



Appeal Decision

Site visit made on 13 January 2025

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Appeal Ref: APP/R0660/W/24/3348202

Ostlers House, Ostlers Lane, Mobberley, KNUTSFORD, WA16 7LY

- 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 Mark Taylor against the decision of Cheshire East Council.
 - The application Ref is 22/4824M.
 - The development proposed is conversion of existing barn to two residential units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was issued in December 2024. The revised Framework applies from the date of issue, so all references in this decision letter are to the December 2024 version. The revised Framework includes changes to Green Belt policy, but the alterations do not materially affect the matters of disagreement in this appeal.
3. During the course of the application, revised plans were submitted which included changes to the garden areas, windows and roof lights. The revised plans are not listed on the Council's decision notice, but they are referred to in the Planning Officer's report, so have evidently been seen and considered by the Council. For the avoidance of doubt, I have determined this appeal on the basis of the revised location, section and elevation plans (drawing refs 1355-3e and 1355 6d), sent to the Council on 17 July 2023.
4. An Acoustics Report was submitted as part of the appeal (Hepworth Acoustics, July 2024). This provides an update to the earlier Acoustics Report which was submitted as part of the application (dated 2021). The updated Report addresses the Council's concerns, and the Council has had the opportunity to comment on it. I have taken account of both the 2021 and 2024 Acoustics Reports in determining this appeal.
5. The planning officer's report refers to concerns expressed by the environmental protection officer, but no written objection has been provided. Whilst noting this discrepancy, I have had regard to the information provided in the planning officer's report and their statement of case. These documents clearly explain why the application was refused, including consideration of the robustness of the Acoustics Report and mitigation strategy.

Main Issue

6. Framework paragraph 154 h) iv allows for the re-use of buildings in the Green Belt, provided that they are of permanent and substantial construction, that openness is preserved, and the proposal does not conflict with the purposes of including land in the Green Belt. In this case, the appeal building is a solid brick barn, and the creation of small areas of garden around it would have very little effect on Green Belt openness. The appeal proposal would not conflict with the purposes of including land within the Green Belt, and I agree that it would not be inappropriate development.
7. The sole main issue in this appeal is whether the proposed development would provide acceptable living conditions for future occupiers, with regard to aircraft noise.

Reasons

8. The appeal site is just outside the operational boundary of Manchester Airport, some 250m from Runway 2, and approximately 1.8km from Runway 1. Under normal operating conditions at the Airport, both runways are in use between 6.00am and 10.00pm. At night time, planning requirements mean that aircraft generally use Runway 1.
9. Aircraft take off into the wind, and in prevailing, westerly wind conditions, aircraft take off from Runway 2 and land on Runway 1. This means that, for much of the time, aircraft will be taking off close to the appeal site. I saw this when visiting the site. Aircraft noise was very noticeable in this otherwise quiet, rural location.
10. Paragraph 198 of the Framework says that planning decisions should ensure that new development is appropriate for its location, and should avoid noise giving rise to significant adverse impacts on health and the quality of life. Noise is a complex issue, and to assist with assessing noise impacts, the Noise Policy Statement for England uses the concepts of 'observed effect levels'. The Significant Observed Adverse Effect Level (SOAEL) is identified as the level above which significant adverse effects on health and quality of life occur.
11. Policy ENV13 of the Site Allocations and Development Plan Document 2022 (SADPD) is specifically concerned with aircraft noise, and aims to minimise its impacts on health and quality of life. The policy states that planning permission for new dwellings will not normally be granted within areas subject to aircraft noise above the SOAEL. In relation to aircraft noise, SOAEL is expressed in terms of ambient noise levels over a 16 hour period, including daytime hours, when the airport is busiest. Policy ENV13 indicates that SOAEL is currently considered to be 63 dB LAeq,16-hour, (7.00am-11.00pm).
12. Noise contours, published by Manchester Airport, are used to identify areas subject to varying levels of aircraft noise, for the purposes of SADPD Policy ENV13. This contour is an expression of average daily noise levels between mid-June and mid-September, again measured over a 16 hour period (7.00am-11.00pm). This reflects the busiest periods for aircraft movements.
13. The appellant has accepted that most of the appeal building lies between the 69-72 dB LAeq,16-hour (7.00am-11.00pm) contours, with a portion of the building on the 69 dB contour itself. On the basis of the summer 2019 contour, aircraft noise levels

during the daytime are therefore above the SOAEL. In this noise environment, Policy ENV13 makes clear that planning permission for residential development would normally be refused.

14. The contours are published regularly, but as stated in Policy ENV13, the 2019 contours are being used for planning decisions until the number of flights returns to pre-pandemic levels. I note the appellant's comment that the published daytime noise contours for 2023 show that the site falls within the 63-66 dB $L_{Aeq,16\text{-hour}}$ contour line. However, the reason for this is unclear. Flight numbers have been growing from their pandemic lows over the past few years, with high demand for air travel forecast to continue. I have been provided with no evidence to support the use of a different noise contour.
15. Noise surveys have been carried out by the appellant as part of the application and appeal. A survey carried out in February 2024 measured noise levels which were slightly lower than the 2019 contour predicts. However, the appellant has acknowledged that the average (L_{Aeq}) noise levels would be higher during the summer than in February. I note that the noise mitigation strategy is based on the 2019 noise contours, rather than the appellant's direct measurements. Survey measurements have been used to identify peak noise levels from individual aircraft taking off, to assist with mitigating noise disturbance at night time. This approach seems reasonable.
16. Recommended indoor ambient noise levels for dwellings are contained in British Standard 8233:2014 *Guidance on sound insulation and noise reduction for buildings*, and repeated in Policy ENV13. The appellant's Acoustic Reports (2021 and 2024 update) identifies mitigation measures needed to achieve these levels inside the building.
17. Proposed mitigation measures include high performance double glazing, with a very high specification for bedroom windows including skylights, and mechanical systems to provide adequate ventilation without the need to open windows. Bedrooms would extend into the roofspace, so measures are proposed to insulate the bedroom ceilings. I have no reason to doubt the conclusion of the Acoustic Report, which finds that, with appropriate mitigation measures, acceptable internal ambient noise levels could be achieved.
18. However, this would rely on keeping the windows closed, which may not always be desirable, particularly in hot weather. Policy ENV13 highlights the need for acoustic measures to also ensure good air quality as well as avoiding overheating, but the Acoustics Report does not explain how appropriate thermal conditions could be maintained inside the building. This could result in future occupiers needing to choose between limiting noise and maintaining a comfortable temperature in their home, a scenario which Policy ENV13 seeks to avoid.
19. Each of the proposed dwellings is proposed to have a small area of outside amenity space. For these areas, the building itself would provide some acoustic screening, and a small retractable awning could be provided which would also reduce noise levels. Even so, the appellant has acknowledged that in the outside spaces, aircraft noise levels would be above the upper guideline level of 55dB $L_{Aeq,16\text{ hour}}$, contained in BS 8233 and required by Policy ENV13.
20. The outdoor areas would be very small, which in itself seems a response to noise concerns, but seeking to mitigate the noise impacts by limiting the areas of private

outdoor amenity space only adds to the deficiencies in living conditions. The site is in a rural area, surrounded by countryside, but future occupiers would still reasonably expect to have a pleasant and reasonably sized outside area to relax and play, without experiencing excessive noise. That would not be the case here.

21. Text in BS 8233 advises that the upper value of 55 dB L_{Aeq T} for outdoor areas is only a guideline, which may not always be achievable. I appreciate the need for flexibility in some circumstances, but this is not an area where there are other clear advantages to development, such as easy access to local services and facilities, or the desirability of making effective use of urban land. Rather, the appeal site is some distance from the nearest settlement, in an isolated position with limited transport options, where future residents would be heavily reliant on travel by private car to meet their day to day needs. Whilst conversion of the barn is acceptable in terms of Green Belt policy, there is no over-riding need for development here, which would justify accepting a high level of aircraft noise in outdoor amenity spaces.
22. The appellant's family have been living and working at the site for many years, and may be accustomed to the aircraft noise. However, the experience of noise is subjective and differs between people. Policy ENV13 aims to prevent exposing additional residents to high levels of aircraft noise, in the interests of health and well-being. Tolerance of the existing noise climate by the existing residents is not a reason to allow further residential development here.
23. I conclude that the proposal would fail to provide acceptable living conditions, due to adverse effects associated with aircraft noise. The proposal fails to comply with SAPDP Policy ENV13, which restricts planning permission for new housing in areas where noise levels are above SOAEL.
24. Operation of the airport could have a significant adverse effect on the proposed development, and it is not possible to mitigate high levels of aircraft noise levels in the outdoor spaces. There is also uncertainty as to whether acceptable internal conditions could be maintained without the risk of overheating. Consequently, the proposal conflicts with Policy SE12 of the Local Plan Strategy 2017 and SAPDP Policy ENV15, which state that where existing adverse impacts cannot be avoided through mitigation, planning permission will be refused.
25. As it could cause unacceptable harm to the amenity of future occupiers, the proposal would not comply with SAPDP Policy HOU12 either.

Conclusion

26. For the reasons set out above, the proposed development would not provide acceptable living conditions for future occupiers. The proposal conflicts with the development plan, and no other reasons outweigh this finding. The appeal is therefore dismissed.

R Morgan

INSPECTOR