



Appeal Decision

Site visit made on 5 June 2025

by **Jonathan Price BA(Hons) DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Appeal Ref: APP/W3520/W/25/3362092

Barn at Old Hall Farm, Thorndon Bridge, Braiseworth, Suffolk IP23 7EA

- 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 and Mrs J Ellis against the decision of Mid Suffolk District Council.
 - The application Ref is DC/24/01540.
 - The development proposed is conversion of barn to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of barn to dwelling at Old Hall Farm, Thorndon Bridge, Braiseworth, Suffolk IP23 7EA in accordance with the terms of the application, Ref DC/24/01540, subject to the conditions set out in the Schedule attached to this decision.

Main Issues

2. Whether the proposal would be appropriate in respect of living conditions for future occupiers, any unreasonable restrictions placed upon existing agricultural operations, species protection and biodiversity net gain (BNG).

Reasons

Living conditions for future occupiers

3. The proposal is the residential conversion of a modern, metal framed barn with sheeting clad walls, partial height internal block work and a corrugated iron barrel roof. Two-storey, three bedroom accommodation would be provided. Access would be shared with the adjacent farmyard. Fenestration and room outlooks would be concentrated to the side facing open countryside containing the River Dove.
4. The Council's refusal reason refers to future occupiers experiencing unsatisfactory living conditions due to adverse amenity effects from noise, odour, dust and insect related nuisance.
5. In respect of noise, the appellant has provided a specialist's report¹ which seeks to address the Council's concerns. This notes that the pig rearing units are located approximately 65m from the nearest side of the barn subject to the proposed residential conversion. The piggery operates under an Environment Agency (EA)

¹ Noise Impact Assessment Report Reference: OES24/002OLDH by Oakridge Environmental Services Ltd - 5th July 2024

environmental permit² that authorises the rearing of up to 3,750 animals, with 3,000 kept at the time of the noise survey. This environmental permit sets controls related to an existing dwelling, separately owned from the farm. This is only some 14m further away from the piggery than this proposal.

6. The report noted very little noise from farming operations over the duration of the survey, with none emanating from either mechanical fans or the pigs themselves audible at the survey position next to the proposed residential conversion. The report found the main source of noise was from farm vehicles passing nearby. This occurred during the day but not at night. On nine occasions vehicle movements and related noise took place within the yard area between the redundant barn and the operational farm building immediately opposite. Other general noises noted included that from aircraft and dawn chorus birdsong.
7. It is the yard between the proposed barn conversion and nearest operational farm building that generates the loudest noise affecting the intended dwelling. This yard will be divided in two, with one half forming part of the proposed dwelling's curtilage and the other remaining as part of the farm operation. Mitigation would be provided by the installation of a 2.4 metre high barrier along the boundary with the farmyard, either a close-boarded timber fence, earth bund, or a combination of both. This would lower noise levels from the adjacent yard, and elsewhere on the piggery unit, as experienced by future residential receptors at the converted barn.
8. The layout of the dwelling would be such that habitable rooms would mainly have windows facing away from the farmyard. With the recommended barrier in place, noise levels outside all habitable windows were predicted to remain below the recommended night-time level of 45 dB LAeq, ensuring internal levels do not exceed 30 dB LAeq. Based on this mitigation, the report concluded that noise would not have a significant adverse impact on future living conditions, with a low impact on all habitable rooms and the outside amenity area meeting the sound levels recommended by the relevant British Standard.
9. The proposal would satisfy paragraph 198 of the National Planning Policy Framework (the Framework). This requires new development to be appropriate for its location taking into account the likely effects of pollution on health and living conditions and in doing so should mitigate and reduce to a minimum potential adverse impacts resulting from noise giving rise to significant adverse impacts on health and the quality of life.
10. The Council's outstanding concerns relate to how the farm operations might change, such as with more pigs or night-time activity. However, the environmental permit remains in place as the primary means to address any statutory noise nuisance that might arise through such changes. Therefore, such concerns do not alter my overall conclusion that occupiers of the proposed dwelling would have acceptable living conditions in respect of the prevailing sound environment in this location.
11. An odour impact assessment accompanies the appeal³. I note that the manure storage area is 130m from the application site, which was identified as the main

² Reference: EPR/YP3437GC

³ Odour Impact Assessment Report Reference: OES24/003OLDH by Oakridge Environmental Services Ltd - 20th July 2024

source of odour. The piggery units are cleared of manure in the morning between 0600 and 0900 and washed out with water discharging to a lagoon 145m away from the proposed residential conversion. This lagoon is covered, with the report finding odour to be barely detectable from its embankment.

12. The odour survey found the worst-case odour impact to be in the morning clear out period between 0600 and 1000 and when the wind was broadly from the direction of the piggery. When the wind was from other directions, including the prevailing south-west, the survey found no discernible odour impact at the appeal site.
13. The highest odour impact was to the side of the proposed dwelling facing towards the piggery. Here, odour intensity was found to be distinct to strong, reducing to distinct to weak after 1000, for the 22% of the period when the wind was from the piggery direction, with adverse amenity impacts amounting to 17% of the day. Based on Institute of Air Quality Management Guidance, odour impacts were found 'moderate adverse' on the farmyard side of the proposed house, and 'slight adverse' on the side facing open countryside, where windows to habitable rooms would be concentrated.
14. The odour report refers to what is now paragraph 201 of the Framework. This states that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. In this case, the piggery is already subject to a long standing environmental permit. This controls odour at the existing residential property. This is almost as close to the piggery buildings as this proposal and experiences similar odour levels relative to wind direction.
15. To my mind, anyone with a strong aversion to the kinds of agricultural smells occasionally encountered in the countryside would be unlikely to choose to live here. It would not be reasonable to conclude that future residents would be reliant on mechanical ventilation for an acceptable quality of life and wellbeing, and unable to open windows or use outdoor spaces at certain times. The evidence satisfies me that this proposal would not provide unacceptable living conditions for future occupiers on account of odour.
16. Atmospheric levels of dust and other particulate matter will vary relative to factors including the season, climatic conditions, the weather and agricultural activities. The issue of dust had not been highlighted in the Council's Environmental Health response. There is no evidence a harmful level of air pollution prevails in respect of dust, or that this would lead to unacceptable living conditions.
17. Regarding insect nuisance, the farm's environmental permit already addresses pest control management. No insect related complaints have been drawn to my attention in relation to compliance with this. I am advised that extensive fly control is undertaken, starting with good waste management for the pig housing and waste storage and disposal, with the use of insecticides and larvicides being a last resort. I have no reason to doubt that no noticeable presence of flies was found during the surveys, despite conditions being optimum for proliferation related to their life cycle. I agree that, if a fly problem did occur its impact would be experienced much further away than both the proposed and existing property and need resolving in any

event. There is no evidence that insect nuisance would exacerbate an adverse noise and odour environment where the dwelling is proposed.

18. Farm vehicle activity and occasional agricultural odours are an expected feature of countryside living to set against the positive features of a rural environment. Future occupiers of the barn conversion would exercise freedom of choice. Given the back stop of environmental permit control, this proposal would comply with Framework paragraph 135, which is to ensure developments create places which promote health and well-being, with a high standard of amenity for future users.

Existing agricultural operations

19. Framework paragraph 200 seeks that planning decisions ensure that new development can be integrated effectively with existing businesses, which should not have unreasonable restrictions placed on them as a result of development permitted after they were established. The appellants run the farm and have sought to convert this redundant barn to residential at their own volition. There would be an incentive for them to continue to fully comply with their EA permit, to ensure future residential neighbours did not pursue complaints that might curtail the farming operation at this site. By the same token, future occupiers will clearly have been aware of the piggery in making their choice, no doubt cognisant of occasional issues of odour and farm operation noise. On this basis, the proposal would not be unacceptable on grounds of placing any unreasonable restrictions on the existing agricultural operations at this site.

Protected species and BNG

20. The modern steel framed farm building appears not to offer an amenable habitat for protected species such as bats or owls, and the scheme would not impinge on the River Dove's margins, insofar as these might provide this. Therefore, the proposal is not considered likely to impact adversely upon protected species.
21. The proposal falls within a larger agricultural landholding, which means satisfying the BNG condition ought to be readily achievable on-site. BNG compliance should normally be satisfied prior to the determination of a planning application. However, the failure to adequately demonstrate this would not warrant dismissing this appeal, in the absence of any other harm. Exceptionally, the matter of BNG can be addressed through a planning condition.

Development Plan Policy

22. Policy SP03 of the 2023 Babergh and Mid Suffolk Joint Local Plan (JLP) establishes the sustainable location of new development by focusing this within defined settlement boundaries or plan allocations. This proposal is outside of these, where development will normally only be permitted in accordance with one of the JLP policies it lists or what is now Framework paragraph 84. The latter sets out the circumstances when isolated homes in the countryside might be acceptable, including the re-use of a redundant or disused buildings which enhances its immediate setting. This is echoed by listed JLP Policy LP04, which adds the need to demonstrate such buildings are structurally capable of accommodating residential conversion. The appellants' structural report⁴ shows the building to be

⁴ Stroud Associates Ltd. - ref: SY177 dated 20 June 2024

capable of residential conversion, although recommends that the roof structure will need to be replaced with a composite metal insulated sheeting system. I am satisfied that the barn can be considered redundant or disused, the scheme is of an appropriate design and is provided suitable access.

23. The proposal would provide acceptable living conditions and satisfy all the criteria necessary to gain the support of JLP Policy LP04. This means the location of the dwelling satisfies Policy SP03, irrespective of a relatively high dependence on private car use to access regularly required services. By avoiding unacceptable levels of noise, odour, dust and any other amenity issues, the proposal complies with Policy LP24 and the JLP when considered as a whole.

Conditions and conclusion

24. I have considered the conditions suggested by the Council against the tests set out in Framework paragraph 57. This states that these be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.
25. In addition to the standard three year expiry period for an unimplemented consent, a condition is required to establish the approved drawings. This condition does not need to include compliance with the various reports underpinning the proposal. To ensure the satisfactory appearance of the completed development, a single condition governs agreement over all external materials, which would include windows and roofing. A condition is needed to secure agreed boundary treatments, particularly as that alongside the farmyard would provide the noise mitigation relied upon. A combined condition secures car parking and storage for cycles and waste bins. This excludes the provision of electric vehicle charging points as this is a Building Regulations matter. Other than one covering boundary treatments, a further condition is not necessary requiring an approved landscaping scheme within the small but adequately sized garden, which can be left to occupier preference.
26. An hours of construction condition is justified to safeguard reasonable living conditions at the nearest dwelling. However, there is no evidence to suggest the construction would involve burning of materials at any stage, at least not to warrant a specific condition prohibiting this.
27. For the reasons I have given in paragraph 21, there is no clear justification for a pre-commencement condition requiring an ecological impact assessment. A pre-commencement condition is justified to secure the statutory BNG. The policy justification for a further condition for biodiversity enhancement seems to have been superseded by statutory BNG requirements. Features on the building, such as bird nest boxes, might be nice to have, but do not justify a further condition. Subject to the conditions found to be necessary, I conclude the appeal should succeed.

Jonathan Price

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan at scale 1:2500@A4; drawing number 4519-05 block plan; drawing number 4519-02 revision B – proposed plans and elevations.
- 3) No external works shall take place until details of the new materials to be used in those works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Prior to the occupation of the dwelling hereby permitted, boundary enclosure shall be provided and thereafter retained in accordance with details that shall have had the prior written approval of the local planning authority.
- 5) Prior to the occupation of the dwelling hereby permitted, car parking, bicycle storage and the storage and presentation for collection/emptying of refuse and recycling bins shall be provided and thereafter retained in accordance with details that shall have had the prior written approval of the local planning authority.
- 6) Demolition or construction works shall take place only between of 0730 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays and shall not take place at any time on Sundays or Public Holidays.
- 7) Prior to commencement of development a Biodiversity Net Gain (BNG) plan demonstrating that a minimum 10% net gain in biodiversity within a 30-year period as a result of the development can be achieved shall be formally submitted to the local planning authority for its written approval. The net biodiversity impact of the development shall be measured in accordance with the statutory biodiversity metric. The BNG plan shall include:
 - a) proposals for on-site BNG,
 - b) a management and monitoring plan for onsite BNG including 30- year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed,
 - c) proposals for off-site BNG, should this not be achievable on-site,
 - d) a management and monitoring plan for any required offsite BNG, including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The approved BNG plan shall thereafter be implemented and retained in full.