



Appeal Decision

Site visit made on 29 April 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2025

Appeal Ref: APP/Y3940/W/24/3355073

Agriculture House, The Common, Langley Burrell, Wiltshire SN15 4LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Tamsin Richards of the National Farmers Union against Wiltshire Council.
 - The application Ref is PL/2023/02043.
 - The development proposed is conversion of existing offices to residential use.
-

Decision

1. The appeal is dismissed and planning permission is refused for conversion of existing offices to residential use.

Preliminary Matter

2. The Council failed to determine the application within the prescribed period. However, following submission of the appeal, the Council have prepared an appeal statement. This advises that had the Council determined the application, planning permission would have been refused. A putative reason for refusal is given and identifies that the principal concerns relate to the main issue set out below.

Main Issue

3. The main issue is whether the proposal would provide satisfactory living conditions for future occupiers with regard to noise and vibration.

Reasons

4. The appeal site lies within the built-up envelope of Langley Burrell – a dispersed village located to the north of Chippenham. The site comprises an extended two storey building, known as Agriculture House, currently used as offices. The surrounding built form largely comprises residential development. That said, adjoining the site is the Langley Tap public house. It benefits from a car park to the front and a beer garden to the rear which neighbours a small, grassed area to the rear of Agriculture House. At the time of my site visit I observed a sandwich board in situ advertising a live music event at the public house.
5. The proposal is for the conversion of the offices to a single-family dwelling. The scheme would utilise existing openings in the building providing a gravel driveway to the front, replacing the existing car park, and a garden to the rear. The driveway would neighbour the car park at the Langley Tap and the proposed garden would adjoin the existing beer garden.

6. Having regard to the appellant's Residential Noise Assessment it is evident that there is an uplift in noise when the Langley Tap is operating thought to be in connection with the kitchen ventilation and mechanical plant at the premises. During my site visit when standing to the rear of Agriculture House the continuous hum of the Langley Tap's extraction system was clearly audible. In addition, during my visit the sound of glass bottles being emptied into the external refuse bins resulted in a loud noise albeit for a short period of time.
7. Whilst the Langley Tap is closed between 3pm and 6pm on weekdays this is not the case at weekends. The public house is open late into the evening during the week and until 11pm on Friday and Saturday night. The beer garden is sizable accommodating a good number of seats and tables and attracts customers during the day and evening. In particular at weekends and during the evening there would be many comings and goings, the sound of live music, people having conversations or shouting when occupants would reasonably expect to enjoy the comfort of their own surroundings.
8. The activities associated with the operation of the public house and patrons would be intermittent and the uncertain and arbitrary nature of them is likely to be more noticeable having an unacceptable impact on the living conditions of future occupants in terms of noise. This would be over and above the continuous noise and vibrations from the public house's kitchen ventilation and mechanical plant. The cumulative impact of the various noise sources from the public house would be clearly audible in the house and in the rear garden thereby adversely affecting future occupier's enjoyment of the property. As such, there would be a risk of complaints being made by future occupiers leading to unreasonable restrictions being placed upon the public house.
9. This relationship would also require future occupiers to close some of their windows for considerable periods of the day. Whilst national and local guidance does not preclude the use of closed windows for mitigation, in my view, having windows closed for long periods is neither practical nor appropriate. This would be especially so during the summer months and warmer weather and longer days and when residents would reasonably desire open doors and windows.
10. Whilst the appellant suggests that acceptable internal noise levels could be achieved by upgraded glazing the Council's Public Protection Officer advises that the mitigation suggested is based on transport noise and not noise associated with operation of the public house. On this basis I cannot be satisfied that the mitigation suggested by the appellant is based upon a robust assessment of the local noise environment and that it would be effective so as to adequately mitigate noise and vibration.
11. The presence of existing dwellings close to the public house and the absence of noise complaints does not lead me to reach a different conclusion in respect of the main issue.
12. The appellant has made reference to the Council's duties and powers under Part III of the Environmental Protection Act 1990, but this relates to a separate pollution control regime which has a different statutory function. Moreover, the Noise Policy Statement for England states that noise should be properly taken into account at the appropriate time. As such, it would be amiss of me to permit a scheme at planning application stage that I have found to be harmful which could manifest into

a statutory nuisance unduly affecting the health and quality of life of occupiers of the proposed dwelling.

13. With regard to the potential for a fallback position I have no credible evidence before me that the appellant would pursue such an option in the event the appeal is to be dismissed. Furthermore, the potential effects of an alternative commercial use at the appeal site does not justify a scheme that I have found to be harmful. As such, I give this aspect of the appellant's argument negligible weight in coming to my decision.
14. I conclude that the proposed development would fail to provide satisfactory living conditions for future occupiers with regard to noise and vibration. It is therefore contrary to Core Policy 57(vii) of the Wiltshire Core Strategy (2015) which, amongst other things, requires proposals to have regard to the compatibility of adjoining buildings and uses, ensuring that appropriate levels of amenity are achievable within the development itself including in terms of noise.
15. It would also be contrary to paragraphs 135, 187, 198 and 200 of the National Planning Policy Framework (the Framework) which, amongst other things, require a high standard of amenity for existing and future users, new development not being put at unacceptable risk from unacceptable levels of noise pollution, new development to be appropriate for its location taking into account likely effects of pollution on health and living conditions and to ensure that new development can be integrated effectively with existing business such as pubs.

Other Matters

16. I acknowledge that the proposed development would be located within an accessible location and would not unduly affect the character and appearance of the area, the significance of the Langley Burrell Conservation Area and a nearby listed building and highway safety. However, these factors neither individually nor cumulatively outweigh the harm that I have identified in respect of noise.

Planning Balance

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
18. The appellant contends that the Council cannot demonstrate a deliverable five-year supply of housing citing an appeal decision¹ where the Inspector concluded that the Council's position was in the region of 3.85 years. I have not been provided with any evidence to the contrary and thus in such circumstances paragraph 11 d) of the Framework, which is a material consideration of significant weight, is engaged. It states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
19. In terms of housing supply the proposal would contribute to the area's housing need. The proposal would provide a limited amount of short-term employment during the conversion phase. However, these benefits would be modest and significantly and demonstrably outweighed by the harm that I have identified. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the

¹ APP/Y3940/W/24/3340811

policies in the Framework when taken as a whole. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

20. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR