
Appeal Decision

Site visit made on 14 October 2025 by E Nutman BA (Hons)

Decision by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Appeal Ref: APP/D3505/D/25/3371685

21 Cooks Road, Elmswell, Suffolk IP30 9BX

- 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 Chris Wiley against the decision of Babergh District Council.
 - The application Ref is DC/25/02545.
 - The development proposed is the installation of an air source heat pump to rear elevation
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Whilst not explicitly stated within the reason for refusal, or within the officer's report, the effect of the proposal on 'adjoined neighbours' relates to 22 Cooks Road (No 22); therefore I have defined the main issue on this basis.

Main Issue

4. The effect of the proposal on the living conditions of the occupiers of No 22 with regard to noise.

Reasons for the Recommendation

5. The proposed air source heat pump (ASHP) will be positioned within the rear garden and will sit between the rear wall of the appeal dwelling and side wall of No 22's rear extension. There is a window which serves a bedroom at first floor level which is the closest bedroom window to the dividing boundary between the two adjoining properties.
6. Revisions to the Microgeneration Certification Scheme 20 standard (the MCS 20a standard) were introduced by the government following an increase in noise complaints by members of the public to councils, to ensure the noise generated by air source heat pumps would be sufficiently low to not adversely impact neighbours. Those units that do meet the standards can be installed utilising permitted development rights within the planning legislation.

7. The Council's Environmental Health Officer (EHO) had input into the planning application. While I note the reliance of the appellant on DEFRA noise maps, using local knowledge and other noise impact assessments, the EHO asserts that the background noise level is low in the area and road traffic noise does not feature significantly.
8. The proposed unit would emit sound at 40dB, 3dB above the limit in the MCS 020a standard. The appellant contends that the ASHP would only marginally exceed the noise limit and refers to a study which found that most residents did not notice the sound of air source heat pumps from inside their house¹. Furthermore, the Apex Acoustics study² looked at the cumulative effect of installing a number of units in a high density residential area. However, this found that the impact of the single nearest ASHP, identifiable as an individual source, is considered more significant than the relative cumulative level increase from all ASHPs combined. It is important therefore to ensure that individual installations are appropriate to maintain the living conditions of neighbouring residents.
9. I appreciate that application of a standards system is a binary approach. However, the level is set for a purpose. Whilst the ASHP would be unlikely to run at 40dB all the time, it could at certain times and, in this instance, given the proximity of the neighbouring bedroom window would cause harm to resident's living conditions at that level. The Council's EHO suggests a number of approaches to reduce the noise level of the unit, and I have not been provided with any evidence that suggests an alternative ASHP unit with a quieter specification, or measures adopted to reduce the noise of that proposed could not be installed, which would maintain the living conditions of No 22.
10. I have considered whether a condition could be imposed to secure such measures. However, in the absence of any definitive method demonstrating how the noise could be reduced, such a condition would not be reasonable.
11. For the reasons above I conclude, the proposal would result in unacceptable impacts upon the living conditions of No 22. Consequently, the proposal is contrary to Policies LP03 and LP24 of the Babergh and Mid Suffolk Joint Local Plan Part 1 (2023) which, amongst other matters, support applications only where they will protect the health and amenity of occupiers and seeks to avoid development that results in unacceptable levels of noise. The proposal is also considered contrary to the aims set out within the Framework, specifically paragraph 135 (f) which requires development to promote a high standard of amenity for existing and future users.

Conclusion and Recommendation

12. The proposal would conflict with policies regarding the protection of resident's living conditions drawing it into conflict with the development plan as a whole. I have given significant weight to the contribution the proposal would make to reducing carbon emissions and the use of renewable energy sources. However, these are insufficient to outweigh the conflict with the development plan
13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

¹ Real-World Perception (Institute of Acoustics)

² Cumulative Noise Impact (Nesta/Apex Acoustics Study) July 2024

E Nutman

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Zoe Raygen

INSPECTOR