Planning Inspectorate

Appeal Decision

Site visit made on 22 September 2025

by C Walker BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2025

Appeal Ref: APP/Z3825/W/25/3367602
Eatons Farm, The Village, Ashurst, Steyning, West Sussex BN44 3AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mrs Nicola Crichton-Brown against the decision of Horsham District Council.
- The application Ref DISC/25/0028 sought approval of details pursuant to condition No.3 of planning permission Ref DC/21/2599, granted on 27 November 2023.
- The application was refused by notice dated 11 April 2025.
- Planning application DC/21/2599 granted development for the 'change of use of agricultural building to an events venue (Full application)'.
- The details for which approval is sought relate to a sound attenuation scheme.

Decision

1. The appeal is allowed.

Preliminary Matters

2. Neither partie's evidence refers to any relevant policies from the development plan. Therefore, in considering this appeal, I have had regard to the provisions of the National Planning Policy Framework (the Framework), insofar as it is relevant.

Background and Main Issue

3. The appeal follows the refusal of the Council to approve a sound attenuation scheme required by Condition 3 of planning permission reference DC/21/2599 (the planning permission). Hence, the appeal is seeking approval of the submitted details, and it is not within the remit of this procedure to reconsider the planning permission, nor is the appeal one against the condition itself.

4. Condition 3 of the planning permission states: *'No development shall commence until a scheme for sound attenuation against external noise has been submitted to and approved by the Local Planning Authority. The approved sound attenuation works shall be completed before the proposed use commences and be retained thereafter.'*

5. The reason for the condition states *'as this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development'.*

6. Despite the imprecise wording of the condition, both parties have interpreted the intent of the condition to attenuate against sounds generated from the events venue on the living conditions of occupiers of surrounding residential dwellings. I have therefore dealt with the appeal on the basis of this common understanding.

7. In light of the above, the main issue is whether the sound attenuation measures proposed are sufficient to mitigate noise arising from the approved events venue, having particular regard to the living conditions of occupiers of surrounding dwellings.

Reasons

8. The appeal site is located to the south-west of the Eatons Farm estate in the open countryside, accessed via an unmade track, east of the settlement of Ashurst. The events venue building is a traditional part-brick, part-stone and timber clad and framed barn, with exposed internal beams and trusses.

9. It is common ground between the main parties that to satisfy Condition 3 of the planning permission, a noise survey was firstly required to consider the noise generating activities of the events venue, from which to formulate suitable sound attenuation.

10. The application to discharge Condition 3 was accompanied by a Noise Impact Assessment (January 2025) and later by an Addendum (March 2025) (hereafter collectively referred to as the noise assessment). Together, they consider noise generators from the development comprising amplified and non-amplified music, people's voices and vehicular activities. Four noise sensitive receptors, all residential dwellings, were identified in the surrounding area. These include two dwellings located close to the entrance of the access track, which the appellant asserts are approximately 0.4km to the west. Two additional dwellings within the Eaton Farm complex are considered within the Addendum, which according to the evidence, are both within the control of the appellant.

11. Following the submission of the Addendum, there is no dispute regarding the methodology or the scope of the noise assessment. The Council's concerns arise from the effectiveness of the sound attenuation on residential dwellings located within the Eatons Farm complex, which the Addendum seeks to address. The Council's decision to refuse to discharge Condition 3 of the planning permission lacks precision regarding the source of the noise they are concerned with. I therefore consider the potential sources of noise below.

12. The noise assessment modelled various scenarios using a loud speaker located centrally within the barn in respect of amplified and non-amplified noise emanating from the events venue. This concluded a negligible increase in ambient sound to properties outside of the Eatons Farm complex, indicating a low risk of noise impact. For the two properties located within the Eatons Farm complex, the results show there is a risk of amplified music from events being audible within the dwellings. This would be at a level that would exceed the target of being inaudible that is set out in the Good Practice Guidance on Control of Noise in Pubs and Clubs (GPG), referred to in the noise assessment.

13. Noting the barn is curtilage listed, it would not be appropriate to soundproof the building as it would risk harming its significance. In determining whether or not to grant planning permission, the limitations of the building would have been obvious to the decision maker at the outset. Therefore, the proposed measures to mitigate sounds emanating from inside the building can only be achieved by the management of sound limits which this scheme seeks to do. In this regard, the noise assessment sets specific sound limits for internal amplified music of 87dB (A) or 92 dB (lin) in the 63Hz and 125Hz frequency bands to ensure compliance

with the low frequency criteria. The effect of these measures ensure amplified and non-amplified music would be below the targets set out in the GPG for those dwellings outside the farm complex. For those within the farm complex, there would be a risk of audible noise within their dwellings at a level higher than the target set out in the GPG. This cannot be fully mitigated.

14. However, I am mindful that the use as an event venue is to be heavily restricted by other conditions. Events are limited to a maximum of ten in a 12-month period (condition no.12), the numbers of attendees are restricted to 75 at any one time (condition no. 14) and the hours of use are limited to between 08:00 and 23:30 (condition no. 13). Together, these controls would act to limit the effect that noise is likely to have on surrounding noise sensitive receptors. Furthermore, the nature of the events is likely to vary with not all likely to play amplified music until late into the evening.

15. The two most affected properties are within the control of the appellant. I note the appellants position that there would be a vested interest to manage the noise appropriately and that should either property be disposed of in the future, prospective new occupiers would be aware of the events venue and context. However, this carries little weight in my reasoning, as I find that regardless of who resides in these properties, the noise impacts would be acceptable.

16. Moreover, I am satisfied that the appellant has considered a number of options and that this scheme is the best one available to achieve noise reduction measures. These measures are reasonable, precise and enforceable and I find that these are satisfactory in mitigating against significant adverse effects from internal noise on surrounding dwellings.

17. The noise assessment assumes vehicle movements associated with 35 cars, based on the number of parking spaces said to be provided. It has concluded that noise such as external patrons sound, vehicle movements and vehicle doors slamming would have a low impact on the occupiers of surrounding dwellings. I concur with these findings.

18. Given the other restrictive conditions in place, it is clear that the Council were cognisant of the scale of the proposed use when granting planning permission. Consequently, the noise associated with vehicle movements, and from patrons attending an event, were entirely foreseeable and go to the heart of the permission. Nevertheless, the noise assessment suggests mitigation through management and signage to encourage mindful behaviour. These measures set out, lack precision and may not be effective. However, given the low risk of external noise identified, this is not fatal to the submission.

19. Bringing the above together, I am satisfied from the evidence available, that the sound attenuation measures are sufficient to mitigate against unacceptable levels of noise arising from the approved events venue, having regard to the living conditions of surrounding dwellings. As such I find no conflict with the principles of the Framework. Amongst other things, it seeks to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life. The submission in respect of Condition 3 is satisfactory and should be discharged.

Conclusion

20. For the reasons set out above, the appeal is allowed.

C Walker

INSPECTOR