodges in a small space, the cumulative effect would be significant even at times when not all the lodges would be occupied.

24. Other nearby residential properties would be separated from the site by Station Road and I consider adverse effects resulting from noise and disturbance associated with people on the appeal site would be unlikely to be significant for occupants of these properties, particularly as the proposed green space would be further away.
25. I saw that boundary landscaping is well-established round the appeal site. However, I visited the site during the summer, when the boundary vegetation would reasonably be at its thickest, and the information before me is that the existing boundary planting includes deciduous as well as evergreen specimens. While I recognise that new tree planting is proposed along the western edge of the site closest to the boundary with Gracelands, any planted tree belt would be likely to take several years to reach maturity such that it would provide an effective form of screening or noise attenuation.
26. Although the suggested NMP and SMP would go some way to preventing unreasonable noise and disturbance, and, in the event that I were to allow the appeal, compliance with the NMP and SMP could be imposed as a condition, I note the Council's concerns over the enforceability of the proposed measures. As there would be no on-site management presence, and some of the proposed measures would not pass the tests for enforceability, I would agree. I am therefore not satisfied that the NMP or the SMP demonstrate that the noise and disturbance impacts set out above would be capable of being effectively mitigated or enforced to the extent that noise and disturbance would not demonstrably and harmfully impact upon neighbouring living conditions.
27. In addition to noise, the decision notice refers to pollution and anti-social behaviour. Nevertheless, neither the Council's officer report nor statement refer in detail to these matters and no compelling evidence is before me to demonstrate the proposed development would cause harm in these respects. Although interested parties raise concerns about the potential for anti-social behaviour, there is limited evidence to suggest that this would be directly associated with use of the site for holiday lodges. The SMP indicates that site lighting would be directed away from neighbouring properties and is a matter that would be controlled as part of a licence.
28. The use of a barbeque would be prohibited, although I have not been provided with any substantive evidence that pollution from cooking odours or barbeque smoke would be likely to be intrusive to the extent that they would adversely affect the living conditions of neighbouring occupiers.
29. Therefore, I am satisfied that there would be no harmful effects upon the living conditions of nearby residents with regard to pollution and anti-social behaviour.

30. However, for the above reasons, in the context of this location and given the proposed number of lodges within a small area, I conclude that the proposed development would harm the living conditions of occupiers of nearby properties, with particular regard to noise and disturbance.
31. The Council's decision notice refers only to the Framework. Accordingly, the proposal would conflict with guidance in paragraph 135 (f) of the Framework which, amongst other things, requires that developments should create places with a high standard of amenity for existing and future users.

Other Matters

32. My attention has been drawn by the appellant to an appeal that was allowed for 18 holiday lodges⁶. While the site plan and decision provided in that case has similarities to the appeal before me, from the evidence provided, that site was associated with an existing golf club on the land and included a reception lodge. As such, it is materially different to the scheme before me.
33. I have also been provided with details of holiday parks to support the appellant's case where mitigation for the effect of noise and disturbance has been accepted in other areas⁷. One case was for the use of an existing holiday home site for permanent residential accommodation adjacent to the A36 and industrial units in Wiltshire. Another case in Buckinghamshire was for residential park homes rather than holiday accommodation. The case at Boston, Lincolnshire was for an extension to an existing holiday park and associated golf enterprise to provide a leisure hub and car parking. The example given at East Sussex related to the provision of replacement attractions at an existing large visitor attraction. One case in Essex was for the variation of a condition in relation to an amenity building associated with an existing caravan site. While noise assessments were taken into account in each of these examples, they are not directly comparable, due to the different types of development, their locational and contextual differences.
34. The examples provided in Leicestershire and Bedfordshire⁸ are more relevant because they relate to new holiday parks close to residential properties. However, in the Leicestershire case, the noise assessment provided in relation to this case identifies plant noise as the main noise factor and surrounding residential properties were located further from the site boundary. In the Bedfordshire case, I note the Council did not refuse that scheme in relation to the effect of noise and disturbance on the living conditions of neighbouring residential occupants but for other reasons which were dismissed at appeal. Although the noise assessment has been provided for this case, the full details and circumstances of the case are not before me. Moreover, that there were no noise concerns or that they could be mitigated elsewhere does not represent an appropriate reason to find in favour of a proposal that would cause harm in this case, a case I have considered on its own merits.
35. The appellant contends that the site could be used as a caravan site under permitted development rights⁹. Whilst there is a reasonable likelihood that this

⁶ Appeal Ref: APP/U3935/W/15/3010469

⁷ Wiltshire Council Ref: PL/2021/11771; Wycombe District Council Ref: 18/06767/FUL; Boston Borough Council Ref: B/21/0367; South Downs National Park Authority Ref: SDNP/12/01183/FUL; Maldon District Council Ref: FUL/MAL/18/00381 and VAR/MAL/22/00075

⁸ North West Leicestershire Council Ref: 19/01961/FULM and Appeal Ref: APP/K0235/W/22/3304228

⁹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2 Part 5 Class A

fallback position could be implemented should the appeal fail, a scheme benefitting from permitted development rights would be temporary. Consequently, I attach very limited weight to the fallback position.

36. I note the comments relating to the Council's advice, but this has no bearing on my decision. Local representations have been received raising a number of other concerns, including flooding and drainage, parking, highway safety, waste removal, character of the area, amenities, streetlighting, outlook and accessibility. Nevertheless, as I am dismissing the appeal I do not need to consider these matters further.

Planning Balance

37. The presumption in favour of sustainable development at paragraph 11d) (ii) of the Framework states that where there are no relevant development plan policies, permission should be granted for development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
38. On the basis of the submissions, it is not contested by the Council that there are no development plan policies relevant to the main issue regarding noise. Therefore, the presumption in favour of sustainable development is triggered.
39. Tourism and leisure developments are an important part of a prosperous rural economy and are recognised as such at paragraph 88c) of the Framework. The proposal would increase tourist spending in the area, providing opportunity for local economic growth. The construction and operation of the proposed development would result in job creation and there would also be indirect job creation within supply and service chains. Social benefits would potentially arise through visitors supporting existing services in the local area.
40. The proposal would increase visitor accommodation in the area, providing additional visitor choice. My attention has been drawn by the appellant to information provided by the British Holiday and Home Park Association, Visit Britain 2022 tourism forecast and occupancy surveys 2021 along with reported local tourism trends¹⁰ which set out the Council will make the most of business opportunities in the tourism and leisure sectors. This aligns with the objective of Policy ASP6 (2) of the CSS which states that the Council will take a positive approach towards rural enterprise relating to the availability of the local workforce. The proposal would allow agricultural diversification and so it would also attract support from paragraph 88b) of the Framework.
41. The development would deliver speed reduction measures on the A525 which would be benefit to highway safety. However, these works are essentially a requirement of the development to mitigate highway safety concerns. Nonetheless, I recognise this would be a benefit to the overall highway network to which I attribute slight weight.

¹⁰ The Growing our People and Places (2019 – 2023)
Destination Staffordshire Tourism Review, Strategy and Action Plan 2015-2018

42. Bringing all the benefits of the proposed development together, overall, on the basis of the evidence presented, due to the modest scale of the proposal, I afford them moderate weight.
43. I have noted the appellant's comments highlighting absence of technical objections. Even if I were to agree that there would be no unacceptable effects in this regard, this is a neutral factor that weighs neither for nor against the proposal.
44. The development would be acceptable in principle, subject to satisfactory impacts on residential amenity.
45. However, I have found that the proposal would have a material adverse effect on the living conditions of occupiers of nearby properties with particular regard to noise and disturbance, to which I have apportioned significant weight. I also consider there would be moderate benefits arising from the development encouraged by other elements of the Framework. In effect, in this case, the requirement for an acceptable standard of amenity for existing residents pull against the tourism related and economic benefits to the area.
46. Taking all of these considerations together in the overall planning balance, I find the adverse effects of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not provide a reason to grant planning permission in this instance.

Conclusion

47. The proposal conflicts with the Framework when considered as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

A Veevers

INSPECTOR