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## Appeal Decision

Site visit made on 1 July 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

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**Appeal Ref: APP/Y3940/W/25/3360444**

**25 Hither Spring, Corsham, Wiltshire SN13 9UT**

- 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 David Baker against the decision of Wiltshire Council.
  - The application Ref PL/2024/09901 was approved on 17 December 2024 and planning permission was granted subject to conditions.
  - The development permitted is the installation of air source heat pump.
  - The condition in dispute is No 3 which states that: *Prior to first use an assessment of the acoustic impact arising from the operation of the air source heat pumps shall be undertaken in accordance with the methodology in Heat Pumps Professional Advice Note (CIEH and IOA, November 2022). The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to demonstrate the sound rating level from the ASHP does not exceed 35dB at any noise sensitive façade of neighbouring residential premises The scheme shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented prior to use and thereafter be permanently retained.*
  - The reason given for the condition is: *So as to ensure compliance with Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.*
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### Decision

1. The appeal is dismissed.

### Background and Main Issue

2. Planning permission for the air source heat pump (ASHP) included a condition to require an assessment of its acoustic impact to be undertaken prior to its use, to ensure appropriate levels of amenity are achieved. The appellant seeks the removal of the condition, which they contend undermines the aims of both national and local policy which promote renewable energy and seek to mitigate climate change and achieve the Council's net-zero target.
4. The main issue is therefore whether the condition is reasonable or necessary in the interests of the living conditions of occupiers of nearby properties.

### Reasons

3. The appeal property is a 2 storey mid-terrace dwelling in a predominantly residential area. The proposed ASHP would be located to the rear of the host dwelling, between the side elevation of an existing single storey rear extension and the shared side boundary of the site with the adjoining property at 27 Hither Spring (No 27). It would be positioned a short distance from windows in the rear elevation of the adjoining property at No 27 and orientated to face the boundary between the properties.

4. The appeal submissions indicate that the noise level generated by the ASHP would be 43.59 dB, which would exceed the MCS Planning Standard, and therefore the permitted development limit<sup>1</sup>, of 42dB by 1.59dB. While I note the appellants suggestion that the result would be lower, when taking account of the anticipated background noise level correction, there is no certainty this will be implemented by MCS.
5. I recognise that a change of up to 3dB would generally just be noticeable. However, even if a carefully installed ASHP would not typically generate disruptive levels of noise, whether an increase would be audible or lead to an increase in disturbance to the nearest receptors is dependent upon the surrounding context and acoustic environment. At the time of my site visit, which I appreciate is just a snapshot in time, there was a degree of background noise, including from the nearby railway and other neighbouring uses. Nonetheless, without precise details of the existing background noise levels, there is no clear evidence to demonstrate the noise that would be generated by the ASHP would be at a level that would not harm the living conditions of the occupiers of the neighbouring property.
6. My attention is drawn by the appellant to several other examples where planning permission has been granted by the Council for ASHPs, without such a condition. The Council suggest that these schemes differ from the appeal proposal for various reasons. Given that I do not have the details of each before me, I cannot be sure of the circumstances. In any case, I have determined the appeal on its own merits, based on the evidence before me.
7. I recognise the benefits of the proposal in terms of the provision of a low-carbon heating solution, which would accord with the aims of development plan policies which encourage the use of renewable and low carbon energy, and the National Planning Policy Framework, as well as the wider aims of the Wiltshire Climate Strategy 2022-2027, adopted February 2022. However, given the scale of the development, for a single ASHP at a domestic property, any benefits in that regard would be limited. Moreover, there is no substantive evidence that the cost of an acoustic assessment in this case would be prohibitive. Set against this, without an assessment of the acoustic impact it has not been demonstrated that the ASHP would not have a significant effect in terms of noise and disturbance.
8. Thus, condition 3 is reasonable and necessary, in the interests of the living conditions of occupiers of nearby properties.

## **Conclusion**

9. For the foregoing reasons, the appeal is dismissed.

*E Worley*

INSPECTOR

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<sup>1</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 14, Class G