



Report to Planning Committee 09 November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Honor Whitfield, Planner, ext. 5827

Report Summary			
Application Number	23/01159/FUL		
Proposal	Proposed change of use of agricultural buildings for weddings and events, including external alterations to the buildings and proposed use of field for associated car parking. Proposed change of use of main farmhouse for use as holiday accommodation and use of one room for wedding ceremonies.		
Location	Mill Farm, Gonalston Lane, Hoveringham, NG14 7JJ		
Applicant	Robert Collingham (Combs Farm) Ltd - Mr Collingham	Agent	GraceMachin Planning & Property - Mr George Machin
Web Link	23/01159/FUL Proposed change of use for weddings Mill Farm Gonalston Lane Hoveringham NG14 7JJ (newark-sherwooddc.gov.uk)		
Registered	11.07.2023	Target Date	05.09.2023
		Extension To	17.11.2023
Recommendation	That Planning Permission is <u>REFUSED</u> for the reason(s) detailed at Section 10.0 of this report.		

1.0 The Site

The application site relates to a collection of buildings on the south-western side of Gonalston Lane, accessed down an approx. 400m track. The site is located between the villages of Hoveringham and Lowdham, within the Nottinghamshire-Derby Green Belt and is surrounded by open fields. The site includes a cluster of agricultural buildings associated with Mill Farm (a Grade II listed building, listed in association with the Former Mill Building, on the NW side of the site). The former Mill lies outside of the application site to the west. To the north of the site is a small lake with fishing facilities operated by Trent View Carp Fishery, while to the south of the site lie open fields.

Not part of the application site itself, a larger modern agricultural building has been constructed to the immediate south of the traditional agricultural buildings. Construction of this building was approved under prior approval ref 22/00142/AGR for **agricultural** use. The approved plans showed

walls with a brickwork base and timber cladding above and a roof of corrugated aluminium. This building is sited approximately 5m to the south of the traditional buildings. The interior of this barn has been fitted out and decorated for use as part of the wedding venue (as seen from a recent site visit).

The northernmost of the traditional buildings (annotated as the Cottage) has been converted to residential use, with living accommodation both on the ground floor and also above the garage. This dwelling is currently occupied by the applicant, and it is not proposed that the use would change.

The site has the following constraints:

- The site lies within the Green Belt.
- The majority of the site lies in Flood Zone 2, with a part of the site (including some of the buildings) also in Flood Zone 3.
- The Dover Beck runs past the immediate west of the site and is identified by the Environment Agency as a Main River.
- A public bridleway runs along the northern side of the barns (in between these and Mill Farm) and there is a public right of way (RoW) approximately 37m away to the west.

2.0 Relevant Planning History

907721LB – Carry out alterations & improvements - Approved, April 1977.

90841135 & 90841135LB – Construct conservatory and convert one window to door retaining arch over - Approved, March 1985.

90850888 – Convert existing garage to form flat - Approved, January 1986.

21/02053/LBC - Listed Building Consent for the retention of a widened internal opening, removal and alteration of an internal stud wall and a bricked up internal doorway - Approved, December 2021.

21/02361/FUL - Proposed erection of new Tractor Storage Shed with adjacent Dryer Room and amendments to existing barn facade to create habitable workspace for farm office use - Refused December 2021 on grounds that the site was located in Green Belt, and no justification had been provided for the proposed tractor store and dryer room, and also that the site was within Flood Zone 3 and no Flood Risk Assessment had been provided with the application.

22/00142/AGR – Proposed barn - Prior approval not required, February 2022 (development to be carried out within 5 years of receipt of the application by the local planning authority, to be used for agricultural purposes only).

22/02440/FULM - Proposed change of use of agricultural buildings for weddings and events and associated car parking – Refused 02.06.2023 due to the development being inappropriate in the green belt, resulting in harm to the openness of the green belt, the character of the area, the setting of the nearby listed building, highways safety and failure to demonstrate no adverse impact on protected species.

3.0 The Proposal

NB: It is noted that the physical works to convert the barns is largely completed, the path from the proposed parking area to the barns appears to have been installed and the land around the proposed parking area appears to have been used for these purposes. The farmhouse has also been in use as a holiday let. The proposal is therefore largely retrospective.

The application seeks permission for the change of use of the agricultural buildings for use for weddings and events, including external alterations to the buildings and proposed use of field for associated car parking. The proposal also includes the change of use of the main farmhouse for use as holiday accommodation (year-round) and use of one of the rooms within it for wedding ceremonies.

The application seeks consent for a maximum of 35 events per year (between 1st April-31st October inclusive) and for a maximum capacity of 80 guests. The venue would be a 'dry hire' venue, meaning that food would be prepared off-site and brought to the venue on the day of the event. Should a catering van be required this would be sited within the courtyard area. Music is proposed to stop at 23:00 hrs with 'carriages' at 23:30 hrs and the venue fully closed by midnight.

The largest of the buildings (92m²) would be used as a "Ceremony Barn" (the north-eastern barn adjoining the 'cottage') while the smaller buildings to its south-west would be used as a bar and a toilet block (approx. 24m² floor area usable to guests) . One of the rooms within the Grade II Listed Farmhouse (the 'drawing room') is proposed to be available for use as a wedding ceremony room (in exceptional/emergency situations where the use of the proposed ceremony barn is unusable (for example collapse/fire damage), in order to allow existing bookings to be honoured).

The remainder of the Farmhouse is proposed to be used as a holiday let year-round and utilised as part of the wedding/events venue as a place for guests to stay/holiday let. No internal or external alterations are proposed to Mill Farmhouse as part of this Application. The property has 4-bedrooms (but can be used as 6-bedrooms). Three parking spaces are shown adjacent to the farmhouse for overnight guests.

The application seeks consent for the following works to the barns/site:

- Main/Ceremony Barn
 - A new door would be created in place of an existing smaller window in its north-east facing elevation.
 - The main barn doorway would be glazed over, with new timber doors hung at either side.
- Smaller Barns
 - New timber doors would be introduced to the front elevation facing the courtyard.
 - 2 no. rooflights are also proposed in the courtyard elevation.
 - 2 no. rooflights are proposed in the south-east facing elevation of the smallest barn.
 - The agent has confirmed that the following works have also been carried out to the barns: re-pointing with lime mortar, replacement of rotten timbers, replacement of broken bricks and roof tiles.
- Glazing would also be introduced to a number of existing door and window openings that were previously unglazed.

- Within the courtyard approx. 0.85m high walls and piers are shown along with a small pond, well and a grassed area. An area identified for a catering van is shown within the courtyard to the west of the main ceremony barn.
- A car parking area is shown in what is currently a field, approximately 90m east of the converted buildings – this area would not be surfaced but would be left as a grass field and is cited as accommodating 26 car parking spaces. A path is proposed between the parking area and the converted barns, surfaced in crushed limestone and lit by festoon lighting.

Staffing: on each wedding day there are usually 3 staff members present and couples can use agency staff for the day of the event. Prior to the day of the wedding the business relies on a number of staff to prepare the venue, approx. 15 full/part-time employees such as cleaners, gardeners, general maintenance staff, window cleaners, office manager, wedding planner, laundry maid and stockman.

Compared with the application recently refused under 22/02440/FULM the changes in this application are:

- Reduction in maximum guest capacity from 100 guests to 80.
- Reduction in number of events from 60 to 35 (between April-October).
- Omission of the area identified for the proposed catering marquee and identification of an area for a catering van.
- Relocation of the car parking area one field to the west of the original location and omission of any proposed surfacing (i.e. the field would remain as grass).
- Omission of rooflights from the main barn.
- Incorporation of Mill Farmhouse into the proposed change of use as a ceremony space and holiday let (year-round).

For the avoidance of doubt, the below assessment is made based on the following documents:

- Application Form
- Planning, Heritage and Design and Access Statement (deposited 05.07.2023)
- Addendum to Planning Statement (deposited 11.08.2023)
- Structural Survey Report (deposited 05.07.2023)
- Flood Risk Assessment (deposited 05.07.2023)
- Bat Survey Report dated Jan 2023 (deposited 05.07.2023)
- Bat Survey Report dated July 2023 (deposited 18.07.2023)
- Bat and Bird Mitigation Plan (deposited 05.09.2023)
- Civil Ceremonies License (dated 23.02.2023)
- Highways and Access Statement (deposited 05.07.2023)
- Joinery Quotation (deposited 05.07.2023)
- Agent Supporting Email 27.07.2023
- Agent Supporting Email 11.08.2023
- Response to Highway Authority Comments (deposited 11.08.2023)
- Agent Response to Conservation and RoW Comments (deposited 25.08.2023)
- Noise Assess Report (deposited 05.09.2023)
- Mill Farm Business Proposal (deposited 13.09.2023)
- Preliminary Geo-Environmental Risk Assessment (deposited 13.09.2023)

Plans:

- Site Location Plan – 03 Rev. J (deposited 11.08.2023)
- Topographic Site Survey – Ref. 22356-23-01
- Existing Floor Plans Barns - Ref. 22356-23-02 (deposited 05.09.2023)
- Existing Elevations Barns - Ref. 22356-23-03 (deposited 05.09.2023)
- Proposed Plans - Ref. 22356-23-04 Rev. G (deposited 05.09.2023)
- Proposed Elevations - Ref. 22356-23-05 Rev. E (deposited 05.09.2023)
- Amended Block Plan – Ref. 22356-23-06 Rev. I (deposited 06.09.2023)
- Existing Floor Plans (Main House) (deposited 11.08.2023)
- Proposed Floor Plans (Main House) (deposited 11.08.2023)
- Swept Path Analysis Sheet 2 of 2 – Ref. MA11714-1101 Rev. B (deposited 11.08.2023)

4.0 Departure/Public Advertisement Procedure

Occupiers of 5 properties have been individually notified by letter. A site notice has also been displayed near to the site.

Site Visit Date: 17.07.2023

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy (Adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 4B– Green Belt Development

Spatial Policy 7 - Sustainable Transport

Core Policy 6 – Shaping our Employment Profile

Core Policy 9 - Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM9 – Protecting and Enhancing the Historic Environment

DM10 – Pollution and Hazardous Substances

DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework
- Planning Practice Guidance
- Planning (Listed Buildings and Conservation Areas) Act 1990
- NSDC Landscape Character Assessment SPD (2013)
- NSDC Conversion of Traditional Rural Buildings SPD (2014)

6.0 Consultations

NB: Comments below are provided in summary - for comments in full please see the online planning file.

(a) Statutory Consultations

The Environment Agency – No objection subject to conditions relating to implementation of mitigation measures.

(b) Town/Parish Council

Hoveringham Parish Council – Concerns raised:

- Concerns that this application is retrospective, and the Applicant continues to take bookings despite not having planning permission.
- Noise: the use of the site in the summer months will be intensive when people will be sleeping with windows open, and events would be held mid-week and at weekends. Live and recorded music would be used, and it is understood there would be no outside music past 11pm. However, as the buildings are single skinned and not insulated there are concerns about noise spill from the site. Residents have been disturbed during events taking place. Background noise was typically very low in the area (particularly at night) and the area is flat. Music noise carries for a long distance and unless controlled would cause a nuisance to residents. If approved the following conditions should be imposed:
 - o No music played outside of the buildings.
 - o Music to end at 11pm.
 - o A noise consultant should assess music noise from live and recorded music to set a maximum decibel limit that cannot be exceeded and should take account of when residents have their windows open in summer months.
 - o Appropriate noise mitigation measures to be put in place.
 - o Fireworks should not be permitted.
- Traffic Noise: vehicles leaving the venue at night causes a disturbance to residents on Gonalston Lane. The Statement from the applicant refers to public transport availability but this is not a reality as the train station at Lowdham would require people walking some distance to the venue and would involve walking down Gonalston Lane which is narrow, with no pavement and no street lighting. Public transport is not a realistic option. Concerns that the new maximum capacity cited by the applicant would not be adhered to as the applicant has already taken bookings and this does not include staff travelling to and from the site. If approved the following conditions should be imposed:
 - o A noise assessment should address traffic noise and people leaving the site to suggest appropriate mitigation measures.
 - o An appropriate limit on capacity (including staff).
 - o An appropriate curfew time for guests to leave the site.
- Traffic Delays and Parking: Gonalston Lane is not always 'lightly used by traffic' as the area received many visitors to the lakes and river during the summer months. Gonalston Lane now has double yellow lines and there is no parking or waiting on the Lane. Therefore, parking on site must be sufficient for the number of guests and staff.
- Wildlife and Environment: local residents are concerned that the venue disturbs nesting

birds and bats. Further surveys have been undertaken which recognise that the work was carried out prior to surveys being carried out so any bats and birds would have been disturbed. The latest report gives low activities for both species, but this could be due to the fact that events are already taking place on the site and the period that the latest surveys were carried out. The safety rationale for festoon lighting on the site is acknowledged but there are concerns that this causes light pollution as well as impacting wildlife.

- Assurance that the footpath through the site will be maintained.
- Should planning permission be granted the use of the site should not be extended to include other buildings (such as the building for which an agricultural use was permitted without the need for planning permission) or external areas e.g., to include on-site camping (which has happened at the site for a previous event) or other events in addition to weddings with the potential for creating a high flow of traffic or noise disturbance.

Caythorpe Parish Council – Object – Concerns raised:

- The site is close to the village and residents have concerns about how their quality of life will be impacted due to the noise. Weddings have been held at the venue and the noise levels were unacceptable and not conducive to the quiet and tranquil village that residents have chosen to live in.
- Music up until 11pm on a regular basis will be intrusive.
- Access to the venue may create problems for Caythorpe residents.

(c) Representations/Non-Statutory Consultation

NSDC Conservation Officer – No objection subject to conditions.

NSDC Ecologist – No objection subject to conditions.

Notts County Council Highways – No objection subject to conditions.

Notts County Council Rights of Way Officer – No objection subject to conditions.

Ramblers – No comments received.

Notts County Council Lead Local Flood Authority – No objection, standing advice applies.

NSDC Environmental Health Officer – No objection subject to condition restricting, number of guests, the times at which amplified music could be played, and preventing music being played outside.

NSDC Contaminated Land Officer – No objection - no requirement for further assessment or the use of a contamination condition.

Nottinghamshire Police Designing Out Crime Officer – No objection.

The Office of Rt. Hon. Mark Spencer MP – Correspondence received requesting consideration be given to the benefits the development would deliver for the farm enterprise as a farm-diversification scheme that is supported by DEFRA policy.

Comments have been received from 17 local residents that can be summarised as follows:

- Concerns in relation to noise pollution due to loud music being played from the site (in one case up until 1am) on multiple occasions. Concerns that as this is a quiet rural area that is flat and with limited intervening land features, the impact of loud music, on a regular basis, would impact local residents' amenity and ability to sleep. Concerns that loud music is also exacerbated in summer months when residents have their windows open.
- Support the objections of Hoveringham and Caythorpe Parish Council's.
- Concerns that adequate noise surveys have not been undertaken.
- Concerns that residents in Caythorpe have not been consulted on the application.
- Concerns about the environmental impact of the development on local wildlife and the nearby nature reserve.
- Concerns that the reduction in the number of guests, proposed restriction on number of weddings and seasonal use would undermine the viability of the business and set a precedent for the business to be extended in the future.
- Concerns about the nature of alternative events that could take place at the site (18th/21st birthday parties, stag/hen parties, corporate events etc.).
- Concerns about the cumulative impact on local amenity from this site and the development/events taking place at The Old Volunteer in Caythorpe.
- Concerns about the impact on the bridleway as this has become blocked on multiple occasions and impassable on horseback. People attending the weddings and staying in the house park and obstruct the bridleway which is also overgrown and hazardous.
- Existing wildlife has been impacted by the noise and light pollution from the site. Any wildlife in the barns was lost once the conversions took place without planning permission.
- The existing driveway/access does not have a wide grass verge and numerous passing places – some passing places have been recently created and in late 2022 approx. 50m of ancient hedgerow was removed. A drainage ditch was also infilled to create the passing bays.
- Parking proposed is insufficient and does not reflect how the site is being run as cars park directly adjacent to the barns and do not adhere to the one-way system. They also block the bridleway and PRow.
- The owners applied for permission for an agricultural barn but this was disingenuous as it is being used as a wedding venue.
- The owners have told local people they are deliberately working the planning system.
- Concerns that the noise survey submitted is flawed – it has been commissioned and paid for by the applicant rather than carried out independently.

7.0 Comments of the Business Manager – Planning Development

The key issues are:

1. Principle of Development
2. Impact on the Character and Appearance of the Area including Heritage Impact
3. Impact on Amenity
4. Impact on Highway Safety
5. Impact of Flood Risk

6. Impact on Ecology
7. Other Matters

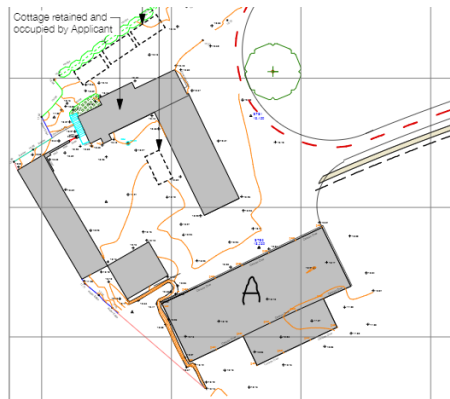
The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

As the application concerns designated heritage assets of listed buildings, sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 16(2) requires the decision maker in considering whether to grant listed building consent for any works, to *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."* Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker *"shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

The duties in s.66 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm considerable importance and weight.

Preliminary Matters

Officers note that a Prior Approval application (i.e., agricultural permitted development) was issued in Feb 2022 for a new agricultural barn (marked A on the plan below) and a barn has been constructed on site in the position as proposed. Officers have noted on various visits that the barn has been constructed, and indeed appears to be being marketed, as included within the wedding venue offering. Site photos from July 2023 also show the barn fitted out internally with tables, chairs, décor, and flower installation. Despite this the Applicant asserts that this barn is not being used as part of the wedding venue and has been erected, and is in use, for agricultural purposes. It is also noted that this barn is outside of the red line on the Site Location Plan, does not feature on the Proposed Floor Plans and is not shown as included within the application on the proposed Block Plan. Despite having requested that this barn be included within this Application to regularise its construction and use (which would not benefit from permitted development in its current form and use) the Applicant does not wish to do so. The construction and use of this barn will therefore be investigated separately by enforcement colleagues.



Prior Approval 'Agricultural' Barn



External and Internal Site Photos from July 2023 of the 'Agricultural' Barn

It is also noted that the Applicant has stated they are the owners, and occupy, both the Mill Farmhouse and the 'cottage' (which adjoins one of the barns that is the subject of this application). Having visited the site the Applicant's Son has explained that they currently live in the 'cottage' but are intending on living in the Mill Farmhouse in long term when it is not in use by wedding guests. The 'cottage' is included within the red line of the site location plan, but no reference is made to the change of use of this building to be included within the wedding venue offering (noting it is not shown on the proposed floor plans etc.) – this is therefore not considered as part of this application.

Considering the description of development, the application seeks permission for the change of use of the agricultural buildings for use for weddings and events, including external alterations to the buildings and the proposed use of a field for associated car parking. The proposal also includes the change of use of the main farmhouse for use as holiday accommodation and use of one of the rooms within it for wedding ceremonies.

Background Information

This application follows a recently refused planning application ref. 22/02440/FULM for the change of use of agricultural buildings for weddings and events and associated car parking with a maximum capacity of 100 guests and 60 weddings per year between April-October. This application was similarly mostly retrospective and whilst no adverse impacts were identified in respect of amenity impacts or flood risk, it was concluded that the development would result in a clear and significant spatial and visual harm on the openness of the Green Belt and character of the area by virtue of the proposed operational development and material change of use which would erode the former open, undeveloped, agricultural character of the site, result in visual encroachment of development into the Green Belt and introduce a significant increase in associated activity to the detriment of the open and rural character of the site. It was therefore considered to amount to inappropriate development in the Green Belt, which is harmful by definition. The NPPF states that in this instance planning permission should only be granted in very special circumstances and no such very special circumstances were considered to arise from the proposal even in the context of the potential economic benefits of the proposed use.

Furthermore, it was concluded that the proposal would result in less than substantial harm to the setting of the Grade II Listed Mill Farmhouse contrary to the objective of preservation as set out under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. There were no wider public benefits that were considered to outweigh this harm. In addition, it was concluded that the Applicant had failed to demonstrate that safe access and egress could be achieved into the site from Gonalston Lane, that necessary highways improvements could be undertaken to facilitate safe access and egress and it was concluded that there would be insufficient parking provision to serve the proposed use which could displace cars and visiting traffic onto the public highway. The Applicant therefore failed to demonstrate that the development would not result in a risk to highway safety. Finally, it was also concluded that the Applicant had failed to demonstrate that the proposal would not result in a materially adverse effect on bats, which are a European Protected Species.

This Application seeks permission again for the use of the site as a wedding venue but also includes other elements such as the use of the Mill Farmhouse as a holiday let to regularise a change of use that has already been taking place without planning permission. Other changes in this Application compared to the recent refusal are set out in the description of the proposal section of this report but are essentially:

- Reduction in maximum guest capacity from 100 guests to 80.
- Reduction in number of events from 60 to 35 (between April-October).
- Omission of the area identified for the proposed catering marquee and identification of an area for a catering van.
- Relocation of the car parking area one field to the west of the original location and omission of any proposed surfacing (i.e. the field would remain as grass).
- Omission of rooflights from the main barn.
- Incorporation of Mill Farmhouse into the proposed change of use as a ceremony space and holiday let (year-round).

Additional reports have also been submitted in response to concerns raised in relation to highways safety, noise and protected species. In the interest of consistency, extracts from the Officer Report of the recently refused application are included below and commented on where relevant or the

proposal has changed.

Principle of Development

The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The adopted Core Strategy details the settlement hierarchy (Spatial Policy 1) which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 2 of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District.

The site is located within the Green Belt where new development is strictly controlled through the NPPF and Spatial Policy 4B of the Core Strategy. The NPPF advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para. 147). When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. *'Very special circumstances'* will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In assessing the principle of this application, the main issues are:

1. whether the proposal would represent inappropriate development in the Green Belt;
2. the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it; and
3. if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

The NPPF states that the construction of new buildings in the Green Belt is inappropriate. Whilst there are a number of exceptions (in para 149) it is noted that para 150 explains that where new buildings are not proposed, certain other forms of development are also not inappropriate in the Green Belt **"provided they preserve its openness and do not conflict with the purposes of including land within it"** including (d) the re-use of buildings provided that the buildings are of permanent and substantial construction; and (e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

On the face of it this application is for the conversion of existing buildings to form a wedding venue and associated holiday let and the material change of use of land to form a parking area for that venue.

In terms of the principle of the proposed development, the 22/02440/FULM Officer Report stated, *"it is noted that the submitted structural surveys concluded that the application barns are of substantial construction. Thus, the re-use of these permanent brick-built buildings would meet exception point 150(d) provided the proposal is considered to preserve the openness of the*

greenbelt. However, reviewing aerial photos, coupled with site photos from August 2021 and those submitted by the Applicant in support of this application it appears that at least the entire roof structure and possibly some of the walls of the western barn range have been re-built. Aerial photos (below) show the barn with the roof structure removed and photos from site visits appear to show the roof has been raised by a few brick courses above the door openings with the roof structure replaced. It also appears that the southern smallest barn has been re-roofed (see photos below)."



Aerial Image June 2022



Site Photos Aug 2021



Photos Deposited by Applicant



Site Photos Aug 2021



Photos Deposited by Applicant

"Whilst the re-use of buildings is an exception to inappropriate development, the NPPF regards the construction of new buildings as inappropriate. The applicant's agent asserts that the buildings have

not been rebuilt and only re-pointing has taken place. However, based on a comparison of site photos this does not appear to be the case. Whether the extent of works that have been undertaken amount to starting afresh is not clear in this application. Officers note that the replacement of a building is also an exception to inappropriate development in the green belt under para 149(d), however this is provided the building is in the same use and not materially larger than the one it replaces, and the use proposed in this application would not be the same in this case. Nevertheless, Officers note that the re-use of a building is only appropriate in the event that the buildings are of permanent and substantial construction and clearly in the case of the western linear barn range, it would appear that substantial (unauthorised) structural works have taken place to facilitate the unauthorised conversion. It is therefore unclear whether the works undertaken would fall within one of the exception points cited in paras 149 or 150 of the NPPF.”

To address this point, in this new application the supporting statement explains that substantial structural works have not been carried out, but the barns have been re-pointed with lime mortar, the rotten timbers have been replaced and broken bricks and roof tiles have also been replaced. Ultimately it would appear that these barns have been re-roofed and that the roof has been raised by approx. 3 brick courses for both barns, however this Authority does not have sufficient evidence to definitely confirm the full extent of the works that have taken place. Nevertheless, the works do not appear to amount to *starting afresh* as the general form of the building remains unaltered. The information from the Applicant therefore must be taken on good faith and therefore it is considered that the re-use of the buildings would fall within exception points 150(d) of the NPPF provided the proposal is considered to preserve the openness of the greenbelt.

Similarly, the re-use of the Mill Farmhouse as a holiday let associated with the wedding venue would fall within exception point 150(d) in principle (provided the proposal is considered to preserve the openness of the green belt) as the Farmhouse was formerly a habitable dwellinghouse of permanent and substantial construction.

Turning now to the remaining elements of the scheme, it is also noted that a material change in the use of land (to form the proposed car park) and engineering operations (to create the path and access to the barns from the car park) are exceptions to inappropriate development in the green belt under exception points 150(e) and 150(b) respectively, however this is also **only** provided that the development or change of use would preserve the openness of the Green Belt too.

The submitted plans also now show the location of a ‘catering van’ within the courtyard following the omission of the ‘temporary catering tent’ that was referred to in the recently refused application. It is noted that there are no other catering facilities shown on the proposed plans. The supporting statement explains that the venue would be a ‘dry hire’ venue, meaning that all food would be prepared off-site and brought to the venue on the day of the event. Should a catering van be required this would be sited within the courtyard area. Discussing this with the Applicant on site they explained that the majority of their bookings are for cold food only which is all brought to site on the day of the event, however some couples choose to have hot food (such as hog roasts or pizza vans) and these are catered for using a catering van that is stationed within the courtyard area. The application seeks consent for 35 weddings per year between 1st April-31st October which spans nearly 22 weeks a year. With 35 weddings per year this would amount to 1-2 weddings a week within this period. This would amount to 35 days per year where a catering van could be in situ on the land. Given this facility would be incidental to the overall use of the site as a wedding

venue the only relevant exception point for the stationing of this catering van is para. 149(b) which permits *“the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”*. Pertinently, the provision of such ‘appropriate facilities’ is only appropriate in accordance with the listed uses above. Given this proposal would not fall into any of these described uses it is considered that the stationing of this catering van would not fall within any of the exception points to inappropriate development listed in the NPPF.

In terms of the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it, para. 137 of the NPPF advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence. Importantly, openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm and has both spatial and visual aspects.

It is noted that, save for the catering van, the change of use of the barns and Mill Farmhouse in isolation would not result in any built development that would impact the openness of the Green Belt. The proposed catering van is noted to be ‘where required’, however as explained above it is not considered that this would fall within any of the exception points within para. 149 or 150 of the NPPF. Even in the event that it was considered to fall within one of the exception points, if a catering van was required 35 times in the summer season, then for these occurrences the van would be a physical structure on the site that would, in simple spatial terms, impact the openness of the site. Whilst it is noted that the new barn (consented for agricultural use) to the south would screen this area from the wider countryside, openness is an absence of development and is not reliant upon public visibility. This element of the proposal is therefore concluded to result in an impact on the openness of the site.

In relation to the proposed car park, the 22/02440/FULM Officer Report stated, *“the change of use of the land to form the proposed car park and the development to create a path from the parking area to the barns would be located in existing open agricultural fields where there was, until recently, no development (see a comparison of the aerial images below). Therefore, in simple spatial terms, the creation of the car park area and path/access track would have a clear and demonstrable effect on the openness of the Green Belt by introducing development to land which is/was permanently open. The impact of the proposed pathway/access track is clear on the aerial images below which show the subdivision of a formerly undeveloped field and the introduction of additional hard surfacing. Notwithstanding the use of a crushed surfacing, this engineering operation has had a clear and demonstrable impact on the openness of this parcel of land, resulting in encroachment of development in the countryside.*



2019



2022

Given the creation of the car park would also bring about development in land in which there is presently none, the proposal would also represent a clear encroachment of development into the countryside and would result in the sprawling of development. Furthermore, given the farm buildings and associated Mill house were historically a cluster of development surrounded by open fields and undeveloped countryside, there was a clear link between the sense of openness retained around this cluster of development which has been (and would be further by the car park) significantly eroded by the introduction of the proposal. The proposed car park area and path would therefore have a discernible adverse visual impact on the openness of the Green Belt. This conclusion is drawn irrespective of the proposed materials for the car park area (which is noted to be a grass road interlocking surface to allow grass to grow within it) as the proposed surfacing would still be visually noticeable in the landscape.” In the application at hand the parking area has been relocated one field to the west (identified with a red star above) and would not be surfaced (i.e., it would remain as grass). Notwithstanding this however, the conclusions above remain unchanged. The use of this land as a car park would still result in numerous cars being parked on land that would otherwise be undeveloped, this would consequently impact the openness of the land surrounding Mill Farmhouse and would have a discernible adverse visual and spatial impact.

It is noted that the number of proposed events per year has been reduced in this application from 60 to 35, however this would still result in 35 events (with vehicles on site potentially the night before wedding events, the night of the wedding and the day after given the use of the Farmhouse as a holiday let for wedding events, therefore potentially a max. of 105 days) where the land would be used as a car park which would not be an insignificant amount of time over the year where there would be a visual and spatial impact on the openness of the land. The supporting statement explains that visibility into this land is prevented by existing boundary hedgerow around the fields, however the extent to which a site is visible from public vantage points and the extent to which a proposal would be visually intrusive are separate from openness.

In relation to the proposed use as a whole, the 22/02440/FULM Officer Report stated, *“In addition to the above harm, the use of the site as a 100-person wedding venue and the use of the car park for patrons and staff would bring about a significant increase in associated comings and goings to the site. Whilst it is noted that an element of visual intrusion relating to vehicles at the site could already occur in association with the former agricultural use, this would not be of a comparable*

scale to a 100-person wedding venue which would have a significantly greater amount of associated movements that would impact the openness of the site. It is also acknowledged that the car park would not be full of vehicles at all times, however, there could be up to 100+ people visiting the site, by various modes of traffic (private cars, coaches, taxis, etc.), which would result in a significant increase in associated comings and goings. The use of the site by vehicles, staff and patrons would have a clear and demonstrable impact on the openness of the site. The car park itself and the vehicles using it would also have a clear visual impact leading to a loss of openness, and for similar reasons, the path/access track and the vehicles (staff/caterers etc.) using it would also have a comparable visual impact.” The change in this application is that the venue capacity would now be 80 guests (rather than 100) in addition to 3 staff members (on the day, but potentially more if agency staff are used by the couples) working each event, in addition to approx. 15 staff members to prepare the venue ahead of each wedding and other service providers (such as florists, caterers, beauty and entertainment providers). This reduction in numbers would not drastically reduce the associated comings and goings to the site which would still be over 100 people for 35 events within a 7-month period. Therefore, the conclusions drawn above remain unchanged. The proposed use would continue to result in a significant number of movements into the site that would have a demonstrable and regular impact on its openness over the 7-month period.

In addition to this, Officers note that the floor area of the barns (that are included within this application) is very limited for an 80-person wedding venue - the ceremony barn and the usable portion of the bar amounts to just 116m² (approx.) which would need to accommodate up to 80 people for the duration of the weddings held on the site. It is therefore anticipated that during change over time (setting up tables/chairs between the ceremony and serving any refreshments or food, for example) that most guests would be within the courtyard area. Having people within the courtyard area of the site would have an additional associated impact on its openness for the duration of the events when weather is favourable. However, Officers have queried where guests would be accommodated during inclement weather conditions (if the ‘Agricultural Barn’ is not, as the Applicant alleges, used in any capacity for the wedding venue offering) and the Applicant has advised that a canopy is erected within the courtyard for guests to shelter under (images below show this canopy in place).



Images supplied by the Applicant of the cover for the Courtyard.

Given the quality of this canopy and its aesthetics (in the context of the site being used for weddings) Officers question whether this is realistically and genuinely how the venue has been or

would continue to operate during poor weather. In the absence of any further information on how the venue operates its change over times during events and where guests would otherwise be accommodated, Officers consider this calls into question whether the buildings included within this application are sufficient in size on their own (i.e., without the unauthorised 'Agricultural Barn') to be able to operate as a wedding venue without the requirement for a more permanent structure, like a marquee for example, that would have a consequential impact on the openness of the site which could be greater than the 'canopy' would do at present.

Furthermore, it is noted that the change of use of the Farmhouse to a holiday let would be year-round and thus there would be additional associated comings and goings from this site in the remaining months of the year where there are no weddings taking place. This too would have an impact on intensification of use of the site.

It is worth acknowledging that Class B of Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits the temporary use of **land** for any purpose for not more than 28 days in total in any calendar year (subject to certain limitations) and thus other parcels of land within the Applicant's holding could technically be used for holding events such as weddings (subject to obtaining relevant licenses) and this would result in a level of impact on the openness of the Green Belt. However, it is noted that Class B is only in relation to the use of land and would not permit the erection of any associated structures such as a marquee or toilets etc., for example – therefore, arguably, the use of an open field for no more than 28 days a year for weddings would be less permanent than the application at hand.

It is also acknowledged that as an agricultural site there would be a level of movements associated with the barns themselves – however, taking the Applicant's explanation of how the new 'agricultural barn' is used as read, agricultural movements to the site would also remain **in addition** to the new movements associated with the wedding venue use. It is therefore considered that whilst there would have been a level of agricultural movements associated with these barns as a baseline, this would not be of a comparable scale to an 80-person wedding venue which would have a significantly greater number of associated movements that would impact the openness of the site.

'Very special circumstances'

Overall, it is therefore remains to be considered that despite the amendments made, the development would result in a clear and significant spatial and visual impact on the openness of the Green Belt. It would therefore amount to inappropriate development in the Green Belt. The NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. There is no definite list for what constitutes very special circumstances, but it has been established in Case Law that the threshold is high and will turn on the facts and circumstances of the individual application.

The Applicant has not specifically advanced a case that there are very special circumstances that should outweigh any harm identified, however they have cited that this wedding venue venture is part of a farm diversification scheme to sustain the existing agricultural enterprise and would make

a significant contribution to the rural economy. Upon request, a business proposal has been submitted which details that the Applicant has two farms over 300 acres. Due to the reduction of farm subsidies, there has been general encouragement from the Government for farms to diversify (as set reiterated at the UK Farm to Fork Summit on 16th May 2023) to support their businesses and the rural economy. The Applicant states that the additional income brought in from holding weddings enables them to secure the future of their business and alleviate cash flow pressures during the summer months. They state that Mill Farm is firstly a farm, with only seasonal use of the farm buildings proposed as a wedding venue and ultimately this additional income would contribute to the sustainability of the family business. Income generated is also intended on being used to invest in further restoration projects at The Mill to renovate the water mill building and water wheel (however, this would be subject to a requirement for separate consent) – however, there has been no evidence supplied that The Mill requires any significant restoration, and no specific case has been advanced as enabling development as part of this application. Any income from the wedding venue could therefore not be secured for this purpose. The statement also explains that the venue creates various employment opportunities for many local people and businesses, thereby contributing to the rural economy.

Officers are mindful of the direction of travel in relation to the Government's commitment to supporting farm diversification proposals and the agricultural sector/rural economy. Whilst hosting the Farm to Fork Summit in June, the UK Prime Minister pledged to *"cut the red tape currently holding farmers back from delivering projects on their land to diversify their incomes"*. The Government said it wants the planning system to respond to the immediate challenges facing farmers and give them greater freedoms to make the best use of their existing agricultural buildings and support the wider rural economy. The Government has also recently launched a consultation on the proposed reform of permitted development rights contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) which include several proposals that could impact the diversification of agricultural holdings¹. Whilst currently in consultation form and not carrying any material weight, the consultations on the amendments to the GPDO indicate the Government's intended direction of travel to supporting rural businesses by enabling them greater flexibility to diversify and bring underutilised buildings and farmland into a use which can generate additional income. Correspondence has also been received from the local MP requesting consideration be given to the benefits the development would deliver for the farm enterprise as a farm-diversification scheme that is supported by DEFRA policy. Officers also note that CP6 supports rural diversification for farms, however on the proviso that such developpess are small scale in nature to ensure acceptable scale and impact.

In this case it is accepted that this wedding venue business would contribute to local employment, local services and businesses, thereby contributing to the rural economy and assisting in supporting the farm business as a farm diversification scheme. However, the business case advanced by the Applicant does not provide any quantifiable figures to demonstrate how significantly 35 annual events on this site would contribute to the farm business, or indeed justify how this would be viable when consent was previously sought for 60 events per year. Nor has it been evidenced that this proposal would be the **least harmful** way of re-purposing these buildings to support the farm or the local economy. It is acknowledged that this proposed business could contribute to local employment and could sustain local businesses in the wedding/events sector, however it remains

¹ Public consultation on these proposed amendments closed 25 September 2023.

to be considered that this limited contribution (which would be even less than the contribution proposed in the previous application given the reduction in event numbers) would not be so significant to amount to the very specific circumstances required to justify the harm identified on the green belt, particularly given there could be less harmful options for repurposing the buildings that could similarly assist in supporting the rural economy and the farm enterprise. The scheme overall also would not deliver wider public benefits.

Overall, it therefore remains to be considered that the limited benefits of the scheme would not be sufficient to amount to considerations that would clearly outweigh the harm by reason of inappropriateness and the impact on openness of the Green Belt to amount to the very special circumstances necessary to justify the development. Officers therefore consider that the principle of this development would be inappropriate and would therefore fail to accord with the requirements of Spatial Policy 4B and Chapter 13 of the NPPF.

Impact on the Character and Appearance of the Area including Heritage Impact

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The Council's Conversion of Traditional Rural Buildings SPD is also relevant.

Given the site context, regard must also be given to the distinctive character of the area and proposals must seek to preserve and enhance the character of the area in accordance with Policy DM9 of the DPD and Core Policy 14 of the Core Strategy. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF).

With regard to landscape character impact, CP13 explains that new development which positively addresses the implications of relevant landscape Policy Zone that is consistent with the landscape conservation and enhancement aims for the area will be supported. The site is within two local policy zones, Thurgarton River Meadowlands (TW PZ 52) and the Gunthorpe and Hoveringham Village Farmlands (TW PZ 8). In relation to built features both of the policy zone actions in relation to built features is to conserve existing field boundaries and promote sensitive design.

As set out in the preceding section of this report, with regard to the proposed change of use, stationing of the catering van and development to provide the car park and path to the barns, it has been concluded that the proposal would result in a clear and significant spatial and visual impact on the openness of the Green Belt – this in principle would result in harm to the rural and undeveloped character of the area, contrary to the aims and objectives of CP9 and DM5. Given the land surrounding the barns was, until recently, undeveloped and given the nature and scale of the proposed use the proposal would result in a clear impact on the character of the landscape and would have a noticeable visual impact. This would fail to complement the existing built and landscape environment. The Supporting Statement explains that the site is not highly visible in the

public realm and thus any visual impact would be limited to within the site itself. However, Officers note that there is a PRoW and Bridleway that spans the length of the access and passes through the site which *would* enable receptors to visually perceive the change in the use of the site and the associated development.

Turning now to the building alterations, maintaining the rural character of the site and area is important to help preserve the character and appearance of the countryside and the conversion of traditional rural buildings is strictly controlled through the Council's SPD. The Council's Conservation Officer (CO) has appraised the proposal and has noted that the barns are not considered curtilage listed due to their physical separation with the principal Listed Building on the site. However, external alterations still have the potential to impact views and appreciation of Mill Farmhouse (Grade II), notably looking towards the main threshing barn as the Listed Building is prominent in the context of this view.

The submitted plans demonstrate that in terms of appearance, the external appearance of the barns would be largely maintained so that the traditional features are not lost. Following discussions, the plans have also been amended to overcome some of the CO's comments and concerns in relation to the alterations to the windows and doors on the barns. Following negotiations, the proposed plans now show the installed rooflights omitted (and their removal and replacement with pantiles would need to be secured through conditions) – subject to appropriate monitoring of this condition to ensure the removal of these rooflights, the previously identified harm in respect of these features would be overcome. The CO also requested the removal/reduction in the number of brass bulkhead light fittings, removal of the lanterns and alteration of the shiplap cladding infill on the ceremony barn with a more sympathetic materials such as brick – these elements have also been incorporated into the proposed plans and would also require appropriate monitoring to secure these alterations to the works already undertaken to the buildings. Again, subject to appropriate conditions the previously identified harm in respect of these elements would be overcome.

Nevertheless, the CO concludes that conversion of the barns would result in the loss of the historic associative value and, particularly for the bar building and works within the courtyard, erode some of the historic agricultural character and appearance of the site. Due to the proximity of these barns to the listed farmhouse and the prominence on the approach to Mill Farmhouse (Grade II), they conclude that the works would still cause a visual distraction to the building's setting. Nevertheless, the works as indicated in the updated elevations, would reuse existing openings, be the minimum necessary to convert the building and would not result in the total loss of the building's agricultural character. In summary, the proposal would result in a minor-moderate level of less than substantial harm to the setting of the Listed Building - this would be contrary to s.66 of the Act. Paragraph 200 of the NPPF states any harm to, or loss of, the significance of a designated heritage asset, such as a listed building, (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Also, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Paragraph 202). The CO has advised that they consider clear and convincing justification has been provided for the level of heritage harm in this case as it would facilitate the long-term conservation and reuse of the traditional barns which have a historic connection to the Listed Building. The amendments have minimised the visual impact on the agricultural character of the

building and the CO concludes that there are therefore no objections to the proposal from a conservation perspective.

In relation to the conversion of Mill Farmhouse the CO has advised that the proposed floorplans for the Farmhouse indicate there would be no internal alterations to the building. It is noted that the Environment Agency (consultation response dated 27/07/23) has requested that the finished floor levels shall be above a certain height, however this is not considered to be applicable to the listed Farmhouse which is already in residential use. Therefore, given no works are required or proposed to the Farmhouse the historic interest of the listed building would be maintained.

Turning now to the development proposed within the grounds of the site. A marquee/catering tent is no longer proposed with this re-submission, and it is set out in the Planning Statement Addendum (dated 11/08/23), that catering vans would be used where required for hot food provision. The CO has advised that with the new positioning proposed, whilst this would interrupt and distract from views and appreciation of the barns and listed building, it is likely that the visual impact from a heritage perspective would be intermittent and would not result in irreversible harm to the setting of the designated heritage asset. They therefore considered this to be acceptable in this case.

In relation to the proposed parking area, the CO previously concluded that the material and appearance of the proposed grasscrete for the car parking would have a harmful impact on the surrounding agricultural context and setting, eroding the rural characteristics of the area, resulting in harm to the setting of the adjacent listed building. However, the parking area has now been amended to omit any proposed surfacing (in favour of retaining the grass for a more informal parking area) – the CO has confirmed that this would not result in irreversible harm to the setting of the designated heritage asset. In relation to the crushed limestone access track and path that have been installed (and can be seen on the comparative images below) the CO has advised that this would not result in sufficient harm to warrant an objection from a Conservation perspective.



Previous View of the Barns on Approach into the Site



Current View of the Barns on Approach into the Site (barn on the lefthand side

Overall, in light of the conclusions drawn above and the amendments made throughout the course of this application it is therefore considered that, subject to conditions, the proposal would comply with policies CP9, CP14, DM5 and DM9 within the Council's LDF DPDs and the provisions of the NPPF in this regard.

Impact on Amenity

Policy DM5 advises that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

The nearest residential properties (that are not in the same ownership as the applicant) are along Caythorpe Road, Caythorpe approximately 560m to the southwest and Westfield House on Gonalston Lane, Hoveringham approximately 600m to the east. There are grassed fields, trees and shrubs between the proposed wedding venue and the nearest residential properties (see the extract from the Noise Report below).



In relation to the potential amenity impact of the development, the 22/02440/FULM Officer Report stated, *“The proposed development to the buildings and to create the car parking area, would not result in any adverse overlooking, overbearing or overshadowing impacts by virtue of this separation. It is noted that as a wedding venue there would likely be amplified music played in the days and evenings, however given the degree of separation from the nearest residential receptors, irrespective of the area having a low ambient noise level, it is not considered likely that an adverse amenity impact would arise through noise disturbance (from either music noise or noise associated with comings and goings to the site). Nevertheless, the Council’s Environmental Health Officer has advised that whilst the site is fairly isolated, noise from amplified music at such events could travel*

for some distance and be noticeable some distance away. This is particularly true where background noise levels are low, and if the music takes place outdoors where there is no at-source attenuation of the noise. This is recognised in the Design and Access Statement, which indicates Conditions could be attached limiting hours of operation and preventing amplified music being played outside of the buildings. To preserve the amenity of any nearby residential receptor, and indeed the amenity of users of the nearby Fishery business, it is considered reasonable to condition that no amplified music is permitted to be played outside and that a time limit is imposed for playing amplified music within the buildings if permission were to be otherwise forthcoming.

Officers are mindful of the concerns raised by the nearby fishery users and the impact this proposal could have on noise and consequently night-time fishing. However, it is considered that given the degree of separation and intervening tree cover, the noise impacts from music within the buildings would not be so sufficient to significantly impact on the operation of this business or the enjoyment of site users to warrant withholding permission on this basis.

Officers also note that both the Mill Farmhouse and the 'cottage' building are detailed as being occupied by the Applicant. It is not clear what living arrangements are in place within the site, however both dwellings are included within the red line of the application site and are owned by the Applicant. Whilst the subdivision of the site and separate occupation of either dwelling could result in an impact on these future occupiers' amenity, any future occupier would be well aware of the site context and relationship with the wedding venue (again if approved)."

Based on the details submitted within this application the above assessment remains unchanged. Officers note that a number of 3rd party comments have been received raising concerns in relation to noise disturbance, however it is noted that some of these comment reference events taking place at The Old Volunteer Pub in Caythorpe and the cumulative disturbance as a result of this venue. However, this application must be assessed on its own merits and without prejudice. To allay concerns from local residents and the Parish Council the Applicant has provided a noise survey which has assessed background noise levels and the impact of amplified noise from the site. The surveys concludes that noise due to music noise breakout from the proposed wedding venue "is expected to have a low noise impact at the closest residential properties" and noise due to the raised voices of guests at the proposed wedding venue is "expected to have a low noise impact at the closest residential properties". Overall, the noise assessment indicates a low noise impact on the closest residential properties without any additional noise mitigation measures being required. The Environmental Health Officer has reviewed the noise assessment submitted and has advised that they concur with the findings that noise from events would be acceptable at nearest sensitive receptors – however, this is subject to conditions restricting number of guests, the times at which amplified music can be played and preventing music being played outside.

Overall, subject to these conditions the proposal is considered to be in accordance with Policy DM5 and the guidance in the NPPF in this regard.

Impact on Highway Safety

Spatial Policy 7 of the Core Strategy amongst other things requires proposals to minimise the need for travel through measures such as travel plans or the provision or enhancement of local services and facilities; provide safe, convenient and attractive accesses for all; be appropriate for the

highway network in terms of volumes and nature of traffic generated and avoid highway improvements which harm the environment and character of the area. DM5 mirrors this.

The site would be accessed via an existing access off Gonalston Lane. The Highways and Access Statement (HAS) explains that there would be a maximum of 80 guests. The statement explains that the mode of travel by the guests would vary between private car and taxis (as there will be a number of people who drive to the venue and a number of people who will not want to drive as they may wish to consume alcoholic drinks as part of the celebrations). For the purposes of the assessment the HAS assumes that 40% of people will not drive to the wedding venue as they will want to consume alcohol and will therefore arrive by taxi (which will not require a parking space) – albeit Officers note that at collection time potentially a number of taxis could attend the venue at one time and would require space to wait to collect guests. For the purpose of analysis of car parking space requirement, if 60% of guests arrive by private car at an average of 2.5 persons per car, this would equate to 17 car parking spaces being required. There would also be a requirement for staff parking and therefore a total of 26 spaces (inc. 2 disabled spaces) are proposed. A plan demarcating set spaces within the parking field has not been provided as the intention is not for these spaces to be formally laid out, however the field is of a size that it could likely accommodate more vehicles.

The Highways Authority have reviewed the application and initially advised that works had been carried out including in and around the access including a new fence and mill stone that had been erected on highway owned land without consent. The Highways Authority raised concerns about these elements, and these have since been removed.

A traffic assessment has been submitted and upon request various tracking plans have been provided to demonstrate that, subject to some widening works, the access arrangements onto Gonalston Lane have been assessed properly and could accommodate access for a coach to enter and exit safely without overrunning the public highway at the site entrance or the adjacent layby which is used by local people for parking whilst walking in the area. Whilst the statements submitted by the Applicant state that a coach using the access would be rare, the Highway Authority considered it necessary for coach access to be demonstrated given the rural location, lack of local accommodation offering and public transport options. The Highway Authority have reviewed the amended Swept Path Analysis (deposited 26.09.2023) and have raised no objection to the access improvements which overcome the Highways Authority's previous grounds for objection to the application (subject to securing the access improvements by condition).

In terms of the impact the development/change of use could have on the local highway, the Highway Authority comments confirm that Gonalston Lane is capable of catering for the additional movements generated by the proposal, as up until a few years ago had Ferry Farm Park, a tourist attraction (now closed) operating from further along Gonalston Lane beside the river which would have generated movements akin to the proposal. However, they note that Gonalston Lane is a lightly trafficked road which has a carriageway width of circa 5m, with highway verges or informal passing bays in place - the Highways Authority comments explain that highway improvements would need to be made at the Applicant's expense to formalise the existing passing bays to Highway Authority specification and they have recommended a suitably worded condition in this respect. This is considered to be reasonable in this case given the proximity of the site to these passing bays which would be more likely to be used by concentrated volumes of traffic at the

beginning and end of the wedding (i.e., where there is more likely to be a need for passing bays due to a higher volume of traffic at peak times).

Turning now to consider the potential impact on Rights of Way (RoW), it is noted that Hoveringham Bridleway No. 13 and Footpath No. 10 passes through the site area outlined in red on the site location plan. The plans submitted with this re-submission now include a one-way system on site which would bring cars entering the site into closer proximity with the bridleway users where the bridleway joins the access track passing in front of the Mill Farm House and through the mill ford. Hoveringham Footpath No. 10 also crosses the access track. NCC Rights of Way therefore requested that the applicant provide further details of how the bridleway users will be kept safe through the site particularly when guests are arriving. They also noted that this updated proposal now includes the use of Mill Farmhouse as part of the venue offer – as such NCC RoW requested that the applicant demonstrated how path users would be kept safe when passing through the site, noting that guest vehicles must not be parked so as to obstruct the Public Right of Way. In response the Applicant has provided a plan which clearly shows the line of the bridleway and right of way and the relationship with the parking areas proposed within the site. The Rights of Way Team have provided amended comments considering the additional information and have explained that subject to a condition to cover additional signage and demarcation of the public rights of way to make site users aware of the rights of way they would not raise any objection to the proposal.

In light of the amendments made throughout the course of this Application as a result of ongoing negotiations with the Highway Authority it is considered that, subject to conditions, the development would now be acceptable in this regard in accordance with the aims of Spatial policy 7 of the Amended Core Strategy, Policy DM5 of the ADMDPD and the provisions of the NPPF in this regard.

Impact of Flood Risk

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Core Policy 10 (which is in line with the NPPF) states that through its approach to development, the Local Development Framework will seek to, amongst other criteria; locate development in order to avoid both present and future flood risk.

The site lies within Flood Zone 2 with some areas in Flood Zone 3 as identified by the Environment Agencies Flood Maps – it is therefore a site at high risk of flooding. Given that the proposal is a change of use, it is not necessary to apply the sequential text in this instance (in accordance with the updated PPG in relation to Flood Risk). However, a site-specific flood risk assessment is nevertheless required to assess the flood risk to future occupiers and third parties.

Following review of the Flood Risk Assessment (FRA) the EA have commented raising no objection to the development subject to it being carried out in accordance with the flood risk mitigation measures detailed (that the finished floor levels shall be no lower than above ordnance datum). The Lead Local Flood Authority also previously reviewed the FRA and advised that they raise no objection subject to a condition requiring submission of a detailed drainage strategy. Having reviewed the submitted FRA, the drainage details proposed are as included within the document.

Given there is no additional built development proposed (as part of the submitted plans) and limited additional hardstanding, the details contained within the FRA are considered to be sufficient in this instance.

Therefore, on the basis of the information deposited in support of this application it is not considered that the proposed development would result in any increased levels of flood risk for users of the site or elsewhere in accordance with the NPPF and Core Policy 10.

Impact on Ecology

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

In the assessment of the 22/02440/FULM application the report stated that *"The preliminary Protected Species Survey concluded that even though the buildings have low roost potential, given the buildings have some features that could be of interest to roosting bats further bat activity surveys were required.*

The applicant has submitted a report based on a Preliminary Bat Roost Assessment carried out at the site on 13th January. The methodology was extended to include a search for incidental evidence of nesting birds. The buildings on site were identified as having moderate bat roosting potential with numerous potential roosting features. The survey concludes that a significant assemblage of foraging bats was considered unlikely in close proximity to the buildings; however, the wider rural landscape with watercourse, woodland and lakes was concluded to be likely to support a large bat population. The survey concludes that the scale of potential effect cannot be determined until two nocturnal bat surveys are undertaken between May and August. No such surveys have been undertaken. Precautionary working methods are recommended for nesting birds."

Officers noted in the 2022 assessment that since this survey was produced, significant additional alterations had been undertaken to the buildings that would have likely disturbed any potential bat activity within and around the buildings. Nevertheless, in the absence of further nocturnal bat surveys and details of compensatory measures to mitigate any potential impact of the unauthorised development, it was considered that the applicant had failed to demonstrate that the development would not have an adverse impact on protected species.

In response, this application has been supported by a second Bat Survey Report (July 2023) and a Bat and Bird Mitigation Plan. This report explains that additional surveys were carried out on the buildings/site to gather a baseline survey of the buildings and adjacent land in respect of roosting bats and nesting birds. The survey concludes that no roosting bats were encountered in any of the structures on-site. As such roosting bats are concluded not to present a major constraint to the proposal. However, the report goes on to explain that as works on the structures commenced prior to bat surveys being complete, it cannot be entirely ruled out that roosting bats have not been displaced by the scheme. Therefore, to offset this, a scheme of compensatory measures have been proposed which include:

- Ten Improved Crevice bat boxes;
- Three maternity colony boxes such as the Improved Maternity Roost box; and

- Three hibernation bat boxes such as 1WQ Schwegler Summer & Winter Bat Roost.

The report advises that these boxes should be mounted on trees within the Applicant's land ownership.

In respect of foraging bats, the Report advises that any new lighting associated with the scheme should follow best practice guidelines to maintain suitable foraging habitats, particularly within areas of the land ownership adjacent including woodland, hedgerows, tree lines or along the watercourse adjacent. It is noted that no new lighting is proposed within these areas given they lie outside of the application site boundary. The Report concludes that subject to any lighting being 'bat friendly', any potential adverse effects on foraging bats would be reduced to negligible levels.

Turning now to nesting birds, the Report advises that with the proposed compensation measures listed below, any potential minor adverse effects on nesting birds would be reduced to negligible levels:

- Installation of three owl boxes in mature trees within the land ownership; Page | 15 Mill Farm July 2023
- Installation of three swallow cups within open fronted sections of the building on-Site or under manmade cover elsewhere on-Site; and
- Installation of eight general bird nest boxes within the land ownership.

All of the above compensation measures have been reflected within the submitted Bat and Bird Mitigation Plan. The Council's Biodiversity & Ecology Officer has reviewed the submitted reports and concurs with the overall conclusions. They have noted that there is a recommendation for a "...generous scheme of mitigation..." and whilst being fully supportive of this approach, many of the proposed locations for the boxes are noted to be outside of the application site boundary but on land within the ownership of the Applicant (i.e., edged in blue on the submitted site location plan). Given the application is retrospective it would not be possible to secure the installation of these features with a Grampian condition as this can only be used to secure implementation prior to the commencement of development. These measures would therefore need to be secured via a S106 agreement. However, this could only be secured if all the measures are considered to be necessary and reasonable to make the development acceptable in planning terms.

The Council's Biodiversity & Ecology Officer has reviewed the submitted reports and advised that the provision of *some* mitigation is appropriate given the potential for roosting bats to have been displaced by the work that has been done. In its own words, the bat survey report has considered the level of mitigation to be '*generous*', and this is a view shared by the Council's Biodiversity & Ecology Officer. Consequently, they recommend that a scaled-down scheme accommodated within the red-line boundary (Site Location Plan Ref. 03_Rev J) would be appropriate, but with priority given to the provision of bat boxes. Because this mitigation assumes that roosting bats have been displaced the Council's Biodiversity & Ecology Officer concludes that it is possible, and likely, that an element of the scheme represents enhancement for roosting bats and nesting birds. Therefore, they consider that the provision of a bat and bird box scheme is necessary to comply with Core Policy 12, but a reduced scheme would still be proportionate and reasonable.

Given other issues have been identified with this application Officers have not sought an amended Mitigation Plan (restricted to the application site boundary), however the Council's Biodiversity & Ecology Officer has recommended that a condition could be imposed to require a revised Bat and

Bird Mitigation Plan be submitted and implemented within a reasonable timeframe of the decision being issued.

In light of the some mitigation measures being considered to be necessary to make the development acceptable in planning terms and the conclusions of the Report which identify the potential long term impact of the use to negligible (subject to the mitigation measures which could be secured by condition) it is considered that the favourable conservation status of bats and birds would be maintained in accordance with the aims of Core Policy 12 subject to a condition as described above.

Other Matters

Policy DM10 of the Allocations and Development Management DPD states that where a site is known, or highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development. Where contamination comes to light as part of the development process, the proposal will be determined in light of this.

Officers note the comments from the Council's Contaminated Land Officer with regard to the potential for land contamination resulting from the previous agricultural use of the site, and also their assessment that this can be dealt with by a phased contamination condition. With such a condition in place, the proposal would accord with Policy DM10. However, acknowledging the fact that this condition is a pre-commencement condition, and the application is retrospective a Phase I survey has been submitted which provides a comprehensive assessment of the potential risk at the site and goes on to conclude that the risk is low and that there is no requirement for any further investigation. The Contaminated Land Officer has advised that they agree with the findings of the report and as such there is no requirement for further assessment or the use of a contamination condition.

Comments from third parties have also been noted and duly taken on board throughout this assessment. Comments in relation to the alleged infilling of nearby ditches and the removal of hedgerows are noted to fall outside of the application site boundary and therefore are to be investigated separately by the Council's Enforcement department.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

Whilst no adverse impacts have been identified in respect of amenity impacts, flood risk, ecology, heritage or highways safety (all subject to conditions and securing a S106 agreement in respect of ecology), it has been concluded that the proposed development would result in a clear and significant spatial and visual harm on the openness of the Green Belt and character of the area by

virtue of the proposed operational development and material change of use which would erode the former open, undeveloped, agricultural character of the site, result in visual encroachment of development into the Green Belt and introduce a significant increase in associated activity to the detriment of the open and rural character of the site, despite the reduction in guests and number of events per year in comparison to the recently refused scheme. It would therefore amount to inappropriate development in the Green Belt, which is harmful by definition. The NPPF states that in this instance planning permission should only be granted in very special circumstances and no such very special circumstances would arise from this proposal even in the context of the economic benefits of the proposed use.

Overall the development is therefore considered to be contrary to Spatial Policy 4B (Green Belt Development), Core Policies 9 (Sustainable Design) and 13 (Landscape Character) of the Newark and Sherwood Amended Core Strategy (2019), Policies DM5 (Design) and DM12 (Presumption in Favour of Sustainable Development) of the Allocations & Development Management DPD (2013) as well as the NSDC Landscape Character Area SPD (2013) and the provisions of the NPPF which are material planning considerations. It is therefore recommended that the application is refused.

10.0 Reason(s) for Refusal

01

The site is located within the Nottinghamshire-Derby Green Belt. Whilst the National Planning Policy Framework (NPPF) provides some exceptions to inappropriate development, the relevant exceptions in this case are only considered to be acceptable where the development would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. It has been concluded that the proposed development would result in a clear and significant spatial and visual harm on the openness of the Green Belt and character of the area by virtue of the proposed operational development and material change of use which would erode the former open, undeveloped, agricultural character of the site, result in visual encroachment of development into the Green Belt and introduce a significant increase in associated activity to the detriment of the open and rural character of the site. It would therefore amount to inappropriate development in the Green Belt, which is harmful by definition. The NPPF states that in this instance planning permission should only be granted in very special circumstances and no such very special circumstances would arise from this proposal. The application is therefore contrary to the NPPF, a material consideration in addition to Spatial Policy 4B (Green Belt Development), Core Policies 9 (Sustainable Design) and 13 (Landscape Character) of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 (Design) of the Allocations & Development Management Development Plan Document (2013) as well as the NSDC Landscape Character Area Supplementary Planning Document (2013) which is a material planning consideration.

Informatives

01

Refused Plans:

- Site Location Plan – 03 Rev. J (deposited 11.08.2023)
- Topographic Site Survey – Ref. 22356-23-01
- Existing Floor Plans Barns - Ref. 22356-23-02 (deposited 05.09.2023)

- Existing Elevations Barns - Ref. 22356-23-03 (deposited 05.09.2023)
- Proposed Plans - Ref. 22356-23-04 Rev. G (deposited 05.09.2023)
- Proposed Elevations - Ref. 22356-23-05 Rev. E (deposited 05.09.2023)
- Amended Block Plan – Ref. 22356-23-06 Rev. I (deposited 06.09.2023)
- Existing Floor Plans (Main House) (deposited 11.08.2023)
- Proposed Floor Plans (Main House) (deposited 11.08.2023)
- Swept Path Analysis Sheet 2 of 2 – Ref. MA11714-1101 Rev. B (deposited 11.08.2023)

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However, the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

03

The applicant is advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 23/01159/FUL



