

27/15/0025

MR MIKE PEACE

Change of use from agricultural to agricultural and flexible use Class D2 (Assembly and Leisure) at Knapp Farm, Hillfarrance Road, Hillfarrance (retention of works already undertaken)

Location: KNAPP FARM, HILLFARRANCE ROAD, HILLFARRANCE,
TAUNTON, TA4 1AN

Grid Reference: 317474.12467 Retention of Building/Works etc.

Recommendation

Recommended decision: Conditional Approval

Recommended Condition(s) (if applicable)

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) Barn Licensed Area

(A4) Knapp Farm Plan (received 01.03.2016)

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The permission for the change of use hereby permitted relates solely to the building hatched yellow on the site plan drawing hereby approved. The hatched building may be used for purposes falling within Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) except that the building shall only be used for purposes falling within Class D2 for a maximum of 5 events in any given calendar year and no more than two events shall be held in any given 7 day period. For the purposes of this condition, an event shall be defined as commencing no earlier than 10.00 on any given day and concluding no later than 00:30 the following day and the said hatched building to which this permission relates shall be clear of people by 00:30 at the end of the event.

Reason: To prevent an unreasonable impact upon the amenities of neighbouring properties.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 4 , Class B or any order revoking and re-enacting the 2015 Order with or without modification), the land edged red shall not be used for any purpose for more than 10 days in any calendar year without the further grant of planning permission, except that this restriction shall not apply to car parking or camping in connection with activities permitted in the barn hatched on the

approved plans and permitted in accordance with condition 2.

Reason: To prevent an unreasonable impact upon the amenities of neighbouring properties; the change of use is partly justified by the fallback position generated by permitted development rights, so it is reasonable to further restrict these rights.

Notes to Applicant

Proposal

This application seeks full planning permission for the change of use of an existing agricultural barn to a mixed use for agriculture and D2 (Assembly and Leisure) use. The purpose of the proposal would allow the use of the site as a wedding reception venue and similar. A change of use is sought on the 'piggery' building adjoining the highway, which contains catering facilities and a newly installed bar; and on the adjoining modern portal framed building which would be the main 'public' events space. The bar is contained within the piggery, but the serving hatch is into the modern building.

The proposal indicates that the field adjoining the east of the main house could be used for overflow parking.

Site Description

Knapp farm is a historic farmstead in the rural area. Overall, the site comprises a grade II listed farmhouse (recently renovated), historic and modern farm buildings, and surrounding agricultural land. The application relates to the former piggery which adjoins the highway to the west of the main house and an attached modern portal framed building. There are three vehicular accesses to the site – to the east and west of the buildings and a central one into the yard area which is no longer used. To the west, an agricultural building frames a yard area and to the east is the main access and parking area for the farmhouse.

To the north of the site is Higher Knapp Farm and boarding cattery, where permission has also been granted for kennels.

Relevant Planning History

Listed building consent was granted for major refurbishment of the farmhouse in 2009. At that time, permission was also given for the enlargement of the existing access gateways to the east and west, creation of a new farmyard area to the west and domestic driveway and parking area to the east.

In 2013, permission was given for the change of use of part of the house to provide bed and breakfast accommodation. A new agricultural storage building to the west was also permitted at this time.

In 2014, permission was granted for the conversion of the Granary building to a single unit of self-contained holiday accommodation; this has not been implemented.

Consultation Responses

OAKE PARISH COUNCIL - The Parish Councillors voted unanimously to object to the above planning application for the following reasons:

1. Traffic - access to the property is along a single track lane with few passing places. Pedestrians and horse riders use this road on a regular basis, and having this event venue would increase the volume of traffic along this narrow lane.
2. This lane is also part of the national Sustrans cycling route and therefore heavily used by cyclists.
3. Neighbours - thought should be taken into account with close neighbours in this quiet lane regarding noise disturbance late at night and privacy.
4. Economic impact - there are two local businesses which offer functions so a further business may have a financial impact.
5. Visitors will be passing through the small settlement of Hillfarrance.

The Councillors hope the above concerns are taken into account regarding this application.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – Comments as follows:

Thank you for consulting on the above application change of use from agricultural to D2 assembly and leisure.

The application form says that it is proposed to have weddings at the premises and, if the permission were granted, it may be that other events could be held there. There is the potential for noise, in particular amplified music, to disturb nearby neighbours and there is one residential property 25m away. However, it is difficult to comment further as the application does not provide details of the type of event, the times that they will be taking place and how often they may happen.

It is also not clear which buildings are to be used for events. The application refers to the “pigsty” building, however, there is an adjacent barn which is shown on plans as a “licenced area” and is referred to elsewhere as being used as a wedding venue.

The applicant should provide a noise assessment to determine the potential impact of any noise and explain how this will be mitigated to ensure that it does not cause unreasonable disturbance to people at any neighbouring properties. This should include details of potential sources of noise, the times and frequency that any events will be happening and the likely level of noise at nearby premises. It should also assess the structure of any building where noise could be generated and

determine what level of sound proofing or other noise controls will be required.

It may be that planning conditions could be used to control the noise. For example, by limiting the number of noisy events and having a restriction on the level of noise at other nearby premises. It would be better to have more detail about the proposed use of the premises before trying to draft any conditions.

HERITAGE - In conservation terms, the main issue is the potential impact on the setting of the listed building. No additional buildings have been introduced, nor are there changes to the existing buildings that would affect the setting. My main concern is the overflow car park to the east, where the car parking is shown very close to the listed building. Car parking here (even occasional) would detract from the setting of the listed building. Adequate screening and appropriate surfacing might mitigate this, provided there was sound justification and a demonstrable public benefit to having the car park that outweighed the harm.

Subsequently commented as follows:

Further to my consultation response of 25th January, regarding the car parking, I wish to add that provided there is no formal car parking with permanent surfacing proposed, occasional use of this area on a restricted basis would be acceptable in conservation terms.

ECONOMIC DEVELOPMENT – The Economic Development Service is supportive of enterprise in rural areas of the borough, so long as the activity is compliant with various legal standards and local plan policies. Rural enterprise is crucial to the Taunton Deane economy and makes up a high proportion of sustainable self-employment locally.#

BIODIVERSITY – No observations to make on this application.

Representations Received

Letters of **objection** have been received from 5 different people raising the following issues:

- There is a lack of explanation regarding the exact proposed use or opening times.
- The relationship between the site and neighbouring dwellings is not shown.
- The potential environmental impact on neighbours is not identified.
- Reference to continuing agricultural use is an attempt to dodge a requirement for noise attenuation.
- This is the wrong location for any kind of mass entertainment.
- There will be an increase in traffic.
- There will be very loud music into the small hours.
- A noise assessment is required.
- This 'pop-up' pub is unnecessary and insensitive competition to nearby struggling local pubs.

- The property is currently on the market and the planning application could be a ploy to make the property more appealing.
- Prospective national or commercial organisations may wish to develop a major entertainment facility to the detriment of local residents.
- Query what it meant by 5 events.
- The modern steel framed barn is not listed, so could have the necessary noise insulation installed.
- Controls on amplified music do not necessarily control noise from crowds, vehicles etc.
- Planning Practice Guidance advises planners to avoid noticeable and disruptive levels of noise.
- Use of the gravelled car park will be disruptive to amenity – all parking areas require hard surfacing to mitigate this.
- The applicant will be able to undercut local establishments to the detriment of the local community.
- Visibility at the access is obstructed.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - CP 8 ENVIRONMENT,

Local finance considerations

None.

Determining issues and considerations

The main issues in the consideration of this application are the principle of the development, the impact on neighbouring property, the impact on the highway network and the impact on the setting of the listed building.

Principle of development

The site is in the open countryside, where development is strictly controlled. Policy DM2 provides exceptions and details permissible uses in such locations.

The policy permits 'recreational facilities', although this is under the banner of 'Holiday and Tourism'. It is, therefore, questionable whether the intended use should be classified as a recreational facility, although it could be in the broadest sense and it is probably reasonable to say that a fair number of guests at weddings and the like may be tourists to the area. Weighing in favour of this interpretation, the site is already authorised for bed and breakfast accommodation. The policy also permits the conversion of existing buildings to community uses – being the most highly favoured use in the sequential list of possibilities – and the use of the building for D2, assembly and leisure uses, could also fit into this category, given a generous interpretation.

The applicant has confirmed that they would willingly accept a restriction limiting the number of events to a total of 5 in any given calendar year. This being the case, the overall change of use is not a significant one and the building would effectively remain in a mixed use for D2 leisure uses and agriculture. Given the very low intended use, it is considered that the proposal is acceptable in principle.

Impact on neighbouring residents

The closest neighbour is directly opposite, over the road, to the north. This neighbour has reported disturbance from previous events that have been held at the site and raises concerns about the potential for noise disturbance late into the night. These neighbours consider that measures should be employed to attenuate sound emanating from the building, but also raise concerns over the noise from departing guests and vehicles using the gravelled driveways late at night.

All of these are legitimate concerns and it is clear that the use of the building as proposed could very well lead to disturbance. It is also accepted that any restriction on the hours of amplified music (as can be controlled by a premises license) would not necessarily overcome these concerns as unamplified bands and general singing/partying can at times be noisy, as can the noise of guests leaving the venue.

The applicant has not undertaken any assessment of the acoustic properties of the building; there are no noise reports, so it is difficult to assess how much sound may leach into the local environment. In any case, attenuating sound from the building could not control the noise of guests outside the building (conditions could not be imposed to contain them inside) nor disturbance arising from the movement of vehicles.

As noted above, the applicant has agreed to a condition restricting the use to 5 events per year. An event would be defined as commencing after 10am on any given day and concluding by 00.30 the following. It is considered prudent to prevent more than two events occurring in any one week.

In light of the limited use proposed, it is considered that the actual disturbance would

be infrequent, so the potential harm to neighbouring amenity would be limited. It is also worth noting that it would be possible for the owner to site a marquee on their land for the same purpose for up to 28 days per year, which would give a far greater scope for a more intense use than is currently planned. A marquee is likely to have even lower sound attenuation properties than the agricultural building and, therefore, represents a reasonable comparison. In that situation, as with the current proposal, it would not be possible to control noise outside or the movement of vehicles.

With regard to this fallback position, the inability to control outdoor activities and in particular, the low number of events proposed per year, it is not considered reasonable to require substantial physical alteration to the building, nor the hard surfacing of the parking areas. However, the removal of permitted development rights to prevent the siting of a marquee (or similar) for further events is considered to be justified and will ensure that events remain at such a level that, taken in the round, would not have a harmful impact upon the amenity of neighbouring and nearby residents.

Highway impacts

The proposed use will have the potential to generate significant amounts of traffic for short periods of time. At the time of writing, no formal comments have been received from highways, but as with the other considerations, your officers consider that this impact will be limited due to the infrequency of the proposed use.

Impact on the listed building

The conservation officer considers that the barn proposed for the change of use is not curtilage listed as it is a modern, post 1948 structure. In any case, the small intervention of providing the bar into this area would not affect the character or any historic features. Therefore, listed building consent is not required. No external works are proposed to the site for the change of use to occur and the issue is, therefore, the impact on the setting of the listed building.

The conservation officer initially commented that large parking areas and the presence of parked cars would cause a detrimental impact upon the setting of the listed building. However, as with the amenity issues, this would be for a very small proportion of time overall. As there will be no hard surfacing of the overflow parking areas and this will, essentially, just be cars parking on the surrounding fields, it is not considered that the use would have a detrimental impact upon the setting of the listed building. The conservation officer has since confirmed his opinions on this matter and agrees with this position.

Conclusions

It is considered that the use is acceptable in principle in terms of the requirements of policy DM2 and, especially, given the limited use that the building will be put to and that the agricultural use will be able to continue alongside the new use. Although some disturbance may be noticeable, given the very limited use it is not considered that the proposal would result in significant harm to the amenities of other nearby

property. The same is true of the impact on the highway network and potential intrusion of car parking into the setting of the listed building.

With regard to these matters, the proposal is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Matthew Bale