
Appeal Decision

Site visit made on 23 September 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025

Appeal Ref: APP/Q3115/W/25/3368016

Virgo Beauty, High Street, Goring RG8 9AR

- 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 Ms Mary Galer against the decision of South Oxfordshire District Council.
 - The application Ref is P24/S3242/FUL.
 - The development proposed is described as: Change of use from sui generis Beauty Salon to sui generis Wine Bar and Bottle Shop.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the heading above is different to the address provided by the appellant for the appeal. I have adopted the address used in the application form which refers to Virgo Beauty rather than Nappers Store and I am satisfied that they refer to the same appeal site.
3. A revised ground floor internal layout plan is submitted within the appellant's statement of case. Whilst this plan does not involve a substantial difference or fundamental change to the appeal, I have considered whether accepting the information would cause procedural unfairness to interested parties. Reference is made to the revised plan within the evidence from both the Council and the adjacent residential occupier. On this basis, I consider that the acceptance of the plan has not deprived those entitled to be consulted, the opportunity to make a representation. My decision is therefore based on the revised ground floor plan.
4. A premises licence has been granted for the proposed use subject to a number of conditions. However, the licensing process is independent of the planning process and is subject to its own policies and guidance. Licences are granted subject to meeting four objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. Consequently, the process is distinctly different to that of obtaining planning permission and weighs neither for nor against the proposed development.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwelling at Nappers Cottage, with particular reference to noise and disturbance.

Reasons

6. The appeal site is located on the High Street within the identified local centre of Goring. Shops, offices, and public houses are located on and around the High Street. The site is within the Goring Conservation Area (GCA), and the appeal property is a Grade II listed building. The attached neighbouring property of Nappers Cottage is in residential use and has a flying freehold over part of the appeal property.
7. At ground floor the appeal property comprises a main room with smaller side room, W.C and small office and a single room at first floor. The appeal site was previously used as a beauty salon. The W.C. and utility/storage area located to the rear of the appeal property have opening windows that are adjacent to the rear garden area of Nappers Cottage. Nappers Cottage has a living room and small vestibule area that is adjacent to the ground floor of the appeal property and a first-floor bedroom that is located above part of the appeal property's ground floor. The bedroom also shares a party wall with the first-floor room of the appeal property.
8. The National Planning Policy Framework (the Framework) at paragraph 198 outlines that new development should be appropriate for its location considering the likely effects of pollution on health and living conditions. The Noise Assessment (NA) was undertaken following the principles set out in '*BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings*'.
9. The main sources of noise from the proposed use would be from people talking and the use of amplified music. The NA identifies three areas for potential sound transfer from the appeal property to Nappers Cottage, consisting of the ground and first floor walls and between the ground and first floor.
10. To establish a predicted noise level for the proposed use, the NA has used noise levels, both with and without music, recorded from other similar establishments. An indicative noise transfer assessment using modelled data for similarly constructed properties predicts that both with and without music, the first-floor bedroom of Nappers Cottage would be subject to unacceptable noise levels that would fail to meet the requirements of BS:8233 (2014) and would receive a noise rating of NR20. It asserts that acceptable noise levels could be met with mitigation in the form of independent wall linings to the party walls and adhesive based noise insulation in the ceiling between the joists. The NA also recommends the use of the ground floor area beneath the bedroom in Nappers Cottage being used for the bottle shop, which could be closed in the evenings. This is subsequently reflected in the amended ground floor layout plan.
11. However, the NA does not refer to any recent noise monitoring of comparable properties of similar uses. Consequently, I am unsatisfied that the NA has correctly predicted the potential noise levels associated with the proposed use. The use of modelled data rather than actual noise measurements in relation to the acoustic performance of the building, fails to provide sufficient certainty that the adjacent residential occupiers in Nappers Cottage, would not be subject to unacceptable levels of noise and disturbance.
12. Also, the NA fails to address other potential sources of noise transfer. This includes the potential noise from people congregating in and around the toilet area where sound transfer through the windows could impact on the use of the outdoor garden space by the occupiers of Nappers Cottage. The NA has also failed to take

account of intermittent noise, external noise from people standing outside the front of the appeal premises or from sound transfer as a result of open windows and doors in both the appeal property and Nappers Cottage. Consequently, for the reasons outlined above, the NA fails to consider the full noise environment associated with this proposal.

13. Furthermore, whilst the form of mitigation proposed may overcome noise transfer between the two properties, the appeal property is a listed building. Subsequently, inadequate details are before me to satisfactorily demonstrate that the proposed mitigation would not harm the significance of the listed building and has gained listed building consent.
14. Accordingly, the proposed development would conflict with Policies ENV12 and DES6 of the South Oxfordshire Local Plan 2011-2035 (2020) (LP). These policies, amongst other things, seek development that does not result in significant adverse impacts on the amenity of neighbouring uses through factors including noise or vibration. The proposal would also be contrary to the Framework which, amongst other things, seeks development that mitigates and reduces to a minimum, potential adverse impacts resulting from noise from new development and that avoids noise giving rise to significant adverse impacts on health and the quality of life.

Other Matters

15. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act) requires that the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, has special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
16. The appeal property is a Grade II listed former house that has subsequently been used as a shop. The property is circa 17th Century with 19th Century alterations. The building's significance relates to its historic and architectural interest due to its timber framing and windows. Noise mitigation works that alter the fabric of the building could not be carried out without listed building consent. However, as such consent would need to be the subject of a separate application, I have not considered this matter further in this appeal.
17. Furthermore, the appeal property is located within the GCA. Therefore, the statutory duty under Section 72(1) of the LBCA Act is applicable. The GCA is centred around the core of the village, which includes buildings ranging in date from medieval to the late 19th century. The special interest and significance of the GCA is derived from the architectural richness and variety of its historic buildings and its attractive landscape setting, where the settlement meets the River Thames with partially wooded hills rising on either side. The appeal proposal would preserve the character and appearance of the GCA.
18. The appellant's evidence refers to the handling of the application by the Council and the weight given to objections received. However, these matters have had no material bearing on my consideration of the proposal which has been assessed on its own merits based on the specific evidence before me.

19. The proposed development has received a significant level of local public support based on the benefits of the services it would provide to the local community, which weigh in support of the proposal.
20. The appellant has drawn my attention to a number of policies within the LP that were not referred to in the Council's officer report. Whilst some of these policies are relevant to the proposed development, as discussed below, a number of them including Policies EMP3, EMP11 and CF1 and CF2 are not directly related to the proposal before me.

Planning Balance

21. The Framework seeks development that supports economic growth, supports the role of town centres, adds to the overall quality of an area, and sustains and enhances the significance of heritage assets. Policies within the LP also advance these objectives, namely Policies TC2, ENV6, ENV7, ENV8 and DES6.
22. Whilst the appeal property's location within the local centre and the acceptability of the principle of the use in this location are not disputed, these do not outweigh the harm I have found in relation to the potential for noise and disturbance to the occupiers of the adjacent residential dwelling.
23. As previously outlined, the granting of a premises licence is a separate process, and it does not follow that planning permission would then be automatically granted. The premises licence is subject to a range of conditions. The Framework identifies that consideration should be undertaken as to whether unacceptable development could be made acceptable through the use of conditions. It goes on to state that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other aspects.
24. In combination, the appellant's offered conditions, mitigation measures and premises licence would, to some extent, manage the noise effects of the proposal. Nonetheless, the NA fails to demonstrate that the noise generated by the proposed development, would not cause an unacceptable effect on the living conditions of the occupiers of the neighbouring dwelling at Nappers Cottage. Consequently, I am not satisfied that conditions and the mitigation measures proposed would adequately address all the noise effects of the proposal.

Conclusion

25. For the reasons outlined above, the appeal should be dismissed.

P Brennan

INSPECTOR