



Appeal Decision

Site visit made on 16 June 2025

By C Cresswell BSc (Hons) MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Appeal Ref: APP/D0840/W/24/3354182

Higher Hill Farm, Venn Lane, Cardinham, Bodmin, PL30 4EG

- 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 & Mrs Harry and Sarah Mayman against the decision of Cornwall Council.
 - The application Ref is PA21/03580.
 - The development proposed is renovation, conversion and re-use of redundant agricultural outbuildings to form three 3-bedroom dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original Application Form indicates that the proposed development is for a total of four dwellings. However, the plans were modified during the course of the application process and now only three dwellings are being proposed. I have determined the appeal on that basis. For clarity, I have changed the description of the proposed development in the heading above by replacing the reference to “four 3-bedroom dwellings” to “three 3-bedroom dwellings”.

Main Issue

3. The main issue is whether the proposed development would provide suitable living conditions for future residents, having particular regard to noise and odour.

Reasons

4. Higher Hill Farm comprises a residential property and a number of redundant agricultural buildings which are proposed for conversion. It is adjacent to a working dairy farm which is not under the control of the appellant.
5. On the day of my visit there was a good deal of noise being generated by cattle and other activities in the adjacent farm. However, my visit was relatively brief and so only captured a short snapshot in time. As such, my observations on the day were not necessarily representative of a typical situation on the site. I therefore place much greater weight on the submitted noise and odour reports prepared by specialist consultants. These follow a methodological approach to assessing the effects of noise and odour and so are more reliable indicators of long-term conditions in the vicinity of the proposed development.

6. The Odour Assessment Report¹ identifies various odour sources in the adjacent farm. This includes the farmyard, cattle barns and slurry pits. Although the report finds that adverse odours will be experienced at the proposed development, these would be transient in nature and not particularly strong. A Sniff Test² was also carried out in winter when the cattle were in the barns and the odours were predicted to be more intense. This also found the odours to be negligible or only slightly adverse around the buildings that are proposed for conversion.
7. Therefore, based on the evidence provided, it seems to me that living conditions within the proposed development are unlikely to be diminished by odour. While there would be times when unpleasant smells are present, the limited duration and intensity of these odours would mitigate the overall impact.
8. I recognise that there may be some circumstances not anticipated in the reports where odours become more intense. However, given the nature of activities taking place on the adjacent farm, I am satisfied that such occurrences are likely to be infrequent. As such, the living conditions of future occupiers of the converted buildings would be unlikely to be affected to any great extent.
9. Much of the evidence concerning noise is contained within the Inacoustic Report³ and the subsequent addendum by Clarke Saunders⁴. These examine the main sources of sound from within the adjacent farm, which are broadly categorised as regular husbandry, farmyard scraping, slurry agitation and bellowing.
10. According to the reports, activities associated with regular husbandry generate relatively little noise. Hence, on the assumption that all the relevant sound sources have been identified, noise from regular husbandry would be unlikely to have much impact on the proposed dwellings. Farmyard scraping, on the other hand, would generate noise in excess of Criterion 2 of the Council's Development Sound Standard⁵, which is based on BS4142:2014. However, this activity takes place in the winter and only for approximately 15 mins each day. Although future residents of the proposed dwellings would be likely to hear this, the short duration of the scraping would be unlikely to cause significant disturbance.
11. The noise generated by slurry agitation is louder than the farmyard scraping and comfortably in excess of Criterion 2. This indicates a significant adverse effect, depending on the context. Yet although this noise has some potential to disturb future occupiers, I understand that it only takes place for around an hour each week during the winter months. Given that this is a relatively short-term daytime activity, the noise would be unlikely to disturb future residents to such an extent that it would compromise their overall standard of living.
12. Unlike other sources of noise identified in the reports, bellowing from cattle takes place during both the day and night. I understand that it is most prevalent during periods of weaning. In total decibels, the sound generated by bellowing would be relatively low and well within the limits specified by Table 1 of the Development Sound Standard, which is based on BS8233:2014. However, the sound from bellowing is irregular and easily distinguishable. This characteristic means it has more potential to cause disturbance.

¹ Air Pollution Services, Odour Assessment, 3 March 2022.

² Air Pollution Services, Odour Sniff Test Note, 28 November 2022.

³ Inacoustic, Noise Assessment for Planning Application, 13 March 2024.

⁴ Clarke Saunders Acoustics, Noise Impact Assessment Addendum, October 2024.

⁵ Cornwall Council, Development Sound Standard: guidance for developers on the assessment of noise for planning applications.

13. The Clarke Saunders report suggests that acceptable internal noise levels could be achieved in the proposed bedrooms through appropriate double glazing and trickle vents for ventilation. While this may be the case, residents of the proposed dwellings would, in practice, be likely to open their windows sometimes even if alternative ventilation was available. Considering that the sound from bellowing is likely to be ongoing, there would certainly be potential to cause disturbance, particularly at night time when ambient noise levels are low. However, on the basis that bellowing at night is a relatively infrequent occurrence, I agree that acceptable living conditions could be maintained in the proposed dwellings.
14. Therefore, based on the evidence presented in the reports, the combined impact of regular husbandry practices, farmyard scraping, slurry agitation and bellowing would be compatible with the proposed residential use of the site. However, this is on the premise that the reports have taken into account all relevant sources of noise. In my view, additional information is necessary to clarify some of the assumptions made in the reports.
15. Firstly, it is not entirely clear how often weaning takes place, causing bellowing to continue throughout the night. Section 5.5 of the Inacoustic report says that it occurs for 'several days and nights' over the course of a year and also that the event only occurs for a 'few days a year'. The assumption within the reports is that bellowing would be infrequent, though interested parties refer to batch breeding and suggest that weaning is a more regular occurrence than anticipated within the reports. While I accept that it may not be possible to give precise estimates of how often bellowing may occur at night, the assumptions made within the reports are not qualified in any great detail. Consequently, it is difficult to evaluate the claim that bellowing would be a relatively infrequent occurrence.
16. Furthermore, interested parties claim that the farm has capacity to accommodate more cattle, but little evidence has been presented to examine the validity of this claim, or if there would be implications in terms of noise and odour. It is also unclear whether other potential sources of sound, particularly reversing beepers, would fundamentally change the conclusions reached within the reports.
17. In reaching this decision, I am mindful that the appellants have spent considerable time and effort in pursuing the appeal. However, the provision of good living conditions is a key planning principle which is enshrined within the policies of both the Local Plan⁶ and Framework⁷. In recognition of this, the proposal requires an appropriate level of scrutiny. Although the appellants go a long way towards showing that acceptable living conditions could be achieved within the proposed dwellings, further clarification on the matters highlighted above would be required before planning permission can be granted.
18. While there is already a residential property on the site, this does not negate the need to ensure that living conditions in new development is of a high standard. Although the Council has approved dwellings near dairy farms elsewhere, the circumstances of each proposal and site are different. As such, these approvals do not establish a precedent for the current scheme.

⁶ Cornwall Local Plan Strategic Policies 2010-2030.

⁷ National Planning Policy Framework, December 2024.

19. On the strength of evidence presented, I therefore conclude on the main issue that the proposed development would not provide suitable living conditions for future residents. There would be conflict with Policies 12, 13 and 16 of the Local Plan which, in different ways, aim to ensure that new residential development is designed to protect from the harmful impacts of noise and odour. The proposal would therefore conflict with the development plan as a whole.

Planning Balance and Conclusion

20. I understand that the Council is unable to demonstrate a five-year supply of deliverable housing sites. In these circumstances, paragraph 11 of the Framework advises that the relevant development plan policies should be considered out of date. Of most relevance in this case are Policies 12, 13 and 16 of the Local Plan. Because these policies influence the supply of housing, they should be considered out of date for the purposes of this appeal.
21. That said, the relevant Local Plan policies are broadly consistent with the aim of the Framework to promote good standards of design. They are also consistent with paragraph 198 of the Framework, which advises that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. As such I give Local Plan Policies 12, 13 and 16 very significant weight in this appeal.
22. The Framework aims to significantly boost the supply of homes. The proposal would provide three new dwellings on a previously developed site and would therefore make a direct contribution to this objective. However, although I assign a good deal of weight to this benefit, it is not sufficient to outweigh the harm to living conditions that has been identified. Hence, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
23. This leads me to conclude that the proposal is in conflict with the development plan and there are no material considerations, including the Framework, that outweigh this conflict. The appeal is therefore dismissed.

C Cresswell

INSPECTOR