



# Appeal Decision

Site visit made on 9 October 2024

by **A Price BSc MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 11 October 2024**

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**Appeal Ref: APP/H2265/W/24/3338252**

**Whitehill Stables, Whitehill, Wrotham, Kent TN15 7RH**

- 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 W Lee against the decision of Tonbridge and Malling Borough Council.
  - The application Ref is TM/23/01196/FL.
  - The development proposed is the conversion and extension of existing stables to create a two bedroom dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. There is no dispute between the Council and appellant in respect of internal noise levels, which would be satisfactory. The main issue therefore relates solely to the proposed garden area.

## Main Issue

3. The main issue is whether a satisfactory standard of accommodation would be provided for future occupants, with particular regard to noise and disturbance in the garden area.

## Reasons

4. The proposed development would provide two-bedroom accommodation, including a bathroom and combined kitchen, dining and living area. The windows and access doors to the property would be within the south and west facing elevations. A garden area is proposed to the west of the plot. The appeal site is positioned at the edge of the A20 London Road, a busy two-way highway.
5. An Environmental Noise Impact Assessment Report for Planning was submitted in support of the proposed development. The assessment confirms that road traffic noise from the A20, A227 and M20 are the dominant noise sources at the site. The assessment sets out that the appeal site falls within the 'medium' risk category during the daytime and 'high' risk category during the night. On this basis, mitigation measures have been proposed within the assessment to avoid significant adverse effects. The recommended measures include suitably insulated, non-opening glazing for the property itself and a 2 metre high acoustic fence around the perimeter of the site, together with additional landscaping.

6. Notwithstanding the proposed mitigation measures, the assessment concludes that noise levels effecting the outdoor space would remain above the guideline levels set out within British Standard BS8233:2014<sup>1</sup> (BS).
7. I acknowledge the appellant's argument that this BS requirement is caveated, setting out that meeting the requirement may not be achievable in all circumstances where development might be desirable. However, this caveat would reasonably be interpreted as relating to more urban locations where established development already exists or where a site would be sustainably located. No such extenuating circumstances are apparent here.
8. Based on the evidence before me, I am not persuaded that the proposed garden area would be comfortable for everyday use by future occupants by reason of the likely noise levels experienced.
9. I accept that any future occupants would be aware of the position of the property relative to the roads, and any noise effects, prior to their purchase or occupation of the dwelling. However, this is not reason alone to accept a poor standard of accommodation. Similarly, the appellant's argument that occupants would spend more time indoors is not an appropriate response to dealing with matters of noise. This goes to illustrate the undesirable nature of the proposed external space. The argued reduction in traffic noise over time is a hypothetical eventuality and does not change my conclusion on this matter.
10. Overall, I conclude that the proposed development would fail to provide a satisfactory standard of accommodation for future occupants with respect to noise from nearby roads. The proposal would be contrary to the relevant provisions of Policy SQ6 of the Managing Development and the Environment Development Plan Document (DPD, 2010). This policy, in summary seeks to protect new residential development from noise from transport-related sources. This is in a similar vein to the provisions of the National Planning Policy Framework insofar as the protection of living conditions is concerned.

### **Other Matters**

11. The submitted evidence indicates that the Council cannot demonstrate a five-year housing land supply. As such, and noting the Government's objective of significantly boosting the supply of homes, the provisions of Framework paragraph 11.d(ii) are engaged.
12. The proposed development would represent a contribution of one extra dwelling to housing supply in an area with an acknowledged lack of future provision. There, too, would be some other social and economic benefits of the proposed development, including in supporting employment during the works and the bringing of trade to nearby services and facilities once occupied. However, the benefits and the contribution to housing supply in the borough would inevitably be very limited given the scale and nature of the development proposed. Accordingly, and given the harm I have identified above, the adverse effects of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
13. I accept that the proposed development may meet other planning policy objectives including in respect of the Green Belt, AONB, character and

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<sup>1</sup> Guidance on sound insulation and noise reduction

appearance, ecology and highways. Nevertheless, these matters are not in dispute between the Council and appellant and are essentially neutral in my determination of the appeal.

**Conclusion**

14. For the reasons above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

*A Price*

INSPECTOR