



Appeal Decision

Site visit made on 21 May 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/K2610/W/24/3355564

Reepham High School and College, Whitwell Road, Reepham, Norfolk NR10 4JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Rob Watton against the decision of Broadland District Council.
 - The application Ref 2024/2134 was approved on 17 October 2024 and planning permission was granted subject to conditions.
 - The development permitted is the installation of air source heat pumps to 2 locations.
 - The conditions in dispute are No 2 and No 3. Condition 2 states that: The Air Source Heat Pumps (ASHPs) hereby approved shall be used in continuous operation for up to 24 hours a day 7 days a week, with the exception of the duty (frost protection) de-frost cycle which must not be activated at any time. Should this not be possible, and the de-frost cycle occurs then the ASHPs hereby permitted must stop operating and the equipment used in connection with the use shall be removed. Condition 3 states that: The Air Source Heat Pumps (ASHPs) shall only provide heat to the rooms to be heated by the ASHPs between the hours of 07.00 hrs and 17.00 hrs.
 - The reason given for the conditions are: No 2 - In the interests of the amenities of local residents in accordance with Policy GC4 of the Development Management DPD 2015 and Policy 3 of the Greater Norwich Local Plan. No 3 – In the interests of the amenities of local residents in accordance with Policy GC4 of the Development Management DPD 2015 and Policy 3 of the Greater Norwich Local Plan.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning history in relation to this proposal is rather involved. The school fitted two ASHPs without first obtaining planning permission but planning permission was granted retrospectively¹ (the first permission). This had a condition imposed (Condition 3) which restricted the operation of the two ASHPs, with the exception of the frost protection cycle, to the hours of 07:00 and 17:00 Monday to Friday and also, they were not to be used on Saturday, Sunday, bank holidays or public holidays. Further, Condition 2 attached to the first permission required the completion of mitigation measures and the submission of an updated noise assessment and verification report to demonstrate the effectiveness and success of those mitigation measures.
3. The first permission did not meet the needs of the appellant as the ASHPs were designed to operate 24 hours a day and, as it was necessary to switch them off overnight, when they restarted, they generated more noise which in turn meant that the appellant could not meet the requirements of Condition 2. This led to an application to allow for the 24 hour per day seven days per week operation of the

¹ Reference 20221362

ASHPs. They also sought to allow the school to be heated between the hours of 0600 to 2000. Permission was granted² (the second permission), but the second permission included a restriction to prevent the de-frost cycle being activated at any time and restricting the hours that the school rooms could be heated to between the hours of 0700 to 1700. This appeal relates to those restrictions.

4. An interested party has queried whether the correct land ownership certificates have been completed as they note there is a discrepancy between the owner set out on the application/appeal forms and the owners shown on the office copy entries at the land register. However, the purpose of this administrative process is to ensure that the owners of the land are properly informed about a planning application and/or appeal. Even if the neighbour is correct, I have no reason to be concerned that the appellant is not acting on behalf of the school or that anyone who should have been has not been properly informed about this appeal proposal. Consequently, I am not concerned that anyone would be prejudiced by me determining this appeal based on the information provided.

Main Issue

5. The main issue is whether the disputed conditions are necessary and reasonable to ensure that the development does not harm the living conditions of the occupants of residents that live along Broomhill Lane.

Reasons

6. The development has already been installed. As outlined above, permission has been granted for the running of the ASHPs 24 hours per day. However, the latest permission prevents the de-frost cycle being activated at any time and restricts the hours that the school rooms can be heated to between the hours of 0700 to 1700.
7. I have some sympathy for the appellant as clearly it is difficult to operate the ASHPs as intended if the de-frost cycle cannot be activated. However, the ASHPs were installed prior to the appellant obtaining the correct permission. As a result, the planning process has largely been attempting to regularise the situation as well as to ensure that the development does not result in an unacceptable impact on the living conditions of the occupants of neighbouring dwellings.
8. The appellant undertook a noise assessment in support of their proposal to allow for the 24-hour operation of the ASHPs (adrian james acoustics limited dated 17 April 2024- the AJA report). The AJA report assessed the noise produced by the ASHP outside the science block for 9 days of continuous 24-hour operation with the rooms themselves being heated between 0700-1700. It also noted that the temperature generally reached lows of 4-8 degrees centigrade at night although on one night it fell to 2 degrees centigrade which was the coldest night and as far as they were aware the temperature did not fall below 0 degrees centigrade. Importantly, the report found no evidence that the ASHP entered the de-frost cycle during the survey period.
9. On the basis of the AJA report and other available evidence the Council's Environmental Quality Team concluded that in planning terms the continuous operation of the ASHPs, with no de-frost cycle would not pose an unacceptable impact on the amenity of the neighbouring residents. I can understand, based on

² Ref 2024/2134

that analysis, why the Council granted planning permission for the 24-hour operation of the ASHPs.

10. However, because the Council considered that the de-frost cycle would generate additional noise and the appellant's noise report did not provide an assessment of the impact of this element of the operation, they also concluded that it was reasonable to impose a restriction to prevent the de-frost cycle being activated at any time.
11. The appellant seeks to have that restriction removed. However, to my mind, they have provided insufficient evidence to demonstrate that when the ASHPs operate with the de-frost cycle running, they would not unacceptably impact the living conditions of neighbouring residents. Consequently, I agree that it is both necessary and reasonable to impose a restriction preventing the operation of the de-frost cycle to protect the living conditions of neighbouring residents. Particularly the occupants of the dwellings nearest the ASHP outside the science block, including the occupants of Old School House, Lonicera and Middlemarch.
12. In reaching that view I have taken account of the findings of the noise assessments undertaken by a local resident (IEC Technical Note dated 12 April 2012 – IEC note 1; and IEC Technical Note dated 14 January 2025 – IEC note 2). IEC note 1 concluded that the development would likely result in significant adverse impacts based on their analysis in accordance with British Standard 4142:2014+A1:2019 Methodology. It also found there was uncertainty regarding the impact that the de-frost cycle would have as this would be audibly louder than the normal ASHP operation and could contain tonal and intermittent characteristics.
13. IEC note 2, was based on an assessment undertaken when the temperature dropped below freezing. It observed two de-frost cycles within a 1-hour period. Overall, it concluded that the de-frost cycle includes tonal and intermittency characteristics which are clearly distinguishable from the residual acoustic environment and again reaffirmed that the development would likely result in significant adverse impacts based on their analysis in accordance with British Standard 4142:2014+A1:2019 Methodology.
14. The appellant highlights that the assessment included in IEC note 2 only refers to testing for one hour, the day selected was one of the coldest recorded days of the winter reported at -3 degrees centigrade, and it was undertaken early in the school day (0740-0840) when there would have been a peak demand for heat. Consequently, they consider the assessment was not representative of typical daytime running conditions.
15. However, in relation to the impact of the de-frost cycle, the appellant has not provided any compelling technical evidence to counter the findings of IEC note 2. Moreover, such weather conditions are not abnormal during the winter months, and the assessment was undertaken during the approved operating times of the ASHPs. Consequently, it is reasonable to consider the impact the development would have on neighbouring residents under such conditions and at such times. The appellant also makes the point that during cold weather, occupants of neighbouring dwellings would not expect to have their windows open. However, I do not consider it reasonable to rely on neighbouring residents keeping their windows closed to prevent harm to their living conditions.

16. That all said, the appellant may ultimately be able to provide compelling evidence to demonstrate that even with the de-frost cycle running, the development would not unacceptably harm the living conditions of neighbouring residents. However, based on the available information they have not demonstrated that to be the case at this time.
17. I have taken account of the appellants reference to the Microgeneration Certification Scheme (MCS) and the noise level considered acceptable for heat pumps measured at 1 metre from neighbouring properties associated with that scheme. However, at this stage I am not satisfied that based on the available evidence I am able to find with the de-frost cycle running that the development would not harm the living conditions of neighbouring residents. For that reason, I am not persuaded that the MSC provides a precedent that would reasonably allow me to remove or amend disputed Condition 2.
18. I turn now to the period that the ASHPs can provide heat to the school rooms and have considered whether it would be reasonable to amend Condition 3 on its own merits without any change to Condition 2. However, again, inadequate information has been provided to satisfy me that such an extension would not unacceptably harm the living conditions of neighbouring residents.
19. The AJA report was very specific about its remit setting out that it had been appointed to assess the noise produced by the Science Block ASHP for 9 days of continuous 24-hour operation with the rooms themselves being heated between 0700-1700 daily. There has been no specific assessment on a scenario based on the rooms themselves being heated between 0600-2000 daily.
20. I accept that the extended hours would allow the school rooms to accommodate evening and early morning educational activities, such as parents' evenings and school revision sessions. However, any benefits associated with such use should not be at the expense of the living conditions of neighbouring residents.
21. The AJA report sets out that the loudest running period was at the start of each day. If the rooms were heated from 0600 the implications on the living conditions of neighbouring residents could be significant at a time when they are still likely to be asleep. Similarly, an extension into the evening could also have an impact on the living conditions of neighbouring residents as this would be at a time when they would be expected to be at home relaxing without harmful disturbance. Consequently, any amendment to extend the times the rooms are heated would need to be supported by a suitable assessment based on the actual times requested to demonstrate such a change would not be harmful.
22. The appellant points out that there is no evidence in the graphs to support any perception that noise levels would increase later in the day and point out that noise levels dropped during the day. However, that does not justify an extension in the morning. Moreover, the graphs cannot be relied on to assess the impact of heating the rooms beyond 1700 as the heating was turned off at that time. So again, while ultimately it may be possible for the appellant to demonstrate that such an extension would not harm the living conditions of neighbouring residents, there is inadequate information at this time to satisfy me that the existing condition should be amended.
23. I appreciate the time, expense and effort that the appellant has expended in an attempt to measure and mitigate the noise caused by the ASHPs. I observed at

the site visit the significant mitigation measures that have been introduced. I also appreciate that the use of ASHPs at the school accords with the aim of the National Planning Policy Framework (the Framework) which sets out that significant weight should be given to the need to support energy efficiency and low carbon heating improvements to existing buildings including through the installation of heat pumps. However, any benefits associated with this proposal to allow the de-frost cycle to be activated at any time and to extend the hours that the school rooms can be heated to between the hours of 0600 to 2000 is outweighed by the fact that the appellant has provided insufficient evidence to demonstrate that such changes would not result in unacceptable harm to the living conditions of the occupants of neighbouring dwellings.

24. I therefore conclude that the disputed conditions are necessary and reasonable to ensure that the development does not harm the living conditions of the occupants of residents that live along Broomhill Lane. Consequently, if the conditions were amended or deleted as requested the development would conflict with Policy GC4 of the Development Management DPD 2015 which among other things seek to ensure development avoids any significant detrimental impact and pays adequate regard to the impact upon the amenity of existing properties. It would also be at odds with the Framework which seeks to ensure that developments create places with a high standard of amenity for existing users.
25. I note that the reason given for the imposition of the conditions also mentions Policy 3 of the Greater Norwich Local Plan. However, as that policy deals with the built, historic and natural environment and does not mention the impact of development on the living conditions or amenity of existing properties it is not particularly relevant to the determination of this appeal.

Other Matters

26. I have taken account of the fact that the appellant indicates that they have not been given access to certain locations to enable them to undertake noise testing. If any further testing is necessary, I would hope that interested parties co-operate with the appellant so that the most effective noise assessment can be undertaken. However, it is not possible to compel anyone to allow access to their private land. Moreover, my findings have not been affected by the appellant's lack of access to a particular property and so this matter has not had a material bearing on the determination of this appeal.
27. I have also taken account of the appellant's concerns about the impact the current restriction on the operation of the de-frost cycle has on the requirement to maintain the ASHPs in accordance with the maintenance regime document as required under Condition 4. Although the appellant has confirmed that there is no intention to vary or remove this condition, if ultimately there is a conflict between the requirements of different conditions, it may be necessary for the appellant to submit a further application to resolve this issue. However, as the appellant did not include Condition 4 as one of the disputed conditions subject of this appeal and has confirmed that they have no intention to vary or remove this condition it is a neutral factor in the determination of this appeal.

Conclusion

28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

S Rawle

INSPECTOR