The Planning Inspectorate

Appeal Decision

Site Visit made on 18 August 2021

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021

Appeal Ref: APP/B3438/W/21/3274870
Greenacres Stables Farm, Akesmore Lane, Biddulph, ST8 6RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Ernest Shaw against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2020/0544, dated 29 September 2020, was refused by notice dated 5 March 2021.
- The development proposed is demolition of existing stable buildings and the construction of one detached bungalow.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is within the Green Belt. The main parties agree that there is no objection to the principle of the development within the Green Belt and so the circumstances relating to this are not before me for consideration.

3. Following the determination of the planning application a revised noise assessment was carried out, culminating in a report dated 9 April 2021. The Council and third parties have had an opportunity to comment on this. I am satisfied, therefore, that no party has been prejudiced by proceeding with the appeal on the basis of this assessment.

Main Issues

4. These are the effect of the proposal on the living conditions of future occupiers, with particular regard to noise, and on the character and appearance of the area.

Reasons

5. The appeal site adjoins a yard which the appellant suggests is in use as an agricultural storage yard. It is apparent from the photographic evidence before me and what I saw on site that the yard contains skips and industrial waste. The appellant's evidence alludes to the site being commercially operated and noise being attributed to this, albeit not significantly. It also appears from Environmental Health concerns that activities at the yard have raised concern.

6. The sources of noise identified in the noise assessment do not appear to relate to activities within the storage yard. This suggests that the yard was not in use when noise levels were being monitored and therefore the assessment

does not accurately reflect the levels of noise that prospective occupiers would be subject to. As a result, the noise assessment carries limited weight in favour of the appeal.

7. The noise emitted from waste being loaded in and out of skips, skips being moved on, off and around the site and the noise from engines running would be notable, particularly given the yard's rural location and the low ambient noise levels associated with this. In addition, the character of the noise would be difficult to ignore given the heavy-duty nature of the activities described. Together with the proximity of the yard to the new dwelling, noise would be readily heard by occupiers when in their garden. As such, prospective occupiers would not be provided with the active and healthy living environment that is encouraged by Policy DC1 of the Staffordshire Moorlands Local Plan (2020).

8. The noise assessment recommends that a glazing and ventilation scheme is implemented to mitigate any harmful effects of noise and disturbance on the internal living areas proposed. The double glazing would be ineffective when windows are open. At this time, prospective occupiers would be subjected to levels of noise and disturbance which would be harmful to their living conditions and their enjoyment of the property.

9. The revised noise assessment report doesn't propose an acoustic fence. As a result, there are no implications for character and appearance and so I find no harm in this regard. This is neutral in the planning balance.

10. The benefit of the development to the appellant carries limited weight in favour of the appeal because the harmful effects of noise would remain long after the personal circumstances no longer apply.

11. And so, all in all, the development would have a harmful effect on the living conditions of future occupiers, with particular regard to noise, contrary to Policies SD4 and DC1 of the Staffordshire Moorlands Local Plan (2020) which seek, amongst other things, development that protects residential amenity.

Conclusion

12. The proposal conflicts with the development plan when considered as a whole and there are no material considerations or benefits that, either individually or in combination, outweigh the identified harm and associated development plan conflict. For the above reasons, the appeal is dismissed.

R Walmsley

INSPECTOR