



Appeal Decision

Site visit made on 5 August 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2025

Appeal Ref: APP/Q3115/W/25/3364807

Claridge Barn, Chiltern View, Tetsworth, Thame OX9 7AL

- 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 J, F & E Claridge and J Cannon against the decision of South Oxfordshire District Council.
 - The application Ref is P23/S4191/FUL.
 - The development proposed is conversion of stables building to three dwellings with gardens and parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide appropriate living conditions for the occupiers of the dwellings, with particular regard to noise.

Reasons

3. The appeal relates to a single storey building on the edge of Tetsworth which it is proposed to convert to three dwellings. I saw that there is a clear line of sight between the appeal building and the motorway. One neighbouring dwelling would sit between units 2 and 3 and the motorway but would not completely enclose the appeal site.
4. Policy ENV11 of the South Oxfordshire Local Plan 2011-2035 (the LP) requires development to be appropriate to its location and be designed to ensure that the occupiers of a new development would not be subject to adverse effects of pollution, including noise. The policy also requires proposals to either avoid or provide details of mitigation methods to protect occupiers.
5. The appellants' evidence advises that the worst case external noise levels on the long elevation facing towards the motorway would be, on average, 59dBA during the daytime and 54dBA during the night-time. Even though the Council's statement of case, from Enviroconsult, implies different figures I have taken the appellants' figures as the measured noise levels. Notwithstanding this, the noise level mapping provided by the appellants also indicates levels of over 55dBA along the whole of this elevation and a section of over 60dBA where unit 1 is proposed. Whichever of the appellants' figures I take they both exceed the Lowest Observed Adverse Effect Level (LOAEL) of 50dBA.
6. Having regard to the advice in appendix 2 of the Noise Policy Statement for England 2010, even with the lower and average figures quoted by the appellants, this elevation would, therefore, have levels of noise which would be above that at

which adverse effects on health and quality of life can be detected. The rooms along this elevation are living rooms and dining rooms, along with plant rooms and entrance lobbies. Although living and dining rooms are not normally occupied during the night-time they are primary habitable rooms and areas for daytime relaxation. Moreover, living and dining rooms now also have multiple functions and would likely serve as areas for children's play, study, working from home, and other similar uses. The predicted noise levels would be noticeable to the occupants of the properties and would be likely to disrupt daily life and the use of these rooms.

7. The levels are below the Significant Observed Adverse Effect Level (SOAEL) of 72dBA. I, therefore, find that the noise levels would not be significant. However, even though the predicted levels are close to LOAEL they still exceed it and would, in my judgement, be harmful and the adverse effects on the living conditions of the future occupants would be significant. The guidance document from South Gloucestershire Council is not part of the adopted local plan for South Oxfordshire. Nevertheless, the noise levels in the living rooms would exceed the LOAEL quoted in that guidance.
8. The appellants accept that the difference between their noise consultant and the Council is a conflict in professional opinions and interpretations of the noise evidence and mitigation measures. I note the difference is whether the noise levels would be medium or low and whether the risk is medium or low. It is a matter of planning judgement, and, for the above reasons, I find that the unmitigated noise levels would be unacceptable and harmful to living conditions.
9. Mitigation is proposed in the form of a whole house mechanical ventilation strategy, specific glazing in the windows, and a barrier to the rear garden areas. The noise levels in the proposed rear garden areas and the bedrooms would be mitigated by the construction of the barrier, though it is not wholly certain that the appearance of one at four metres high has been fully assessed as the submitted elevation plans only indicate the barrier at two metres. This part of the mitigation would also allow the windows facing over the gardens to be opened and the noise levels within the properties would remain below the British Standard.
10. However, although the kitchen is part of the open plan area with the living room and dining room, the depth of the building and the size and shape of these rooms would limit the benefit of opening the kitchen window to the rest of the room. The appellants have confirmed that the living and dining room windows would also be capable of being opened to allow for purge ventilation. Opening these windows would increase noise levels within the building.
11. Although mechanical ventilation systems can be accepted as mitigation for road noise this is more appropriate in urban settings where other mitigation or alternative layouts to reduce noise levels would not be possible. Given the rural context of the appeal site, it has not been demonstrated that the proposed mechanical solution, which would require occupants to keep windows closed to not be adversely affected by noise, is the only acceptable means of managing the noise. The inability to open windows without adverse noise effects would also not enhance the lives of the future residents and mechanical ventilation systems would not minimise energy consumption. This mitigation would, therefore, not be the high quality design sought by Policies DES1 and DES2 of the LP.

12. For the above reasons, I have found that the noise levels would result in unacceptable adverse harm to the living conditions of the future occupiers. Consequently, the appeal proposal would not provide appropriate living conditions for the occupiers of the proposed dwellings, with particular regard to noise. It would, therefore, fail to comply with Policies ENV11, DES1 and DES2 of the LP which, taken together require development to ensure occupiers would not be subject to adverse effects of pollution and seek to ensure all development is of high quality.

Other Matters

13. St Giles Church is a statutory listed building. The Council also note John Peers House, and the cobbled path as listed. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the setting of the listed buildings. The setting of John Peers House is appreciated within its rural context but is well enclosed by fences and hedges. The setting of the church is wider due to its historic relationship with the village. However, there are intervening buildings between the appeal site and the church. The cobbled paths along the access road to the appeal site form part of the setting of the listed building and are of historic interest locally.
14. The appeal proposal would not have any direct effect on the listed buildings. Neither would it adversely affect the ability of the public to appreciate the setting of either the Church or John Peers House as the development would be carried out sensitively to respect the appeal building and the setting of the heritage assets. The cobbled paths would need to be preserved, and any damage repaired, as would be the case for any damage from other vehicles passing over the cobbles. Consequently, I consider that the appeal proposal would preserve the setting of these buildings and the contribution the setting makes to their significance. I note the Council had no concerns in this regard either.
15. Interested parties have also raised concerns regarding, amongst other matters, that the access to the property is over common land, is not all within the appellants' ownership, and that there is a legal obligation restricting development on the site. The ownership of the access is not determinative in this appeal and would be a civil matter between the appellants and the landowner. The legal agreement, which is referred to in the officer report, would need to be considered separately.

Planning Balance

16. Both main parties agree that the Council is unable to demonstrate a five year housing land supply. The Council, in the officer report, refer to a supply of 4.5 years which is a shortfall. Paragraph 11d) of the Framework, therefore, applies.
17. Policy ENV11 of the LP is the most relevant in considering the proposal. The policy does not seek to prevent development and other policies, H1 and H16 of the LP and TET1 of the Tetsworth Neighbourhood Plan, seek to limit development in the countryside to that which protects its character. ENV11 and the other policies are broadly in accordance with the Framework which seeks to ensure a high standard of amenity for existing and future users, and that development contributes to and enhances the natural and local environment.

18. Although I afford significant weight to the provision of new residential units, as only three would be provided this benefit is limited when weighing the merits of the scheme. I therefore afford significant weight to the limited benefit the development would make to addressing the housing shortfall.
19. On the other side of the balance, the proposal would result in harm to the living conditions of the future occupiers of the residential units from noise associated with the motorway. Albeit that the noise level would not reach SOEL, the harm to the living conditions would be adverse and I afford this harm substantial weight. It would, in my judgement, significantly and demonstrably outweigh the benefits that would arise from the development. As a result, the presumption in favour does not apply.

Conclusion

20. For the reasons given above the appeal should be dismissed.

K Townsend

INSPECTOR