



Appeal Decision

Site visit made on 25 February 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2025

Appeal Ref: APP/B3438/W/24/3357062

Greenacres Stables Farm, Akesmore Lane, Biddulph, Staffordshire ST8 6RT

- 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 Mr Shaw against the decision of Staffordshire Moorlands District Council.
 - The application Ref is SMD/2024/0117.
 - The development proposed is replacement of existing stable buildings with single detached dwelling, landscaping features and a ground-mounted solar array.
-

Decision

1. The appeal is allowed and planning permission is granted for replacement of existing stable buildings with single detached dwelling, landscaping features and a ground-mounted solar array at Greenacres Stables Farm, Akesmore Lane, Biddulph, Staffordshire ST8 6RT in accordance with the terms of the application, Ref SMD/2024/0117, subject to the conditions in the attached schedule.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) has been issued since the appeal was lodged. The parts of the Framework most pertinent to my assessment remain largely unaltered and so there is no reason to seek comments from the main parties on the revisions.

Main Issues

3. The main issues are whether the development would provide satisfactory living conditions having regard to the issue of noise and whether it would integrate effectively with the adjoining agricultural and skip storage business.

Reasons

4. The appeal site lies in a countryside location just outside Biddulph. It consists of a short track from the road leading to commercial stables and a small paddock. Between the main part of the site and the road is a separate property described in the Council's decision notice as an agricultural/skip-yard. The concerns are that noise from this adjoining property would unacceptably affect living conditions at the proposed residence and that introducing a noise sensitive use would compromise the use of the skip-yard.
5. On my visit I saw the adjoining property contained no skips and there was little evidence of any operations that would generate excessive noise. Indeed, the appeal site, the neighbouring property and the locality in general was very quiet. The appellant's agent has advised that the former owner of the skip-yard has died

and it is to be transferred to the appellant. It is stated the appellant will not restart the former operations as it would be detrimental to the proposed residential development. Whilst noting the intention, there is no undertaking before me that would legally prevent the skip-yard operation being reintroduced.

6. In any event, a noise assessment (the NA) and a follow-up supplementary report has been submitted by the appellant. These describe a 7 day noise survey that was conducted when the skip-yard was operating and they set out the survey results. The NA defines maximum internal and external noise levels to ensure acceptable living conditions having regard to the Planning Practice Guidance section on noise (the PPG), as well as BS 8233:2014 and the World Health Organisation's Guidance for Community Noise (WHO guidance). The Council does not dispute the results of the survey nor the target noise levels.
7. Apart from small rooflights over an internal corridor, all the windows and doors to the proposed dwelling would be on elevations facing away from the skip-yard. As such, the fabric of the proposed building itself would reduce noise effects from the skip-yard on the internal rooms of the residence. Also, all habitable room windows would be fitted with double glazing. The NA concludes internal noise levels experienced within the house would comply with guidelines in BS 8233:2014 and the WHO guidance, even if windows are partially open. Notwithstanding this conclusion, the NA recommends the dwelling should include an alternative mechanical ventilation system that does not require windows to be opened due to fluctuating sounds from the skip-yard. It is noteworthy that the PPG¹ refers to the potential use of such measures as a form of noise mitigation.
8. The Council has not sought to dispute the technical evidence provided and no alternative noise assessment has been submitted. Therefore, I find no reason to disagree with the conclusion that the proposed measures would ensure satisfactory noise levels within the proposed dwelling.
9. The garden area to serve the house would largely be on land that is currently used as a paddock. The appellant proposes the installation of acoustic fencing along the boundary with the adjoining property. The NA and supplementary report claim the attenuation effects of the fence would achieve the desirable noise levels for at least part of the garden. As these are the only technical noise documents before me, I find no reason to disagree with this contention. The garden would be quite large and so it would provide a suitable outdoor area for residents where noise levels would be acceptable.
10. The submissions indicate that the skip-yard is not subject to any restrictions on its use. The Council suggests the operation may restart and generate different and greater noise compared to that previously recorded by the appellant. There is a concern that this could lead to residents' complaints. However, the survey already carried out identified times when the skip-yard use generated significant noise levels and yet the technical evidence indicates adverse effects can be appropriately mitigated, even during the night time. Also, there is little information before me to show how the skip-yard may be operated differently so as to cause a significant increase in noise. Therefore, I envisage the development would not generate complaints leading to a statutory noise nuisance being found due to the dwelling's proximity to the skip-yard.

¹ PPG, Paragraph: 009 Reference ID: 30-009-20190722, Revision date: 22 07 2019

11. For these reasons, I conclude the development would provide a satisfactory living environment and it would integrate appropriately with the skip-yard operation. In these respects, it would accord with policies DC1 and SD4 of the Staffordshire Moorlands Local Plan 2020. Amongst other things, these policies seek to create healthy residential amenity in terms of noise.

Other Matters

12. The appeal site lies in the Green Belt. The Council considers the proposal would accord with Green Belt policies and there is no case made by any other party to suggest otherwise. As such, the proposal would be acceptable in these regards.
13. The site is in the countryside and so residents would be reliant upon private car travel to access facilities. However, the level of trips associated with a residence would be similar to those generated by the current commercial stables. Also, LP policies SS10 and H1 allow the redevelopment of previously developed land in open countryside provided it is not of high environmental quality. The proposal would accord with these policies and so it would be in a suitable location having regard to the LP.
14. There is a high risk the site is in a former coal mining area. The Coal Authority raises no objections to the proposal subject to ground investigations. I am satisfied this matter can be reasonably addressed through a planning condition. The above issues do not justify refusing planning permission and so they fail to affect my overall conclusion.

Conditions

15. I have had regard to the planning conditions as suggested by the Council in light of relevant advice as set out in the Framework. Where appropriate I have amended the wording for precision reasons, to minimise the number of conditions and to prevent unnecessary pre-commencement requirements.
16. In the interests of clarity, I attach a condition that requires the development to be carried out in accordance with the approved drawings. Condition 3 is included to ensure the development is not adversely affected by historic coal mining activity. Conditions 4 and 10 are imposed to ensure acceptable living conditions at the proposed residence in terms of noise and so that the development would integrate appropriately within the adjacent skip-yard use. Conditions 5, 6 and 7 are imposed to ensure the development is of a satisfactory appearance. Conditions 8 and 9 are required in the interests of highway safety. However, no gates are proposed so the suggested condition on gates is not directly related to the proposed development and it is unnecessary.

Conclusion

17. For the reasons given above, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos PL 01B, PL 03A and PL 04.
- 3) Apart from the demolition of existing buildings, no development hereby permitted shall commence until:-
 - a) a scheme of intrusive investigations to establish the risks posed to the development by past coal mining activity has been carried out; and
 - b) any remediation works and/or mitigation measures required to address land instability arising from coal mining legacy and to ensure the site is made safe and stable for the development have been carried out.

The development hereby permitted shall not be first occupied until a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the development has been submitted to and approved in writing by the local planning authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

- 4) Work on the construction of the dwelling hereby permitted shall not commence until full details of noise attenuation measures to be incorporated as part of the dwelling have been submitted to and approved in writing by the local planning authority. These shall include information on the noise mitigation effects of any methods of construction of walls and roofs, glazing to windows and doors as well as details on a mechanical ventilation system to be provided. The development shall be constructed in accordance with the approved details and all noise mitigation measures shall be fully operational whilst the dwelling hereby permitted is occupied.
- 5) Prior to the commencement of the construction of the exterior walls of the dwellinghouse hereby permitted, details or samples of the types and colours of all roof materials, facing materials and hard surfaces shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) Prior to the commencement of the construction of the dwellinghouse hereby permitted, details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), shall be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) Prior to the construction of the roof of the dwellinghouse hereby permitted, full details of both hard and soft landscape proposals including boundary treatments, shall be submitted to and approved in writing by the local planning authority. The scheme shall include the number, species, heights on planting and positions of all additional trees, shrubs and bushes to be planted.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping details shall be undertaken prior to the occupation of the dwellinghouse hereby permitted.

- 8) The development hereby permitted shall not be brought into use until parking and turning areas have been provided in accordance with the approved drawings and the parking and turning areas shall thereafter be retained and only used for parking and turning of vehicles.
- 9) The development hereby permitted shall not be brought into use until the access drive from the public highway has been surfaced and thereafter maintained in a bound and porous surfacing for 5m rear of the highway.
- 10) The development hereby permitted shall not be brought into use until details of the acoustic panel fence as shown on the approved drawings have been submitted to and approved in writing by the local planning authority. A fence in accordance with the approved details shall be provided prior to the first occupation of the dwellinghouse and shall thereafter be retained.