



Appeal Decision

Site visit made on 23 December 2025

by **Laura Bartle BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2026

Appeal Ref: APP/P0240/W/25/3373674

Land south of Hutchinson Rise, Potton SG19 2DZ

- 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 Aspire LPP against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/01340/FULL.
 - The development proposed is the erection of a care home (Class C2) and 8 residential dwellings (Class C3), with associated parking, landscaping and development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Noise Appeal Statement dated 22 September 2025 was submitted with the appeal. It responds to the Council's reason for refusal and provides details of a further noise assessment carried out after the planning application was determined by the Council. The statement draws on acoustic measurements that were taken from Potton Hall for All, which was not operational at the time of the application. The measurements were collected jointly with a third-party representative and have been referred to in respective submissions to this appeal.
3. Although the Council's Statement of Case does not refer to this supplementary noise assessment, it has, along with other interested parties, had the opportunity to consider its findings. There would not be procedural unfairness if I take it into account in my consideration of the appeal and I have determined the appeal accordingly.

Main Issues

4. There are no matters in dispute which relate to the proposed care home. Therefore, the main issues are:
 - whether the proposed development would provide acceptable living conditions for future occupiers of the 8 dwellings, regarding noise; and,
 - the effect of the proposed dwellings upon the operation and viability of an existing community facility, Potton Hall for All.

Reasons

Living conditions

5. The site comprises an undeveloped parcel of land located between a local football and cricket ground, an established housing estate and recently constructed community hall known as Potton Hall for All (the Hall). The proposed dwellings would be sited nearer to the Hall than any of its existing residential neighbours on Hutchinson Rise and Tear Crescent.
6. Activities permitted within the Hall are restricted by planning conditions¹. Of relevance to this appeal are those numbered 12, 13 and 14. These conditions are intended to ensure that noise generated by the Hall use does not adversely affect the occupants of nearby residential properties. I note that the location of residential properties is not specified in the conditions.
7. Information submitted to the Council in support of discharging the conditions has informed the assumptions used in the noise assessments for this appeal. Notably, internal noise levels within the Hall are limited to 85dB². At this level, external noise at the nearest and most affected of the existing dwellings is modelled to be no greater than 26dB, which is 10dB below measured background levels and therefore deemed inaudible. These measurements formed the basis of the details submitted to discharge condition 14 and demonstrate compliance with condition 13.
8. The noise assessment submitted with the planning application for the proposed scheme predicted the likely impact of breakout noise on future residents when internal noise in the Hall is at 85dB³. Subsequent acoustic testing⁴ of the completed Hall appears to support these earlier predictions and has informed estimates of external noise levels within garden areas and at first-floor of the proposed dwellings. These results have been modelled with the likely effects of mitigation measures to assess the acceptability of both internal and external noise levels.

Internal entertainment noise

9. In the absence of recognised standards for assessing noise from music venues, the appellant proposes that the performance of the proposed dwellings be measured against Noise Rating (NR) curve NR15. It is acknowledged by an interested third party that these requirements are more rigorous than the British Standard (BS8233⁵), which the Council includes in its suggested conditions. Based on the evidence before me, including the typical nature of events and activities within the Hall, NR15 is a reasonable benchmark for determining the acceptability of the proposed indoor noise environment in this case.
10. The appellant has provided predictions for bedroom 2 of the plot regarded as the most exposed. It is referred to as plot 6, but Table 3 of the Noise Appeal Statement suggests that this is plot 5. Nevertheless, the modelling seems to have applied the highest predicted unmitigated noise level of 50LAeq dB at first floor.

¹ Planning permission reference: CB/23/01177/FUL.

² CB/23/03549/DOC and CB/24/01769/VOC

³ Acoustic Report, October 2024

⁴ Noise Appeal Statement, September 2025

⁵ Guidance on sound insulation and noise reduction for buildings, 2014

11. Evidence in the Noise Appeal Statement demonstrates that NR15 would be comfortably met at this location with the installation of good-quality thermal double glazing. It is therefore contended that the potential for internal disturbance arising from noise at this level can be satisfactorily mitigated. This conclusion is founded on the Hall operating within its permitted noise limits for entertainment activities. I have no reason to question these findings. Accordingly, were I minded to allow the appeal, it would be reasonable to impose a condition requiring a post-installation assessment to demonstrate that appropriate mitigation has been achieved, and to ensure its ongoing retention.
12. The installation of alternative means of ventilation and cooling is also proposed to allow windows to remain closed should residents choose to do so to limit noise ingress. This could also be secured by condition. I am therefore satisfied that, collectively, these measures would ensure adequate internal living environments for future occupiers.

External entertainment noise

13. Table 3 of the Noise Appeal Statement also presents measurements of entertainment noise from the Hall as likely to be experienced within the rear gardens of all the proposed dwellings. There is no indication that these measurements incorporate mitigation measures. Plot 7 is shown to be the most exposed garden, with a level of 41dB. However, the noise contour plan dated 17 September 2025 shows that plot 6 may in fact be more closely aligned with the highest exposure. The same plan also indicates two points where 48dB would be received to the front of plots 4 and 5, which corresponds with the levels reported in third party submissions as occurring close to the Hall boundary fence (location LT1).
14. It appears to be common ground between the appellant and a third party that background noise levels at the site are in the region of 36dB. On that basis, entertainment sound levels of up to 41dB would fall within the 5dB margin recommended for low-intensity uses in the draft *Good Practice Guide on the Control of Noise from Pubs and Clubs*. Given the range of activities that can take place within the Hall, this constitutes a reasonable benchmark for assessing the potential effects of entertainment noise, and for determining whether such effects would amount to a significantly adverse impact.
15. On the basis of the material before me, entertainment noise levels within rear gardens would be likely to remain within the 5dB tolerance referred to above. However, this threshold would be exceeded in the areas to the front of four of the proposed dwellings (plots 3, 4, 5 and 8). Even if I were to accept that the proposed acoustic fencing would offer a degree of mitigation, and notwithstanding that front gardens are not typically used for prolonged external amenity, the resultant increase above background levels would nonetheless be likely to be appreciable. Moreover, I have not been advised that the Hall's operating hours are subject to controls that would prevent events extending late into the night. In the absence of such restrictions, there remains the potential for noise levels significantly above background to be experienced within the external areas of the site for extended periods.

Plant and equipment noise

16. Mitigation for noise from activity within the Hall's car park and its plant/equipment is proposed in the form of acoustic fencing along the shared boundary. In response to concerns raised by third parties, the appellant accepts that rooftop plant would not benefit from direct screening. Despite this, no adjustments have been made to the plant calculations contained in Appendix A of Technical Note 2 (March 2025), and it therefore remains unclear how future occupiers would likely experience noise arising from plant and equipment sources.
17. Taking all the matters cumulatively into account, I am not satisfied that the evidence before me demonstrates that the proposed development would provide acceptable living conditions for future occupiers of the eight dwellings. I therefore find the scheme would conflict with Policy CC8 of the Central Bedfordshire Local Plan (LP), which requires that appropriate measures are incorporated to ensure that the impacts of pollution are reduced to an acceptable level without undermining the quality of life of residents. The development would also fail to accord with the aims of the National Planning Policy Framework (Framework) and the National Planning Practice Guidance (PPG), which together seek to ensure a good standard of amenity for future occupiers and to avoid significant adverse effects arising from noise.

Impact on existing community facility

18. Mitigation measures are proposed as part of the scheme, and this has been shown to address potential significant adverse effects of entertainment noise occurring inside the properties. Indeed, the PPG recognises that being able to make use of alternative ventilation where it is designed into a scheme would mitigate the risk of a statutory nuisance being found.
19. However, I have found that in considering the issues cumulatively there is insufficient evidence to demonstrate that all living environments would be satisfactory. Furthermore, the appellant does not dispute that, even with the proposed mitigation, background noise may at times be exceeded at locations within the site. This would result in the Hall being in breach of condition 12 and 13 of its planning permission. While it appears to be the case that the Hall's own prescribed "inaudibility" criteria for entertainment noise are not being achieved at existing nearby properties, there is no evidence before me to demonstrate that any consequence of this can be applied to the noise predictions on the site.
20. The potential for justified noise complaints cannot be ruled out, and such complaints could prejudice the Hall's established—and already constrained—activities and thereby impact on its long-term financial viability. Furthermore, regardless of the discrepancy between the individual requirements of the Hall's planning conditions, the proposed scheme would bring dwellings closer to the Hall and the evidence shows that this would place the Hall in breach of those conditions.
21. I do not have the evidence before me that satisfactorily demonstrates that the proposal would not result in unreasonable restrictions being placed on the Hall. I therefore conclude that the proposal is likely to have a harmful impact upon the operation and viability of the existing community facility. It would not accord with LP policy HQ1 insofar as it requires development to have no unacceptable

adverse impact upon nearby existing uses. It would also be inconsistent with the agent of change principle at paragraph 200 of the Framework.

Other Matters

22. The site lies within the Settlement Envelope of Potton, which is designated as a Minor Service Centre in the LP. Policy SP7 supports housing in these locations and therefore development of the site for residential uses is consistent with the locational requirements for new housing set out in the LP. The principle of residential development here would be acceptable.
23. The Council has confirmed it can demonstrate 4.85 years of deliverable housing sites. In that context, the provision of eight additional homes and a 67-bed care home is a benefit of the scheme. I also acknowledge the contribution the scheme would make to meeting the accommodation needs for older people. There would be economic benefits associated with the scheme from the construction phase and ongoing benefits from expenditure from future occupants of the proposed development which could help support the vitality of nearby services and amenities. New employment arising from the operation of the care home would also be a benefit.

Planning Balance and Conclusion

24. The proposal is contrary to local policies which seek to secure a satisfactory quality of life for future residents of new dwellings and to ensure that existing nearby uses are not adversely affected to an unacceptable degree. These policies are consistent with the Framework, which seeks to avoid noise giving rise to significant adverse impacts on quality of life and to promote the effective integration of new development with existing community facilities. Accordingly, the conflict with LP Policies CC8 and HQ1 attracts significant weight in this appeal.
25. Although the development plan contains policies which support development of the type proposed in this location, the scheme would nevertheless conflict with the policies referred to above. When the development plan is read as a whole, there would be considerable conflict.
26. In this case, there is a moderate shortfall in the five-year supply of deliverable housing sites. Paragraph 11(d) of the Framework is therefore engaged. The application of policies in the Framework that protect areas or assets of particular importance does not provide a clear reason for refusing the development. In these circumstances, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. In reaching this judgement, particular regard must be had to key policies relating to directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable housing, either individually or in combination.
27. As set out above, the benefits arising from the provision of eight dwellings and a care home would be relatively modest, even when taking account of the Framework's objective to boost significantly the supply of housing and the Council's housing land supply position.

28. By contrast, the harm arising from the potentially significant adverse effects on the living conditions of future occupiers would conflict with the Framework's policies which seek to direct development to locations where such impacts can be suitably mitigated or reduced. I have also identified harm to the adjacent community facility. This would conflict with paragraph 200 of the Framework, which requires new development to be effectively integrated with existing community facilities and states that existing facilities should not have unreasonable restrictions placed upon them as a result of development permitted after they were established. Where an existing use could have a significant adverse effect on new development, the applicant, as the agent of change, is expected to provide appropriate mitigation before the development has been completed.
29. I recognise that the package of benefits associated with the appeal proposal weighs in favour of the development and that those benefits align with several of the Framework's objectives. However, in this case, the harm identified above weighs very considerably against the proposal. In my judgement, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
30. For these reasons, the proposal would not constitute sustainable development within the meaning of the Framework. This weighs heavily against the proposal, with the result that the presumption in favour of sustainable development does not apply.
31. Overall, I conclude that the proposal would conflict with the development plan when taken as a whole and that there are no material considerations, including the Framework, that indicate a decision other than in accordance with the plan. The appeal is therefore dismissed.

Laura Bartle

INSPECTOR