

Parish: Bagby
Ward: Bagby & Thorntons
2

Committee Date:
Officer dealing:
Target Date:
Agreed)

23 September 2021
Mr Craig Allison
30 September 2021 (EOT)

20/00008/FUL

Change of use of an existing agricultural building to a function venue
At: Westholme, York Road, Thirsk
For: Mrs Sarah Goacher

The proposal is presented to Planning Committee as the site is of significant public interest

- 1.0 Site, Context and Proposal
- 1.1 The site lies approximately 2km beyond the southern extremities of the town of Thirsk, east of the A19. The site has been part of a farm but this use has now ceased with only a few horses being kept in the grass fields that surround the buildings. The farmhouse sits in a centrally elevated position from the road. The application site is located outside of the nearest settlement of Bagby and is situated approximately 300 metres from the nearest residential property of 2 Poplar Close, Bagby. The site is accessed off York Road, (A19) with a single-track road leading up to the residential property of Westholme and the barn as part of this application. There is a public footpath (on a south-west to north-east alignment) to the south of the site, and bridleway (on the same alignment) to the north of the site.
- 1.2 The barn is a mid-sized barn, made out of a combination of breeze blocks and timber panels. Immediately surrounding the site are areas of farmland. The outbuildings which are outside the application site are single storey in height constructed from blockwork and covered with asbestos sheeting with pitched roofs. There is a lean-to building on the north eastern elevation with a pole like construction in need of some repairs, this building is also outside the application site.
- 1.3 The proposal involves minimal external and internal alterations in order to convert the farm building into a function venue.
- 1.4 The applicant is proposing to convert the barn into an events venue to host wedding receptions, birthday parties and functions. Functions will be held between the start of April to the end of September, to which the operating hours of the proposed function is to be between 12:00(noon) to 01:00 Friday to Sunday. Functions are proposed to commence in April, and it is estimated in the first year only six events will be held, to which this will be increased over the years to have a maximum of 26 per year. The number of guests at the venue will be a maximum of 200 people. There will be a proposed car park to the north of the barn to accommodate 70 cars with an external gathering area to the west.
- 1.5 It is also proposed to undertake alterations to the access to the site by removing two metres of hedgerow at the A19 access point which would increase the width of the opening to 8.3 metres. The farm drive would also be widened to 6.5

metres. It is also anticipated that the entrance gates will be opened for all events and marshalled at peak times for maximum capacity events which is considered when it is anticipated that 200 guests would arrive at the venue. The marshalling of events would occur within the site to ensure the free flow of vehicles leaving and entering the site.

2.0 Relevant planning history

2.1 No relevant planning history

3.0 Relevant planning policies

3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

3.2 Relevant policies of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP15 – Rural regeneration

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP9 - Development outside Development Limits

Development Policies DP25 – Rural Employment

Development Policies DP30 - Protecting the character and appearance of the countryside

3.3 Hambleton emerging Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php> The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

4.0 Consultations

4.1 Bagby and Balk Parish Council - have objected to the application due to the lack of information. The Parish Council cannot support the application without further information about the work proposed, the use of the venue, the amount of parking and the hours the venue might be open. Also concerns about possible noise and disruption for residents in the surrounding area. Additionally, Bagby and Balk Parish Council have commented that they have received multiple complaints about this application and residents are still very worried about noise especially as they have another wedding venue at the other

end of the village which is starting to let fireworks off at functions. Also really concerned about traffic entering the A19, possibly crossing lanes in the dark

4.2 Highways Authority – have recommended conditions to be attached to any planning permission in relation to details of a new and altered private access to be provided, along with details of new and altered verge crossing details.

4.3 Public comments – A site notice has been displayed and neighbours consulted. Nineteen letters of objection have been received in regard to the application with their comments summarised below:

- The building is too close to the village, and the noise this will generate three nights of the week throughout the whole of summer is not acceptable
- The length of time and regularity of the functions will make for a very uncomfortable summer
- Bagby is in an elevated position and because noise travels upwards it will be horrendous
- Strongly object to the use of fireworks these are a nuisance and cause a great deal of distress to animals
- This will create extra traffic on the A19, almost opposite the entrance to the hamlet (of Spital Hill)
- Traffic entering and leaving the site could be an issue onto the A19
- The hedgerow and trees have been removed around properties at Sandown Close and therefore the development is not screened

4.4 One letter has been submitted neither objecting nor supporting the application with their comments summarised below:

- In principle do not have any objections to the change of use but do have concerns over noise
- The tree line has been removed and therefore this will no longer soften the noise
- The frequency of events would be a concerns in regard to noise especially in the summer months, if a limit on loud music can be done and ending the event at 11pm this would be favourable
- Furthermore to have no fireworks

4.5 Following the comments received, a revised Noise Survey was undertaken and a further neighbour re-consultation took place in regard to the amended noise survey.

4.6 Environmental Health have commented on the application as follows

Uncontrolled the development would be expected to give rise to adverse effects on local residential amenity. Previous noise reports have been insufficient to adequately assess the impact of the development or to specify appropriate conditions to support permanent approval. The latest noise report is sufficiently robust and allows for the recommendation of conditions to support the grant of

a permanent permission. It is therefore considered that with suitably worded conditions the development does not affect neighbouring residential amenity.

4.7 Following, the re-consultation 23 letters of objection have been received with their comments summarised below:

- The application is based on inaccurate information with houses being just 300 metres away, and no hedging to screen the development
- Noise carries very readily over open farmland and the westerly direction would add to taking this toward homes which currently enjoy a very quiet rural setting. Frequency of events in the early hours of the morning would lead to a detrimental impact on the residents as well as livestock
- The events are to be “DIY” and unsupervised with up to 200 guests and 70 cars, when fuelled with alcohol this will lead to additional noise disturbance. Therefore how would anybody be able to control sound levels and fireworks
- The number of events could be up to 78 events and therefore no peace and quiet for residents during the warmer months
- Access off the busy A19 in and out of a small entrance would have serious road safety implications. Furthermore, people wanting to leave on foot there is no transport links to Thirsk and no public footpaths making this an unsuitable social venue

4.8 One Letter has been received neither objecting or supporting the application with their comments summarised below:

- The entrance/exit road from the this property is at a bend on a fast moving A-Road, the number of vehicles turning in and out of this venue during a function would not only cause traffic problems but create dangerous conditions
- Potential for noise disturbance to the village of Bagby

4.9 One letter of support has been received with their comments summarised below:

- Any local business opportunity to help our local economy is a good thing
- A party/wedding will not only be a place for groups to enjoy functions but will also provide income for local businesses, and create additional jobs in the area

5.0 Analysis

5.1 The main issues to consider are: (i) the principle of converting an agricultural building to a DIY events venue, including the economic impact of the proposal; (ii) the impact of the development on the character and appearance of the area; (iii) the impact of the development on residential amenity and (iv) the impact of the development on highway safety.

The Principle of Development

- 5.2 Policy CP1 of the Core Strategy states development that would significantly harm the natural or built environment or that would generate an adverse traffic impact will not be permitted. Proposals would be supported if they promote and encourage sustainable development.
- 5.3 As the site is located outside of the settlement boundary of Bagby, within open countryside, Policies CP4 and DP9 are of relevance. Policies CP4 and DP9 state that development will only be permitted beyond the development limits in exceptional cases, subject to several criteria. In all cases, development should not conflict with the environmental protection and nature conservation policies of the LDF and should provide any necessary mitigating or compensatory measures to address harmful implications. These relate to where:
- It is necessary to meet the needs of agriculture, recreation, tourism and other enterprises with an essential requirement to be located in the countryside and will help support a sustainable rural economy;
 - It is necessary to secure a significant improvement to the environment or the conservation of a feature acknowledged importance;
 - It would provide affordable housing or community facilities which meet a local need; where that need cannot be met in a settlement within the hierarchy;
 - It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing;
 - It would make provision for renewable energy generation, of a scale and design appropriate to its location;
 - It would support the social and economic regeneration of rural areas.
- 5.4 The change of use of, to hold events, is within a barn which was previously used for agricultural purposes. It is evident that the agricultural enterprise on the site has now ceased. The applicant has stated that the development complies with CP4 in that it would support the social and economic regeneration of a rural area. This is by providing an events business which will provide employment to the local area and will also help support a number of local businesses. The applicant has stated that the venue is a personalised and unique “Yorkshire” farm events location. When customers are enquiring about events with the owners terms and conditions it will state that a local list of suppliers will be available to ensure that the business is supporting the local economy. If the barn was not used for a purpose it would be redundant and the probability of the building falling into disrepair is high. It is considered that the re-use of an existing building as an events venue has potential to provide support to the economy of the rural area and subject to the adequacy of controls of any adverse impacts could be considered in accordance with Policy CP4 and DP9 of the Council’s Local Plan Policies.
- 5.5 Policy CP15 of the Core Strategy states that support will be given to the social and economic needs of rural communities by encouraging diversification of the agricultural economy. Within the policy it states that re-use or replacement of suitable rural buildings for employment generating uses, is a suitable form of development within the countryside. Furthermore, the agricultural enterprise on the site has ceased and therefore the proposed use of changing the barn to an events venue is a diversification of the agricultural economy.

- 5.6 Policy DP25 states that employment development in locations outside of the development limits will be supported if all the following apply:
- It is small in scale
 - It comprises conversion and re-use or replacement of existing rural buildings of sound construction
 - The development is not capable of location within a settlement with development limits by reason of the nature of the operation or the absence of suitable sites
 - It is supported by an appropriate business case which demonstrates that support will be provided to the local economy
 - The development would not adversely impact on the economy of the service centres.
- 5.7 In regard to the scale of the site, the proposal is to re-use an existing building on the site and no built development will occur to the site to facilitate the change of use of the building. In regard to the car parking this will be provided on an adjacent parcel of land in close proximity to the building but would not entail any development. The proposal is to hold events with a maximum of 26 events per year, with majority of these events occurring on weekends. It is therefore considered that by only holding a maximum of 26 events a year this is considered to be a small scale operation of the use of the site. The proposal will also be re-using an existing building of sound construction and no further development is required.
- 5.8 The third point states the development is not capable of location within a settlement with development limits by reason of the nature of the operation or the absence of suitable sites. It is considered that there are function rooms available within the nearby settlements such as Thirsk. However, the option with the customised barn is that it gives potential customers a “blank canvas” experience allowing clients to decide their own layout and décor to suite their vision. This is something that cannot be necessarily accommodated within existing sites. Furthermore, it is also considered that with the current pandemic the events industry was severely affected and subsequently created a backlog of weddings and events. Therefore, it could be considered that they would not be taking events away from existing sites but providing more availability in the local area. The proposed development, by reason of its nature of holding an events venue is something that is typical within the countryside depending on the type of event that a particular client wishes to have.
- 5.9 The fourth point states that a business case should be provided that demonstrates that support will be provided to the local economy. A business case has been provided in support of the application. The business is a self-styled wedding reception/function venue which will be managed by the applicants and providing their client/customer with an opportunity to tailor their function to their own requirements. The application identifies staffing as: one duty manager; one events co-ordinator; one administrator; one web/media administrator; one groundsman; and two cleaners. Therefore, the proposal would create 7 jobs. It has not been confirmed the how full-time equivalents would be created. However, as the venue is to be hired out, tailored to the customers needs, this could utilise a number of local businesses and services

such as catering/refreshments; florist; photographers; nearby B&B Accommodation; local taxi services and other services. Additionally with guests coming to the venue for an event, they potentially may stay in the surrounding area and subsequently support and visit local attractions. It is therefore considered that the proposal will be likely to support the local economy.

- 5.10 The final point is that the development should not have an adverse impact on the economy of the service centres. As noted above the type of venue is different to the existing function rooms as it gives the client the opportunity to design the event to their individual needs, this is likely to be more constrained in existing functions rooms. It is considered that the proposal would not have a significant affect the economy of the service centres. Furthermore, the proposed use of an events venue should support the service centres by supporting local businesses, with various businesses within the service centres being able to supply the events venue with various services.
- 5.11 It is therefore considered that the proposed development for the change of use of the barn to an events venue is in accordance with the overarching principles of the NPPF and the Council's Local Plan Policies subject to other material planning considerations.

The Impact on the character of the surrounding area

- 5.12 Policy CP16 of the Core Strategy states that development or other initiatives will be supported where they preserve and enhance the District's natural and man-made assets, development or activities will not be supported which have a detrimental impact upon the interests of natural or man-made asset.
- 5.13 Policy CP17 of the Core Strategy states that support will be given for proposals that are consistent with the LDF's detailed design policies and meet all the following requirements: provide an attractive, functional, accessible, safe and low maintenance development; respect and enhance the local context and its special qualities, including urban design, landscape, social activities and historic environment, incorporate public art where appropriate; optimise the potential of the site; adopt sustainable construction principles.
- 5.14 Policy DP30 of the Development Management Policy states that the openness, intrinsic character and quality of the District's Landscape will be respected and where possible enhanced.
- 5.15 The National Planning Policy Framework Planning supports this approach and, at paragraph 134, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 132 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:

"Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is

important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot."

- 5.16 The proposal does not include any external changes to the building. The proposal will include areas for parking but these will only be used at the time of events and therefore it is considered that the proposed change of use will have no significant impact on the character and appearance of the countryside and is considered to be in accordance with the Council's Local Plan Policies.

Impact on neighbouring residential amenity of the area

- 5.17 Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.

- 5.18 Paragraph 185 of the NPPF states:

"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) Mitigate and reduce 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"

- 5.19 As part of the application, the applicant appointed a noise consultant to undertake an appropriate noise survey of the proposed development and the potential impact of both entertainment noise and that generated by guests may have on local residents within the village of Bagby.

- 5.20 Without adequate controls the development would be expected to give rise to significant adverse effects on local residential amenity. The initial noise reports submitted by the applicant were insufficiently robust to adequately assess the impact of the development or to specify appropriate conditions to support permanent approval. The latest report is sufficiently robust and allows for consideration of whether conditions could be applied to make the development acceptable under the LDF Policies CP1 and DP1.

- 5.21 With respect to entertainment noise the assessment is based on internal sound pressure levels of 90dB(A) before 11pm, and 87Db(A) between 11pm and 1am. Environmental Health have stated the following in response to the noise report provided;

"These are not unreasonable levels for such a venue. It is possible, however that live and recorded music may exceed these levels at some events and it is necessary therefore to control the likelihood of these levels being regularly exceeded. This would be possible by the

installation of a noise limiting device or by limiting the number of events. The use of noise limiting devices can be problematic with respect to enforcement and in this case would need limit levels of 87Db(A) to protect the quieter night time periods. However, the applicant has made a commitment that they wish to control the noise output use of a limiter and unless details of a sufficiently robust two step limiting device can be provided it would be recommended a condition requiring the installation of a limiter set to the night time limiter. This will also address the impact of guests leaving at the end of events finishing at 1am. The report specifically excludes comparison of levels likely to be associated with events, against existing Sunday background noise levels. The effect on amenity of events held on Sundays cannot, therefore be determined and will require control which would require further conditions limiting hours of operation of the site on Sunday's."

- 5.22 Conditions should be used if they would enable an otherwise unacceptable development acceptable. However, conditions must pass the tests as set out in the NPPF and Planning Practice Guidance. Amongst these requirements are that the conditions are enforceable. The details established through the noise assessments is that planning conditions would require significant management monitoring of a variety of controls. If management and enforcement was not in place at the time of the events harmful noise events would occur. The planning enforcement of controls without adequate records of the events and activities during those events would be impossible and the harm would already have occurred breaching the conditions, the policies of the LDF and causing harm to the amenity of the local population.
- 5.23 As the proposal is to operate on a 'do-it-yourself' basis there remains too much uncertainty regarding the noise controls that could be achieved and too much potential for activities to occur that have unpredictable impacts and cannot conditioned. The proposed development would have the potential to cause a significant loss of amenity and is not in accordance with Policies CP1 and DP1 of the LDF.

Impact on highway safety

- 5.24 Policy DP3 of the Council's Development Plan states that all proposals for new development must include provision for sustainable forms of transport to access the site, and within the development.
- 5.25 Policy DP4 states that development proposals must ensure that safe and easy access is available to all potential users regardless of disability, age or gender. Proposals must identify all possible barriers to access by different users and demonstrate where appropriate how specific measures have been incorporated to ensure high standards of access for all.
- 5.26 It is considered that, taking a balanced view the proposal complies with the requirements of the Local Development Framework Policies CP2 and DP4. The impacts of the proposal on highway safety and the impacts on the road network would not be severe and the proposal therefore also meets the requirements of NPPF in this respect.

- 5.27 North Yorkshire County Council (Highways Authority) have been consulted on the application and have recommended conditions to be imposed on the proposed alterations to the access to ensure this is completed prior to the use commencing. As the proposed event could accommodate up to 200 people, a proposed car park is to be constructed which can accommodate up to 70 vehicles. As the event is to be limited to 26 throughout the year this will ensure that the impact on the highway network would be reduced. The access road has very good visibility leaving the site in both directions. The applicant has stated that at busy times a marshal will operate on the entrance to ensure vehicles can enter and leave the site in safe manner. It is considered that the proposed change of use would not have an impact on highway safety and is in accordance with the Council's Local Plan Policies and the overarching principles of the NPPF.

Conclusions and planning balance

- 5.28 The site is beyond the walking distance of any larger settlement and does not benefit from public transport that would be sufficient to avoid a high reliance on the private car and would not minimise the need for travel. There is therefore harm to the environmental strand of sustainable development. Concerns regarding highway network capacity and highway safety concerns are recognised but would not contravene the tests of the NPPF.
- 5.29 The noise impacts from the development would result in harm to the local community, in the absence of enforceable controls to prevent harmful noise impacts the proposal is found to cause harm to the environmental and social strands of sustainable development.
- 5.30 The proposal sets out that economic development will occur through the use of the site, any such economic benefit would weigh in favour of the development, however the proposal does not provide sufficient detail to identify that the value to the local economy will be significant or that alternative uses of the site that could not avoid other harmful impacts would not also achieve similar economic benefits.

6.0 Recommendation

That subject to any outstanding consultations the application be **REFUSED**:

The proposal would cause harm to the amenity of the local community due to uncontrollable noise impacts from the operation of the function venue. The harm would be contrary to the Policies CP1 and DP1 of the Local Development Framework.

The proposed development is in a location that does not provide opportunity for access on foot or by cycle and is not served by public transport at the proposed times of operations such that the proposal would both fail to minimise the need for travel and would result in a reliance on the use of the private car. The proposal is therefore contrary to the Local Development Framework Policies CP1, CP2, CP4, CP15 DO3, DP25 and the NPPF.