



Appeal Decision

Site visit made on 12 November 2024

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2025

Appeal Ref: APP/L1765/W/24/3347988

Highbridge Farm, Highbridge Road, Highbridge, Hampshire SO50 6HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Henry Russell (A J Russell & Sons (Farms) Ltd) against the decision of Winchester City Council.
 - The application Ref is 23/02808/PNACOU.
 - The development proposed was described as: "See accompanying Location and Site Plans and Existing and Proposed Elevations and Floorplans."
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use from agricultural building to a single dwellinghouse at Highbridge Farm, Highbridge Road, Highbridge, Hampshire SO50 6HN in accordance with the application Ref 23/02808/PNACOU and the details submitted with it including the Site Plan dated 22 November 2023 and Plans and Elevations dated June 2023 (Drawing No. HBF 04), and subject to the conditions set out in the schedule attached.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. However, I have used the amended decision notice description in my above decision as it accurately describes the proposal.
3. Subsequent to the Council refusing Prior Approval, the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) was amended in May 2024. However, its transitional arrangements are such that I must still assess the appeal proposal against the Order that was in force at the time that the application for prior approval was made.
4. It is common ground that the appeal scheme meets the requirements of paragraph Q.1 of the GPDO (as amended in July 2023), such that it would constitute development permitted under Class Q, subject to the prior approval of certain matters. For permitted development under Class Q(a), namely a change of use from an agricultural building to a Class C3 dwellinghouse, prior approval is required in respect to a number of matters, including whether the location or siting of the development make it impractical or undesirable for the use of the building to change.

5. Prior approval was refused by the Council due to the close proximity between the proposed dwellinghouse to potentially noisy activities generated by existing businesses adjacent to the appeal site.

Main Issue

6. The main issue is whether the location and siting of the building makes it undesirable for the building to change to a dwellinghouse, in terms of noisy activities generated by existing businesses adjacent to the site and its effect on the living conditions of future occupiers of the proposed dwellinghouse.

Reasons

7. The appeal site comprises an enclosed agricultural barn on the northeast edge of a group of buildings and land known as Highbridge Farm, which is accessed off Highbridge Road (B3335). The barn is used for storage related to agriculture and for the repair of farm vehicles. Some adjacent land and buildings have different uses, including a construction company, a plant hire company, a blacksmith, a forklift training centre, a storage building and various sub-let open storage areas. Following my site visit, I am satisfied that the appeal building is in agricultural use for storage and repair of agricultural vehicles and machinery.
8. It is proposed to convert the building to a six-bedroom dwellinghouse with two floors. The main entrance to the dwellinghouse would be on the southern elevation and each of the ground floor elevations would contain various windows and openings serving habitable rooms. The first floor bedroom and ensuite windows would be on the northern and southern gable ends only.
9. A Noise Impact Assessment (NIA) has been provided with the appeal, which identifies three noise-generating operations within Highbridge Farm that could impact future occupiers of the proposed dwellinghouse. These are the plant hire, blacksmith and forklift training centre premises. The NIA provides detailed descriptions and layouts of these premises, including equipment producing higher noise levels. Spot measurements were made of the noisiest operations from these premises and appropriate corrections have been applied to reflect the specific character of the noise. Measurements were also taken from a location adjacent the southern appeal building elevation. From this, the NIA predicts anticipated noise impacts on future occupiers of the proposed dwellinghouse and also accounts for surrounding general traffic and ambient noise levels.
10. The noise survey findings have been measured against the relevant British Standard BS8233:2014¹ and indicate that they have the potential to have a significant adverse impact on the occupiers if the anticipated noise occurred over a 24-hour period. Significant mitigation measures are therefore required for the intended dwelling use. The NIA recommends several mitigation measures in the form of specific acoustic glazing specification with no trickle type vents, a MVHR (mechanical ventilation with heat recovery) whole house ventilation system, minimum wall thickness and specification, and the installation of "soundblocs" on the ceilings of the first floor bedrooms.
11. The NIA confirms that if future occupiers need to open the first-floor bedroom windows to control over-heating during the hotter summer months, then the internal noise levels are likely to exceed the Lowest Observed Adverse Effect Level (LOAEL) at all times. The MVHR system would therefore need to be

¹ BS8233:2014 – Sound insulation and noise reduction for buildings

designed to ensure windows do not need to be opened to control over-heating. Such a system would need to provide an overall attenuation performance of R_w 45 dB or more, which the NIA states could be achieved with standard 1,800mm long attenuators.

12. During my visit, I heard nearby intermittent machinery noise and lower and more consistent levels of background traffic noise. The layouts of surrounding buildings and uses which I could observe correlated with those as described and assessed in the NIA. I also note that the Council's Environmental Health Officer (EHO) has reviewed the NIA and commented that the potential noise impact can be attenuated by the mitigation measures it proposes. The EHO suggests that robust post installation testing is undertaken to make sure that the internal noise levels of the dwelling are acceptable.
13. I am satisfied that the NIA has sufficiently assessed the potential noise impacts on future occupiers of the proposed dwelling and that the recommended mitigation measures and post-installation testing requirements can be secured by means of appropriately worded planning conditions. I am also satisfied that the mitigation measures could be provided without altering the proposed external appearance of the building as indicated in the submitted plans. The mitigation measures would ensure that future occupiers of the dwellinghouse would not be exposed to internal noise levels within any of the habitable rooms that exceed the LOAEL based on BS8233:2014 - i.e. 30 dB L_{Aeq} , 1 hour during the day time (07:00 to 23:00), and 40 dB L_{Amax} , fast (10-event maximum) and 25 dB L_{Aeq} , 1 hour during the night time (23:00 to 07:00).
14. I therefore conclude that, subject to planning conditions, the location and siting of the appeal building would not make it undesirable for its use to change to a dwellinghouse, in terms of noisy activities generated by existing businesses adjacent to the site and its effect on the living conditions of future occupiers.

Other Matters

15. The planning history, as indicated in the evidence, shows a number of applications submitted over the years relating to the wider Highbridge Farm site. This includes a recent permission for two barns, and Highbridge Farm is also outside of a settlement boundary. The above matters are however not reasons to refuse prior approval under the GPDO. An agricultural occupancy is also not a GPDO requirement, and would not meet the tests for conditions set out in Paragraph 57 of the National Planning Policy Framework and the Planning Practice Guidance.
16. A Structural Assessment report of the appeal building was submitted with the initial application. I am satisfied that this demonstrates that the building as existing is capable of conversion to residential use within the limits of the GPDO regulations and having regard to the relevant case law².

Conditions

17. The Council has provided a list of conditions which it recommends should be attached to any grant of prior approval. Any prior approval and planning permission granted for the development under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO is subject to the condition that it must be completed within a period of 3 years starting with the prior approval date. Given that I

² *Hibbitt & Anor v Secretary of State for Communities & Local Government & Ors* [2016] EWHC 2853 (Admin)

have listed the submitted plans in my decision and Paragraph W(12) of Schedule 2, Part 3 of the GPDO requires development to be carried out in accordance with the details submitted, the Council's suggested implementation and plans conditions are unnecessary and have not been imposed.

18. A pre-commencement condition requiring agreement of external surfaces (condition 1) is necessary, given the nature of the proposal and in the interests of the external appearance of the building. Condition 2 is necessary as a pre-commencement condition, to ensure satisfactory foul and surface water drainage and to protect the surrounding environment. Conditions 3 and 4 are necessary to provide adequate acoustic measures for future residents. I have amended their wording to secure implementation and testing of all acoustic mitigation measures set out in the NIA, and submission of a noise validation report to demonstrate that the mitigation measures are effective and protect the dwellinghouse from noise.

Conclusion

19. For the reasons given above, the appeal should be allowed and prior approval should be granted.

R Cahalane

INSPECTOR

Schedule of Conditions

- 1) No development shall commence until samples of the render and the cladding to be used in the construction of the external surfaces of the dwellinghouse hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 2) No development shall commence until detailed proposals for the disposal of foul and surface water, including the emptying and maintenance of the cesspits and related infrastructure for the lifetime of the development, are submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before occupation of the dwellinghouse and shall be thereafter retained and maintained in accordance with the approved details for the lifetime of the development.
- 3) Prior to occupation of the dwellinghouse hereby permitted, all proposed acoustic mitigation measures shall be implemented in accordance with the Noise Impact Assessment (KR Associates, reference KR07516 Version 1.1 dated 18 June 2024), as summarised in its Sections 1.3.1 and 6.1.1, and a test shall thereafter be undertaken to demonstrate that the implemented acoustic mitigation measures are effective and protect the dwellinghouse from noise.
- 4) Prior to occupation of the dwellinghouse hereby permitted, a noise validation report shall be submitted to and approved in writing by the Local Planning Authority. This validation report shall demonstrate that the acoustic mitigation measures have been installed in accordance with condition 3, and are effective and protect the dwellinghouse from noise. Any required amendments must be completed prior to the occupation of the dwellinghouse. These acoustic mitigation measures shall thereafter be retained in operation.

*****End of Schedule*****