



Appeal Decision

Site visit made on 16 July 2025

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 AUGUST 2025

Appeal Ref: APP/X3540/W/24/3354090

The Old Vicarage, Low Street, Brandeston, Suffolk IP13 7AN

- 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 Zhaowen King against the decision of East Suffolk Council.
 - The application Ref is DC/24/0373/FUL.
 - The development is the change of use from residential (C3) to a sui-generis holiday let.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The main parties do not dispute that a material change of use has occurred through using the appeal property as a holiday let, which is the description of development used by the appellant in the appeal documents and by the Council. That is the basis on which I have determined the appeal.

Main Issue

3. The main issue in this appeal is the effect of the holiday let use on the living conditions of the occupiers of nearby residential properties, with particular regard to noise and disturbance.

Reasons

4. The appeal property is a substantial residence located within a predominantly residential area of Brandeston. A large single household or multi-generational family occupying the appeal property as a dwellinghouse could reasonably be expected to use their gardens, particularly during good weather, resulting in some noise and disturbance in the locality. However, set within generous grounds and with 9 bedrooms and living accommodation described as for up to 20 guests, the appeal property would likely be particularly attractive for larger holidaying groups intending to relax, socialise and have fun together.
5. Compared to occupation as a dwellinghouse by a resident family, this number of holidaying guests would be expected to lead to a more intensive use of the building and its garden, particularly during good weather. Those activities would reasonably be expected to result in higher noise levels and disturbance in the area than the property's existing use. Those noise effects are likely to occur far more frequently and more intensively in the holiday let use where guests specifically book the property with the intention and mindset of socialising and having fun

together as a group. It is reasonable to suppose that the appeal property would be conducive to a party-style use as described by nearby residents.

6. Representations made by local residents describe how use of the property as a holiday let has adversely affected their living conditions. These include representations from the closest residents where there is a strong degree of consistency between the reports of late-night noise and disturbance from large groups of guests occupying the property.
7. Those reports include guests shouting loudly and singing in the gardens, and the playing of amplified music. By comparison to a steady-state noise such as traffic noise, this combination of noises would be expected to be variable in tone and sudden in character, and likely to be particularly annoying. Several residents refer to being anxious in the run up to weekends and during good weather in anticipation of large groups arriving at the appeal property.
8. The appeal property did not appear to be occupied by a large group as a holiday let at the time of my site visit. The area of the appeal site can reasonably be described as peaceful and quiet, which I attributed to the area being rural and the settlement small. There is no substantive evidence before me to indicate that my experiences at the site visit were not representative of normal conditions in this area. No technical noise assessment has been submitted with the appeal to demonstrate otherwise. I have therefore assessed the appeal use on this basis.
9. Although the grounds of the appeal property are generous in area, the position of the building and the land most closely associated with it are not far from nearby properties. This is particularly so for The Old Stables to the east, which appeared to be the closest property to the door openings and garden area of the appeal property that would be used frequently by guests. The boundary between them appeared somewhat permeable with gaps in the planting and would likely do little to stop the transmission of noise.
10. I have taken account of the relative proximity of the nearby properties to the garden area of the appeal property and background noise levels. In that context, and on the evidence before me, I find that noise and disturbance resulting from the use of the appeal property as a holiday let is likely to be harmful to the living conditions of nearby occupiers. This would be particularly so during good weather and at the weekends, coinciding with the times when nearby residents are most likely to be enjoying their gardens. I find no evidential basis to dispute the accounts given by nearby occupiers that the appeal use has led to a change in their behaviour by them closing windows and staying indoors to avoid the noise. No substantive evidence has been advanced by the appellant to justify me reaching a different conclusion on this issue.
11. The appellant intends to operate strict guest management protocols, including asking guests to be mindful of specific quiet hours, together with establishing house rules, and strictly enforcing a no-party policy. However, what might constitute a 'party' for the purposes of the appellant's noise management plan, and how a party could be distinguished from groups of guests using the property for holidaying, socialising or to relax, is unclear. It appears implicit to the scale and nature of the holiday let use of the property that guests would be there for the purposes of holidaying, socialising and enjoying themselves, thus generating noise and disturbance as a consequence. This correlates with some of the

representations from nearby residents who report that guests of the holiday let, in response to being asked to control noise, reported that they had booked the accommodation for those purposes.

12. The submitted management plan protocols would depend largely on their effective enforcement and there is no mechanism before me to ensure that the accommodation has permanent on-site management to enforce them, should they choose to do so. Enforcement of the rules would therefore be likely to happen after the noise has occurred and in reaction to nearby residents' concerns. It would also appear to have little consequence for the short-term guests creating the noise as they are unlikely to have local ties to the community.
13. The appellant proposes to implement soundproofing measures and has expressed a willingness to work with the council to reduce the number of guests to an agreed level. However, limited details of those measures are before me, and they are not supported by any technical noise assessment. It is for the appellant to demonstrate that noise and disturbance can be adequately controlled by suitably worded conditions that meet the tests for imposing conditions in the National Planning Policy Framework ("the Framework").
14. I am aware that an interested party suggests that the closest public house could be used more intensively as a live music venue, the inference being that it would increase background noise levels. However, there is little evidence to suggest that the public house has caused any noise problems in the past, or that noise from its operation could not be controlled by relevant legislation. Therefore, it has limited relevance to my considerations in this appeal.
15. Given the scale, nature and location of the use, I am not satisfied that its resultant noise and disturbance could be controlled and adequately mitigated by the imposition of planning conditions to avoid the likely harm that I have identified above. No substantive evidence, such as a technical noise assessment, has been advanced to demonstrate otherwise.
16. I therefore conclude that the use of the appeal property as a holiday let is harmful to the living conditions of the occupiers of nearby residential properties, with particular regard to noise and disturbance, contrary to Policy SCLP11.2 of the East Suffolk Council Suffolk Coastal Local Plan, Adopted September 2020 ("the LP"), which requires development to not cause an unacceptable loss of amenity for existing occupiers having regard to, amongst others, noise and disturbance.

Other Matters

17. Whilst tourism development is supported by the SCLP and the Framework as a matter of principle, this does not mean that all such tourism developments will be acceptable. The appeal use would generate economic benefits through employing people in its management, maintenance and improvement, including local tradespeople. Guests could reasonably be expected to spend money in the locality during their stays and contribute positively to the economy.
18. However, persons occupying the appeal property as a dwellinghouse would also be expected to spend money in the local economy and help sustain jobs, including through the ongoing maintenance and repair of the property. Therefore, I attribute only modest weight to the economic benefits of the appeal use in providing tourist accommodation.

19. There is little substantive evidence to demonstrate that the maintenance and repair costs of the building have made it difficult to attract a tenant for the appeal property, or that those costs make its occupation as a dwellinghouse unaffordable. Details of failed marketing campaigns to find a tenant or buyer for the property as a dwellinghouse are not before me. Therefore, I am not satisfied that a dwellinghouse use of the property is unviable, such that the appeal use is the only option to secure its future upkeep and avoid it falling into a state of disrepair.
20. The appeal site lies within the Brandeston Conservation Area ("the CA"), which encompasses most of the settlement and appears to derive its significance partly from the broadly linear pattern of predominantly traditional style buildings set within verdant surroundings. The appeal development would not involve physical alterations to the appeal property and the noise effects would be relatively localised when compared to the CA as a whole. Consequently, in having regard to my statutory duty¹, I find that the appeal development would preserve the character and appearance of the CA. I note that the Council did not reach a contrary view on this matter.

Conclusion

21. On the evidence before me I find that the appeal use is significantly harmful to the living conditions of the occupiers of nearby residential properties, contrary to the Framework's objective of creating a high standard of amenity for existing users. I am not satisfied on the evidence before me that the harm could be satisfactorily mitigated by the imposition of conditions. This is an important matter that brings the development into conflict with LP Policy SCLP11.2 and the development plan as a whole. I give significant weight to the appeal development's conflict with the development plan, sufficient to outweigh its benefits.
22. I therefore conclude that it would conflict with the development plan when read as a whole. The material considerations, including the benefits of the appeal development and the provisions of the Framework, do not indicate that a decision should be taken other than in accordance with that plan. The appeal should be dismissed.

G Sylvester

INSPECTOR

¹ Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.