

Appeal Decision

Site visit made on 6 September 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/M2840/W/24/3345103

Clarkes Barn, Cranford Road, Cranford NN14 4AA

- 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 Steffen Norris, Barton Lodge Developments against the decision of North Northamptonshire Council.
 - The application Ref is NK/2022/0241.
 - The development proposed is barn conversion to create 2 No 3-bedroom dwellings including utilising existing access and amenity land.
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Decision

- 1) The appeal is allowed and planning permission is granted for barn conversion to create 2 No 3-bedroom dwellings including utilising existing access and amenity land at Clarkes Barn, Cranford Road, Cranford, NN14 4AA in accordance with the terms of the application, Ref NK/2022/0241, subject to the conditions in the attached schedule.

Applications for costs

- 2) An application for costs was made by the appellant against North Northamptonshire Council. This application is the subject of a separate decision.

Preliminary Matters

- 3) The planning application form states that the site is located on Cranford Road, whereas the appeal form states that it is on Kettering Road. The site location plan identifies the road that the site is accessed from as Cranford Road. In the interests of clarity, I have taken the address from the planning application form.
- 4) Seeking to resolve the Council's initial concerns regarding the proposed extensions, the appellant submitted amended plans during the processing of the planning application. The Council responded to the appellant at the time confirming the acceptability of the amended drawings. However, the Council has confirmed that it did not carry out consultation on the amendments and that the decision was made on the original drawings submitted.
- 5) The amended proposal would still result in two dwellings, but they would be smaller than originally proposed through the removal of the side extensions

initially identified. The Council has confirmed in its appeal statement that it believes no one would be prejudiced by taking into account the amended drawings. Given the nature of the changes and that the description of development would not alter, I agree that considering the amended drawings at this stage would not prejudice any parties. Consequently, I have determined the appeal on the basis of the amended drawings.

- 6) The Council has confirmed that if assessing the scheme based on the amended drawings, then the first two reasons for refusal relating to the character and appearance of the host building and the area would no longer be appropriate and could be removed. Based on the evidence before me I can see no reason to disagree with the Council on this point.
- 7) A number of noise assessments were submitted with the application, with the latest version (reference MDR/j4927d) dated 12 November 2023. The Council's planning officer has confirmed that the latest noise assessment was not considered in its determination of the application. Nevertheless, the Council's Environmental Health Officer has provided comments on this latest version through the appeal process. This additional information does not alter the scheme proposed and provides additional supporting information. Given the Council has provided comments on the information, which the appellant has seen, I do not consider that anyone would be prejudiced by me taking it into account.
- 8) On carrying out my site visit I found that the existing building shown on the plans did not reflect what I viewed on site. The existing stone barn appeared to have been extended to the rear and conversion works were well under way. However, I note that planning permission was granted by the Council for the conversion of the agricultural building to one dwelling in 2020 and that these works could relate to that previous scheme, rather than the one specifically proposed under this appeal. I did not witness the works that had taken place internally. I have therefore not dealt with the appeal on a retrospective basis.
- 9) Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published in December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no party's interests would be prejudiced by my taking this approach.

Main Issue

- 10) In light of the above, the remaining main issue in this case is the effect of the proposal on the living conditions of future occupiers with specific reference to noise.

Reasons

- 11) The appeal site is located adjacent to the A14 dual carriageway. A belt of trees screen the road from the appeal site. All versions of the submitted Noise Assessments identify that the proposal would be impacted by the A14 passing road traffic noise. This was confirmed by my site visit where I observed that the A14 was a very busy dual carriageway road with fast

moving traffic including heavy vehicles, which resulted in a consistent road noise.

- 12) Paragraph 180 e) of the Framework seeks to prevent new and existing development from being adversely affected by unacceptable levels of noise pollution. The Planning Practice Guidance (PPG) states that noise needs to be considered when development would be sensitive to the prevailing acoustic environment. It goes on to identify that when making decisions, whether or not an adverse or significant adverse effect is occurring or likely to occur and whether or not a good standard of amenity can be achieved should be considered.
- 13) The appellants draw attention to BS8233:2014 which advises that in external areas used as amenity space such as gardens and patio areas, it is desirable that the external noise level does not exceed 50dB_{L_{Aeq} t}, and that 55dB_{L_{Aeq} t}, would be acceptable in noisier environments.
- 14) The latest Outdoor Amenity Area Noise Assessment (MDR/J4927d) dated 12 November 2023 considers noise in the gardens of both the appeal site and the neighbouring conversion scheme for three dwellings. It states that during the assessment period on the 25 October 2023, the noise level at the identified measurement points for the garden area of Plot 1 was 54dB _{L_{Aeq} 15min}, and for Plot 2 it was 51dB _{L_{Aeq} 15min}. Both garden areas would therefore fall below the higher external noise level that is considered to be acceptable in noisier environments.
- 15) I accept that these figures are less than those identified in both previous noise assessments. However, the Environmental Noise Assessment MDR/J4927a dated 21 February 2022 related to the neighbouring conversion scheme for three dwellings and there are differences between the appeal scheme before me and the adjacent conversion scheme, in terms of the location of the garden areas in relation to the buildings and the construction. Also, the measurement position for this initial Noise Assessment, which is identified in the report, was outside of the appeal site now before me and does not take into account the specific details of the appeal site, such as the presence of the boundary wall.
- 16) The other previous version of the Outdoor Amenity Area Noise Assessment (MDR/J4927c) dated 11 September 2023 does specifically relate to the appeal site before me. The measurement points are located within the garden areas, in very similar positions to those identified in the latest assessment. Under this previous assessment the noise level recorded in the garden area of Plot 2 was below 50dB _{L_{Aeq} 15min}, but for Plot 1, it was recorded as 59.2dB _{L_{Aeq} 15min}.
- 17) Whilst there is no explanation as to why there is a reduction in noise level identified, the Council has not identified any specific flaws with the methodology of the latest Noise Assessment. In the evidence before me, the measurement positions are clearly identified, the specific date and time of the assessment period are set out and are reasonable and I have not been made aware of any concerns about the equipment used to carry out the assessment.

- 18) I therefore find no compelling evidence before me that suggests I should disregard the results of the latest Outdoor Amenity Area Noise Assessment. Consequently, I consider that whilst the road noise would be noticeable from the garden areas, and more so from Plot 1 than Plot 2, it would not be at a level that would result in a significant adverse effect, based on the evidence before me.
- 19) The Council has also raised concerns about internal noise levels. I note the Environmental Health Officer, in response to the latest Outdoor Amenity Area Noise Assessment, revisited the internal noise criteria and considers that the double glazing specification proposed would not be adequate.
- 20) However, the building already has planning permission to be converted to a residential use. I note that the Council has confirmed that a noise condition attached to the previous planning permission for conversion to one dwelling has not been discharged. However, in order to ensure consistency, a similar condition could be imposed in relation to this scheme, to ensure that this requirement continues to be necessary for both the previous scheme and the proposal before me now.
- 21) I find, based on the evidence before me, that the proposal would be unlikely to have an unacceptable effect on the living conditions of future occupiers with specific reference to noise. The proposal would therefore accord with Policy 8 e), i) and ii) of the North Northamptonshire Joint Core Strategy 2011-2031 Adopted July 2016. This policy seeks, amongst other things, that developments should ensure quality of life by preventing both new and existing development from contributing to or being adversely affected by unacceptable levels of noise pollution. For the same reasons it would also comply with paragraph 191 of the Framework.

Conditions

- 22) I have considered the conditions suggested by the Council, having regard to the advice set out in the Planning Practice Guidance. For the sake of clarity, I have amended and reordered the conditions as necessary. It may be that some of the details required by the conditions set out below have been submitted already in relation to the previously approved scheme for one dwelling. Nevertheless, I do not have that information before me. In the event that some have in fact been discharged as part of that previous scheme, that is a matter which can be addressed by the parties.
- 23) In addition to the condition regarding the commencement of the development, I have attached a condition listing the plans that are approved which the development should be undertaken in accordance with, in the interests of clarity.
- 24) As set out above, I consider that further information on mitigation in relation to noise is necessary in order to be consistent with the extant planning permission. I therefore find it is reasonable and necessary to require details on how the proposal ensures an acceptable living environment in relation to noise, for example but not limited to the specification of the glazing for window units and doors.

- 25) In the interests of highway safety a condition is imposed relating to the provision and retention of parking areas.
- 26) A condition requiring the details of cycle storage in order to support and encourage the use of sustainable modes of transport is reasonable. Conditions are imposed regarding bin storage and boundary treatments in the interests of the character and appearance of the area, residential amenity and highway safety. I have amended the Council's suggested timeframe for the implementation of these schemes so that they are required prior to the occupation of any of the dwellings, given the limited scale of the scheme.
- 27) A condition requiring a drainage solution that ensures surface water run-off does not run onto the highway from the site access is reasonable and necessary in the interests of highway safety.
- 28) A condition is imposed setting out requirements should any unexpected contamination be found in order to protect future users of the appeal site and neighbouring land. A condition relating to water usage is imposed in the interests of the efficient use of water.
- 29) Whilst I do not consider that sufficient information has been provided to suggest why permitted development rights should be removed with regard to the effect on the amenities of neighbouring occupiers, I do consider that such a condition, as suggested by the Council, is reasonable and necessary in the interests of the character and appearance of the host building and the area.
- 30) During my site visit I noted that there were no gates attached to the brick piers located at the access point. I have therefore not imposed a condition requiring the removal of gates. Amongst other things, the condition referred to above, removes permitted development rights for the installation of new gates. If an application is made in the future for new gates the effect on highway safety can be considered at that point.
- 31) I have not imposed a condition requiring the details of external materials to be submitted, given that the external works to the appeal building appear to be largely complete and appear to be visually satisfactory. Given the advanced stage of the external works to the appeal building I have not imposed a condition setting out limitations on when works can be carried out.
- 32) I have not imposed the suggested condition identifying that only the land within the red line boundary on the site location plan forms part of the residential use of the appeal site, with particular regard to garden land. The land outlined in blue adjacent, does not form part of the appeal site and only identifies land in the same ownership. The red line boundary is clear in identifying the land subject to the appeal site. Any proposed change of use of adjacent land in the future would need to be considered on its individual merits.
- 33) I have not imposed the suggested condition requiring the agricultural use of the land within the red and blue line boundaries identified on the site location plan to cease. By allowing this appeal for residential conversion, the

use of the land within the appeal site, as indicated by the red line, would be associated domestic garden. The land identified by the blue line remains agricultural in use and it would be unreasonable to expect the use of the land to cease. Dwellings located adjacent to agricultural land is a common feature in the local area and there is no evidence before me to suggest its continued use would pose a significant harm in relation to residential amenity.

Conclusion

34) For the reasons given above the appeal should be allowed, subject to the attached schedule of conditions.

G Dring

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 21-037-06 and 21-037-05 Rev D.
- 3) Prior to first occupation a scheme for achieving the noise levels outlined in BS8233:2014 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and maintained as such thereafter.
- 4) The parking areas hereby approved shall be provided prior to the first occupation of the dwellings hereby permitted and shall be permanently retained and kept available for the parking of vehicles.
- 5) Prior to first occupation of the dwellings hereby approved, a scheme for the secure, covered storage of bicycles for each dwelling, with a capacity of one bicycle per bedroom for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the dwellings and retained thereafter.
- 6) Prior to first occupation of the dwellings hereby approved, a scheme for the storage and presentation of bins for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the dwellings and retained thereafter.
- 7) Prior to first occupation of the dwellings hereby approved, a scheme for the provision of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the dwellings and retained thereafter.
- 8) Prior to first occupation of the dwellings hereby approved, a positive means of drainage between the highway and the vehicular access point shall be provided to ensure that no surface water run-off enters the highway from the site's access. The drainage solution shall be retained in that form thereafter.
- 9) In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall works recommence.

- 10) The dwellings hereby approved shall incorporate measures to limit water use to no more than 105 litres per person per day within the home and external water use of no more than 5 litres per day in accordance with optional standard 36 (2b) of Approved Document G of the Building Regulations (2015).
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of all Classes included in Part 1, Classes A and C of Part 2 and Class L of Part 3 of Schedule 2 to the Order shall be undertaken.