



Appeal Decision

Site visit made on 6 January 2026

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2026

Appeal Ref: APP/U2750/W/25/3375555

87c-87d Market Place, Thirsk, North Yorkshire YO7 1ET

- 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 Mrs M Pearson against the decision of North Yorkshire Council.
 - The application Ref is ZB25/00465/FUL.
 - The development proposed is the change of use to create 1 bedroom dwelling at 87C-D Market Place, Thirsk, YO7 1ET.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed dwelling would provide acceptable living conditions for its future occupants, with reference to noise and floorspace.

Reasons

Noise

3. The appeal site is located within an enclosed yard area to the rear of buildings which front onto Market Place and Finkle Street. It can be accessed via passageways from both of those areas, one of which is located immediately opposite the main elevation of the appeal property. There are a variety of uses in the immediate vicinity, which include a hot food takeaway that has a flue located within the yard, along with a youth club and public house near to what is the rear elevation of the building. Other surrounding uses include shops, offices, a cafe and other services typically found in a town centre.
4. The Council's concern regarding noise is twofold. Firstly, that the noise environment within the proposed dwelling would not be acceptable, and secondly that in such an instance this could prejudice the future operations of the existing businesses in the vicinity. The consultation response from the Environmental Health Officer raises concerns relating to noise arising from road traffic and ancillary noise generated by patrons leaving nearby premises such as public houses.
5. I observed at my site visit that noise from traffic moving down Finkle Street was of a notable volume when in the yard area, potentially funnelled by the passageway opposite the appeal site. Whilst they are not immediately adjacent to the appeal site, there was an audible hum from what appear to be air conditioning units in the yard, when stood close to them. There could also be similar noise generated by

the flue to the hot food takeaway when it is in operation. Whilst the adjoining building is in use as a physiotherapist/chiropractor and thus not likely to be noise generating, the building opposite is in use as a shop and has what appears to be some form of delivery area to its rear. That area is in close proximity to the windows of the appeal property. The youth club and public house are located beyond the rear elevation, albeit that façade is blank, with the exception of one small window.

6. All of the above are sources of noise that could, individually or cumulatively, adversely impact on living conditions. Whilst I appreciate that the appeal site is in a town centre location and thus future residents would be likely to be more expectant, and accepting, of a noisier environment, I consider that the concerns raised by the Council in this instance to be reasonable given the surroundings that I have described. Where such concerns are reasonably raised, it is for the party putting the proposal forward to provide evidence to disprove these concerns and not, as the appellant suggests, for the Council to undertake its own testing.
7. No substantive evidence has been provided as to what the noise environment is within the appeal property and whether, even with any mitigation measures such as passive ventilation or wall insulation, appropriate noise levels could be achieved. I cannot as a result conclude that acceptable living conditions would be provided for the future occupants of the proposed dwelling. Given their interrelationships, there is also the clear potential that permitting a new residential development that would be unduly impacted by noise would cause tension with the operation of existing non-residential uses.
8. The Council have included a condition within their list of suggested conditions which would require the submission and approval of a noise report and mitigation measures. In following that approach there would be a risk that ultimately it may not be possible to demonstrate that an acceptable living environment could be provided, but after planning permission had been granted for residential use. That is therefore not an appropriate way of proceeding.
9. Consequently, the proposal fails to demonstrate accordance with Policies E1, E2 and EG3 of the Hambleton Local Plan 2022 (LP) where, taken together, they seek to provide a high standard of amenity for future occupants and to maintain the vitality and viability of defined centres.

Floorspace

10. Policy HG2 of the LP states that proposals for housing development will be supported where they meet the Nationally Described Space Standards (NDSS). The parties agree that the internal floorspace available would be 47 square metres (sqm) but disagree as to which category of the NDSS that the proposal should fall within. The proposed dwelling would have two storeys, as the bedroom would be located at first floor and this means that the staircase would eat into some of what would otherwise be useable floorspace. However, it would provide separate areas for the living room, kitchen and a shower/laundry room.
11. The NDSS requires 58 sqm for a two storey two person one bedroomed dwelling and 37 sqm for a single storey one person one bedroomed dwelling with a shower room. The appellant contends that, as the bedroom has a floorspace area of a limited size, it can only be considered to provide one bedspace as per the NDSS. The NDSS makes it clear that internal space figures are a means of classification

for assessment purposes only and do not imply actual occupancy. That being the case, I am satisfied that in effect the proposal would be a two storey one person one bedroomed dwelling, for which the NDSS provides no floorspace figure.

12. In the absence of a floorspace figure for such a dwelling, a pragmatic approach is necessary. I note that, if the dwelling were located all on one floor, what would be available would exceed the NDSS requirement by 10 sqm. I am satisfied that this surplus area would adequately compensate for the fact that there would be an internal staircase present in the appeal dwelling. Along with there being the provision of separate rooms, this would mean that both an acceptable level of internal space and an acceptable internal layout and design would be achieved.
13. I conclude therefore that the proposal would provide acceptable living conditions for its future occupants in terms of the available internal floorspace. There would as a result be no conflict with the aims of Policy HG2 of the LP in that regard.

Other Matters

14. I accept that there is support in the National Planning Policy Framework for significantly boosting the supply of homes, and that reference is also made in that document to residential uses in town centres and in sustainable locations and to the effective uses of existing premises. Similar aims are reflected in policies of the LP. The appellant further makes reference to the urgent need for smaller and more affordable dwellings identified by the Strategic Housing Market Assessment. However, these considerations would not justify the permitting of a residential dwelling that would fail to provide acceptable living conditions for its future occupants in terms of noise.

Conclusion

15. Whilst I have found that an acceptable level of internal floorspace would be provided, it has not been demonstrated that acceptable living conditions would be provided for future occupants with regard to noise. This results in a failure to accord with the development plan, taken as a whole, and the appeal should therefore be dismissed.

Graham Wraight

INSPECTOR