

The application seeks planning permission for the change of use of part of an existing barn building within the curtilage of Buddleigh Farmhouse (currently in use as a games room) and the change of use of the garden area, for the holding of up to 9 wedding ceremonies per annum in total.

The application site is located within the Green Belt and within an Area of Landscape Enhancement, as indicated by the Local Development Framework Proposals Map.

The statutory 8 week determination period for the application expired on 2nd May 2016

RECOMMENDATION

PERMIT subject to the following conditions;

- 1. Time limit**
- 2. In accordance with the approved plans**
- 3. No more than 9 wedding ceremonies shall be held in the barn and the garden (combined) in any calendar year.**
- 4. Compliance with the recommended mitigation measures of the noise management plan at all times that a wedding event is taking place.**
- 5. Car parking to be within the field – accessed from Main Road as per existing arrangements**
- 6. Removal of the marquee within the residential curtilage when not in use**

Reason for recommendation

The proposed use of the barn building for wedding ceremonies represents appropriate development in the Green Belt, however the proposed use of the residential curtilage for wedding ceremonies represents inappropriate development in the Green Belt. Inappropriate development should not be approved unless very special circumstances exist which would outweigh the harm caused to the Green Belt by definition. It is considered that very special circumstances exist which would outweigh the harm caused by the inappropriate development consisting of the change of use of the garden, these being that the use is temporary for 9 days per annum for 2 hours for each of the days; that there would be no operational development within the residential curtilage that would result in a visual impact on the Green Belt; and such a use would have no greater impact on the Green Belt in other regards than the wedding events that can currently take place on adjoining land without the need for planning permission.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with this application

A Noise assessment and noise management plan was requested during the course of the application in order to assess the likely impact of the proposal on noise levels to surrounding residential properties. This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

Full planning permission is sought for the change of use of the upper floor of the barn, which is currently in use as a games room, to use for up to 9 wedding ceremonies per year, and the change of use of the residential curtilage to accommodate some of these 9 wedding ceremonies, depending on client choice and weather permitting.

Any outdoor weddings would involve the erection of a marquee for the guests to sit beneath during the ceremony, which would be located adjacent to the existing bandstand structure where wedding ceremonies would be held.

A Certificate of Proposed Lawful Use was granted by the Council in 2013 (ref 12/00690/PLD) for the use of the field adjacent to the residential curtilage for up to 28 days per annum as a wedding venue. The applicant is currently able to undertake 9 weddings per year within the 28 day limit under permitted development rights. Due to legal requirements, it is not possible to undertake a wedding ceremony in the field as they have to be within a fixed structure. If this was not necessary, the wedding ceremonies could be conducted within the field where the permitted development rights exist.

Therefore, the key issues in the determination of the application are considered to be:

- The principle of the development – whether it represents appropriate development in the Green Belt
- The impact of the development on the character and appearance of the area
- The impact of the proposal on the Grade II Listed Pigeon House within the residential curtilage
- The impact upon residential amenity
- If inappropriate development, do the required very special circumstances exist that would outweigh the harm to the openness of the Green Belt?

The principle of the development – whether it represents appropriate development in the Green Belt

The National Planning Policy Framework sets out a list of appropriate forms of development in Green Belt locations at paragraphs 89 and 90.

The re use of buildings, provided that the buildings are of permanent and substantial construction, are listed as an appropriate form of development. Therefore, the element of the proposal that includes the use of the existing building for wedding ceremonies is considered to represent appropriate development in the Green Belt.

However, changes of use of land are not listed as appropriate forms of development in the Green Belt, and therefore the use of the garden for wedding ceremonies is considered to represent inappropriate development within the Green Belt.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. A consideration of a case for very special circumstances is made at the end of the report, following consideration of all other relevant matters.

The impact of the development on the character and appearance of the area

The proposal would involve the change of use of the barn building and residential curtilage for up to 9 wedding ceremonies per annum. The change of use of the barn would not involve any external changes, therefore would have no impact on the character and appearance of the area.

The change of use of the garden would involve the temporary siting of a marquee for up to 9 days per annum. This temporary siting of a marquee would not be considered to harm the visual amenity of the application site or wider area, given it would be small in size and temporary in nature.

The car parking would continue to operate within the field, with no additional car parking areas being required within the residential curtilage.

Overall, it is considered that the proposed use would have an acceptable impact on the character and appearance of the property and surrounding area, in accordance with Policy CSP 1 of the Core Spatial Strategy and with the aims and objectives of the National Planning Policy Framework.

The impact of the proposal on the Grade II Listed Pigeon House within the residential curtilage

There is a Grade II Listed Dovecote within the residential curtilage of Buddleigh Farm. Policy B5 of the Local Plan states that the Council will resist development proposals that would adversely affect the setting of a listed building.

It is considered that the proposed change of use would not have a harmful impact on the setting of this listed structure, and the proposal is considered acceptable in this regard.

The impact upon residential amenity

The Framework states within paragraph 9 states that pursuing sustainable development involves seeking positive improvements in peoples quality of life, including improving the conditions in which people live, work, travel and take leisure. The impact upon the amenity of surrounding residents has to be taken into consideration. Paragraph 17 sets a core planning principle that planning should seek to secure a good stand of amenity for all existing and future occupants of land and buildings.

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on development including the need for privacy, daylight standards, and environmental considerations.

The key issue with regards to the impact on residential amenity is noise from the proposed use. The use currently operates from the field only under permitted development rights. The proposal expands the use into the residential curtilage and outbuilding, therefore a noise assessment was requested to assess the potential impacts of the activities within the residential curtilage on nearby residences, and so that mitigation methods can be implemented if required.

A noise assessment has been received, which includes a management plan, based upon the survey undertaken on site and the requirements of the pre-existing Premise Licence. The recommendations of the management plan include:

- Continued use of directional speakers
- Continued use of noise limiter, with a maximum limit of 94dBA on the dance floor
- Guests not allowed in the domestic curtilage area after 18:00 – all chairs and tables removed from domestic curtilage by this time and stewards would be present to ensure this does not happen
- Guests monitored and unacceptable behaviour would not be tolerated – wedding stewards on site all of the time, alcohol to be withheld from problem guests
- Quiet signs by exit, stewards at marquee, car park and exit
- Cooling down period of 15 – 30 minutes where alcohol not served – music stops at 11:45pm
- Disposal of glass waste – no bottles to be thrown away after 9pm, all glass waste to be carefully stacked in the Marquee in crates and boxes removed the following day
- Controls for guests who smoke on the premises – designated smoking area next to right hand side of the entrance, using the marquee as a noise barrier
- Procedures for acoustic accompaniments in place for harpist or violinist – to be situated at rear of barn to reduce noise with a temporary acoustic wall panel approximately 1 metre in height

Environmental Health Officers are content that, should the recommendations of the noise management plan be followed, the impact on neighbouring occupiers would be acceptable. It is therefore appropriate to condition the mitigation measures to be adhered to for the lifetime of the use if granted permission.

If inappropriate development, do the required very special circumstances exist that would outweigh the harm to the openness of the Green Belt?

The change of use of the residential curtilage for wedding receptions is considered to represent inappropriate development in the Green Belt, therefore very special circumstances are required to be submitted, which would outweigh the harm caused to the openness of the Green Belt.

The applicant has advanced a case that the proposal will have no greater impact on the Green Belt than that which arises from the wedding events that take place in the adjoining field. The specific points are summarised below:

- Not more than 9 wedding ceremonies per annum in the residential curtilage/ barn (in total)

- The expansion of the business is something that should be supported by the planning system, which should encourage and not act as an impediment to sustainable growth.
- The proposed use is de minimis and planning permission should not be required
- The field edged blue is used as an existing wedding venue and the applicant wishes to expand the current use of the site to allow 9 wedding ceremonies, in line with the current number of wedding receptions currently undertaken (under permitted development rights) within the adjacent field
- When weddings are not being conducted in the residential curtilage, it would continue to be used as private garden in conjunction with the main dwelling house
- The car parking arrangements as undertaken as part of the use undertaken in the field as permitted development, would continue to operate. Guests will arrive and leave via the field gates off Main Road
- On wedding days, it is anticipated that the garden area/ ceremony room would be used for not more than 2 hours by wedding guests
- The marquee that would be erected temporarily would not be a fixed structure
- The existence of the Lawful Development Certificate on the field – and the undertaking of 9 wedding receptions per annum within the 28 day limit of permitted development rights
- The Certificate of Lawful Use places no restrictions on the applicant in terms of guest arrival, departure times, number of guests or vehicle movements. As such, the introduction of wedding ceremonies within the garden land would not be a new or discordant activity/ use at the site. But one that would relate to an existing use of the site.
- The grant of planning permission would allow the applicant to expand his business and offer a more marketable service, in accordance with economic policies within the Framework, which supports economic growth.
- Civil ceremonies are not particularly long services and would be undertaken in the day time. Following the ceremony, there would be photographs, then the guests would be escorted to the reception marquee for the wedding breakfast and evening reception (which is permitted development).
- The use of the garden would not intensify the use of the site, the number of guests would not increase and the traffic to the site would not intensify, as the guests would be attending the site in any event, even if the ceremony were to take place in an alternative location.
- The proposal is temporary
- The bandstand is already in situ and did not require planning permission
- The marquee (if required) would not require planning permission
- In terms of whether the use of the garden would result in encroachment into the countryside, there would be no operational development, only a small, temporary marquee

Whilst the use of the curtilage is not considered to be de minimis in nature, it is very limited in that it would be for only 9 days per annum, for around 2 hours on each day. This level of use is considered very low, and the garden would revert back to garden use for the remainder of the year.

There would be no operational development associated with the use, and the marquee for the ceremony can be conditioned to be removed from the site promptly in order to protect the openness of the Green Belt.

The guests would be in the garden for a maximum of 2 hours, which is a very low level of use, and would not harm the openness of the Green Belt.

It is accepted that the proposal would not make a material difference to the impacts that arise from the wedding use of the adjoining field that operates under permitted development rights, without the need for planning permission, for up to 28 days in any calendar year.

Overall, it is considered that very special circumstances exist that would outweigh any harm caused by inappropriate development in the Green Belt. These are considered to be the temporary nature of the use, and the lack of operational development associated with the use within the garden and that it will not have a material greater impact over the existing use of the adjoining field that operates without the need for planning permission, subject to restrictions imposed through condition.

APPENDIX

Policies and Proposals in the approved Development Plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 - 2026 (Adopted 2009) (CSS)

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy T16: Development: General parking requirements
Policy B5: Control of development affecting the setting of listed buildings

Other material considerations include:

National Planning Policy Framework (March 2012)
Planning Practice Guidance (2014)
Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance (adopted December 2010)

Relevant Planning History

13/00716/FUL Permitted Conversion of part of the existing barn building to provide additional holiday accommodation in association with Hunter's Tryst

13/00258/FUL Permitted Retention of the use of part of an existing barn building as ancillary accommodation

12/00690/PLD Permitted Proposed Lawful Development Certificate for use of land for up to 7 weddings in any one calendar year involving the erection of a marquee, an access gateway and marshalled access

Views of Consultees

Betley, Balterley and Wrinehill Parish Council objects to the application on the following grounds:

- the development constitutes a change of use within the Green Belt without the necessary very special circumstances;
- there are serious issues of noise affecting the residential amenity of nearby residents with current seven events which would, by definition, be increased by nine events;
- the Parish Council is concerned that there have been several breaches of the conditions attached to existing consents.

If the Local Planning Authority is minded to approve they must satisfy themselves that the noise issue is fully addressed and that any breaches of conditions are strictly enforced.

The **Environmental Health Division** advises that the site is located in a predominantly rural area of the Borough. The wedding events business has a premise license allowing live and recorded music

and the sale of alcohol up to 23:45 Friday to Sunday. Operating hours extend to 00:15. There are also extensive gardens that patrons spill out into when weather permits.

There are residential properties to the North (Elms Farm 255m), to the West (Doddlespool 200m) and to the South West (Woodsorrel 130m). This last property is in close proximity of the site and is excluded in the planning application on both the maps and planning statement which have been submitted (Knights, reference number ALE58/8, dated March 2016).

After a number of noise complaints were received regarding amplified music and noise from patrons since the business started in 2013 and in 2014 and 2015, meetings with the business owners resulted in the marquee for the receptions being placed in the adjacent field, rather than the domestic curtilage. In addition, a number of conditions were included in the premises license. Unfortunately, after an amendment to the Licensing Act 2003 that came into force from April 2015, no license is required for live or recorded music before 23:00, provided the number of guests does not exceed 500, resulting in the agreed conditions being null and void, unless as the result of a license review.

Details of a noise assessment and noise management plan have been submitted and meet the criteria requested the original objection. Noise levels have been set so that a maximum of 50dB will be heard at the boundary closest to the nearest dwelling. An acoustic distance calculation was carried out using this information, showing that a level of approximately 46dB will be heard at the dwelling, which will be close to background levels, possibly below it. Given this, the objection is lifted.

The **Highway Authority** has no objections. In the assessment of the application, the highway authority have taken into account the permitted Certificate of Lawful Use of the land for weddings 12/00690/PLD, and that the planning statement proposes access and parking will not be affected by the proposal and the applicant will continue to operate vehicle access and parking in accordance with the requirements of application 12/00690/PLD.

The Council's **Conservation Officer** has no objections

Representations

14 representations have been received which are summarised below:

- The music from the receptions is very loud and disturbs local residents late at night
- Issues with litter
- The development is not de minimis
- The change of use of land within the Green Belt does not fall within an appropriate form of development within the Green Belt, therefore the change of use of land element of the proposal is inappropriate development – very special circumstances are therefore required to outweigh any harm
- The applicant has not advanced any very special circumstances to outweigh the definitional harm and any other harm
- The difference of guests being able to access the residential curtilage is a perceivable difference, and not de minimis
- The proposal is not an intensification of the existing use, it is a new use on a separate planning unit.
- Temporary nature of proposal does not mean that harm will not result
- There is already significant harm arising as a result of the existing use, and the proposed development would extend the geographical extent over which this harm occurs and prolong the duration.
- Level of complaints related to the operation of the land as a reception venue is testament to harm arising from the operation
- Wedding ceremonies have already been carried out within the curtilage, as well as drinks receptions and photograph sessions
- Conducting weddings in the residential curtilage will bring the activities closer to neighbouring properties
- In relation to the Certificate, the applicant has failed to marshall the entrance or provide the matting

- Significant amounts of wedding related material is being delivered and stored in buildings on the site or within the open field outside of the 28 day use restriction
- Increased traffic to the site
- Increased support staff/ employees travelling to the site
- Omissions from noise assessment – the noise disturbance caused by live bands playing in the marquee has not been addressed in the management plan and on which the noise limiting equipment has no effect

The applicant responded to one representation regarding litter, stating that there is no litter problem associated with the use

Applicant/agent's submission

The application is supported by a planning statement, noise assessment, and the requisite plans and application form.

All of the application documents can be viewed at the Guildhall or using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00185/COU>

Background Papers

Planning File
Development Plan

Date report prepared

6th May 2016