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## Appeal Decision

Site visit made on 11 June 2025

**by K Winnard LLB (Hons) Solicitor**

an Inspector appointed by the Secretary of State

**Decision date: 26 June 2025**

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**Appeal Ref: APP/Z4718/D/25/3364432**

**42 Storthes Hall Lane, Kirkburton, Huddersfield HD8 0PT**

- 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 David Knight against the decision of Kirklees Metropolitan Council.
  - The application Ref is 2024/62/92807/E.
  - The development proposed is the installation of an air source heat pump.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council amended the description of the development and I have used this description above as it is more succinct.
3. The appeal property is located within the Green Belt. This matter is not at issue between the parties and the Council has accepted that the proposal is not inappropriate development within the Green Belt. I agree with this assessment and my decision deals solely with the reason for refusal given by the Council.

### Main Issue

4. The main issue in the appeal is the effect of the proposal on the living conditions of the occupiers of the neighbouring property, No 43 Storthes Hall Lane (No 43) by way of noise.

### Reasons

5. The appeal property, No 42 Storthes Hall Road, (No 42) is located within a road of semi-detached properties with uniform front building lines and which are separated from their non-attached neighbouring property by a shared driveway.
6. The Microgeneration Certification Scheme (MCS) -Planning Standards indicates that in order to be permitted development an Air Source Heat Pump (ASHP) must be certified to have a sound level that does not exceed 42dB. The proposal exceeds the limits set out in the General Permitted Development Order hence the need to submit the specific planning application.
7. The proposed ASHP would be installed behind a porch sited on the side elevation of No 42. Whilst it would face the garage associated with the appeal property away

from the side elevation of No 43, the adjacent wall and window within the recessed area in which it would be sited could reflect noise towards No 43. It therefore has the potential to unacceptably harm the living conditions of the occupiers of No 43.

8. The Council's Environmental Health Team have advised that in the light of the noise levels indicated in the MCS assessment, a noise assessment undertaken by an acoustic consultant should be submitted to determine the suitability of the ASHP in this location. Whilst I appreciate the frustration of the appellant at the initial response from the Environmental Health Team, I do not read their subsequent comments as objecting in principle to the installation of the heat pump. Rather that a full assessment of the proposal and the specific circumstances of the model to be used, its noise levels and the physical environment and context in which it would be placed is required.
9. As stated within the National Planning Policy Framework, the planning system supports the transition to a low carbon future and that this includes the use of heat pumps. Policies within the Kirklees Local Plan (Strategy and Policies) (adopted 2019) (Local Plan) promote sustainable forms of development including low carbon energy generation and the Council has also adopted a target for achieving 'net zero' carbon emissions by 2028. Further, whilst no details are given on the energy use and noise levels of the existing boiler system, I accept that the wish to replace this with a modern efficient energy source should be supported. The proposal would therefore make a positive contribution in supporting energy efficiency. However, these benefits relate only to a single property and so only carry moderate weight.
10. Whilst mitigation measures to minimise the effect of noise have been suggested, based on the limited information before me, it is not clear what level of noise reduction might be achieved. I also acknowledge that the ASHP would be likely to operate less in the summer months. However, this may not mitigate the potential harm caused when it would be operated. Nor would conditions satisfactorily address these matters.
11. In the absence of a noise assessment undertaken by a suitably qualified professional, I am not convinced that the occupiers of No 43 would not experience any adverse issues with regard to noise generation from the siting of the ASHP as proposed. Accordingly, it would conflict with policies LP24 and 52 of the Local Plan and the Council's House Extensions and Alterations Supplementary Planning Document. Together these policies require proposals to demonstrate that the quality of the wellbeing of people is not reduced to an unacceptable level due to their potential to increase pollution, from amongst other matters, noise.

### **Other Matters**

12. The appellant has cited inconsistencies and disproportionality as to the assessment made by the Council in relation to noise in this case compared with that associated with a nearby housing development. I have some sympathy with the appellant's perception of such development, but no two sites are the same and I must determine the appeal on the basis of its own merits and the Development Plan unless material considerations indicate otherwise. Such a development therefore does not alter my view in this case. I note too the reference to the Council's handling of the application, but this is not a matter before me nor does it alter my findings.

### **13. Conclusion**

For the reasons given, I hereby dismiss the appeal.

*K Winnard*

INSPECTOR