

07/20/0011

MRS VENN

Change of use of land and buildings from equestrian/agricultural use to a camping site with the buildings providing facilities incidental to the holiday use and also for the use of holding up to 8 No. events per year (weddings/family parties) with erection of extension to building, formation of footbridge over leat and installation of foul drainage at Mill House Equestrian Centre, Hele Road, Bradford On Tone (resubmission of 07/19/0011) (retention of part works already undertaken)

Location: EQUESTRIAN CENTRE, MILL HOUSE, HELE ROAD, BRADFORD
ON TONE, TAUNTON, TA4 1EP

Grid Reference: 317627.123386 Retention of Building/Works etc.

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A3) DrNo 1930-01B Existing Block Plan

(A3) DrNo 1930-02B Location Plan

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

3. Noise emissions from any part of the premises or land to which this permission refers shall not exceed 44dB expressed in terms of an A-Weighted, 15 Min Leq, at any time when measured at the point marked X on the attached plan 'Bradford Mills monitoring point'. After 23:00 hours, noise emissions from any music at the premises or land to which this permission refers shall not be audible at the point marked X on the attached plan 'Bradford Mills monitoring point'.

Reason: To protect the amenities of the nearby residents.

4. No amplified music shall be played outside the barn.

Reason: To protect the amenities of the nearby residents

5. No amplified music shall be played within the barn on the site except on eight days of the year.

Reason: To prevent users of the camping facility from playing music in the interests of the amenities of the surrounding residents

6. Before the development hereby permitted is commenced the existing access shall be modified to incorporate the following:

- The access over the first 20 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel).
- The access over the first 20 metres shall be widened to no less than 5.5m in width to allow larger delivery vehicles attending the site to do so without over-running the highway verges.

The above shall be provided in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway amenity.

Pre –commencement reason: to ensure that the access is safe prior to the commencement of use.

7. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the LPA. The scheme shall be implemented as approved.

Pre-commencement reason: To prevent the increased risk of pollution to the environment.

Reason: In the interests of the environment.

8. The following will be mounted on the buildings:
 - a) A Beaumaris Woodstone maxi bat box or similar will be mounted under the apex of the west elevation of the building and maintained thereafter.
 - b) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevation]

Photographs of the installed features will be submitted to the local planning authority prior to the first use of the building.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework.

9. The bridge shall not be constructed during the period March to August inclusive in any one year. Written notification of when works to the bridge shall commence will be submitted to the Local Planning Authority.

Reason: In the interests of a Schedule 1 bird species and in accordance with policy CP8 of the Taunton Deane Core Strategy

10. No more than 8 events shall be held per year at the premises, on no more than 3 consecutive weekend.

Reason: To protect the amenities of the local area.

Notes to Applicant

1.
 - The cesspit should be a pre-formed, watertight structure designed for the purpose.
 - The cesspit should be installed as far away as possible from the nearest watercourse, spring, borehole or well and maintained to the satisfaction of the LPA.
 - There should be a high level warning device to ensure timely emptying, and the prevention of pollution following overflows.
 - There should be no pre-formed overflow.
 - Any discharge from the structure to any watercourse/soakaway will be un-consented and illegal under the Water Resources Act 1991 and therefore subject to legal proceedings.
 - There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.
2. The applicant should note that if the barn is used for a different commercial activity it is likely to have to comply with a number of requirements under the Building Regulations (for example, thermal and fire safety, drainage and access). Any foul drainage system should also meet Building Regulations. The applicants should contact the Somerset Building Control Partnership before carrying out any works or using the building for these activities.
<https://www.sedgemoor.gov.uk/somersetbcp>
3. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

Proposal

The application seeks permission for:

- The change of use of the land and barn within the red line from agricultural/equestrian to a camping site.
- The barn would provide facilities incidental to the camping use and also seeks consent for use for the holding of up to 8 events per year, between the months of April and October on no more than 3 consecutive weekends.
- Erection of extension to barn including insertion of mezzanine floor.
- Formation of foot bridge over mill leat; and
- Installation of cesspool/silage tank.

Please note: The word caravan has since been removed from the Planning Statement because it was a 'typo'. It was subsequently removed from the proposed description.

Site Description

The site comprises of 14.1 hectares of land and is located within open countryside, to the north of the village of Bradford-on-Tone. The site comprises several stone and late 20th Century block built buildings and an agricultural building. To the north of the buildings there is a camping pod site which is separated from the buildings by a paddock and a young orchard. The farmhouse is the south-eastern most building and the land falls down to a lower level to the west. There is a 3 storey Mill building (residential in separate ownership) adjacent to the farmhouse where the mill leat runs underneath. The site and surrounding landscape is largely flat.

Currently, the site is used for providing riding lessons with equestrian facilities and camping. Since 2019, the site has been running events from the agricultural storage building.

Relevant Planning History

07/07/0015, Change of Use of barns and stables to 3 dwellings and garaging, withdrawn on 06/02/08

07/08/0009, Conversion of 2 barns and adjacent stables to 3 dwellings and garages, refused on 15/07/08. Appeal APP/D3315/A/08/2090528 allowed on 15/04/09.

07/18/0018 Erection of agricultural storage building approved 20/11/2018

07/18/0022 Change of use of land and the construction of four camping pods on land at Mill Farm, Mill House, Bradford-on-Tone, TA4 1EP (partly retrospective) refused on 18/12/2018.

07/19/0002 Change of use of land from equestrian for siting of 4 No. camping pods at Mill House, Equestrian Centre, Hele Road, Bradford On Tone (resubmission of 07/18/0022) approved on 01/05/2019.

07/19/0011 Erection of extension with installation of mezzanine first floor and change of use from agricultural/equestrian storage building to sui generis (mixed use) storage and occasional events venue (community events and up to 15 licenced events annually) with formation of foot bridge over mill leat and installation of cesspool/silage tank at Mill House Equestrian Centre, Hele Road, Bradford on Tone (retention of part works already undertaken). Refused 06/12/2019:

- 1. It is clear from the proposal that one of the intended uses would be a wedding venue. The proposal has failed to provide the supporting evidence to justify this diversification of the agricultural building required by local policy. Therefore, the principle of the change of use is contrary to Policy DM2 (1a) and (7b) and criterion a - b of paragraph 83 of the NPPF.*
- 2. A number of potential uses have been mentioned within the supporting information. The exact proposed diversification therefore cannot be identified and a judgement cannot be made in terms of the wider principle of change of use and the amenity impacts that could arise from such a change of use. The application is therefore not in accordance with Policies DM1 or DM2 of the Core Strategy.*
- 3. The use of the barn as a wedding and party venue would give rise to noise, to the detriment of the individual dwellings, residential areas, and potentially other areas of the local and wider environment. In this regard the application is contrary to Policy DM1(e) of the Core Strategy.*

Consultation Responses

BRADFORD ON TONE PARISH COUNCIL - 1. The Applicant. Councillors noted that previous applications relating to this site have been made by Mr A Venn but this application is in the name of Mrs G Venn. Should it be treated as a joint application by Mr A and Mrs G Venn?

2. Parking. The previous application 07/19/0011 stated that there would be no change in parking but plans showed a field adjacent to the ménage as available for parking at events only. The current application states that there is no change but parking is available for 50 vehicles at events only. The application does not address parking issues that might arise if consent for change of use were to be granted for the whole site, as opposed to the barn only.

3. Access. Although the Design and Access statement refers to the Parish Council withdrawing that part of its objection that related to the access, this has not been addressed within the present application as is claimed. The council are told that no alterations have been carried out and there are no adequate plans with the application showing the re-routing of the access away from Bradford Mill and widening of the track leading to the proposed car park. Furthermore if approval is given for the change of use proposed that will bring with it additional access issues.

4. Noise. The Noise Impact Assessment submitted with the application appears to solely address the issue of noise emanating from the barn during events. The assessment is largely based on assumptions and contains many qualifications. It is unfortunate that it was not prepared in consultation with the owners of Bradford Mill

who might have been willing to allow access to their premises to enable more accurate measurements to be taken both within and without their property. The assessment is largely based on the Code of Practice on Environmental Noise Control at Concerts, Is there no more appropriate guidance that might be relevant to wedding and similar events located in rural areas? The Council are not satisfied that the noise generated from the 8 events proposed would meet the criteria laid down by the Noise Policy Statement for England. The Assessment does not take into account change of wind direction and strength, nor does it consider the use of the site on non-event days if, for instance, visitors to the holiday accommodation were allowed to have music within the barn. It also appears to be the applicants' intention to increase the number of events, which is likely to further inconvenience residents in Bradford on Tone.

5. Change of Use. The Council note that the application relates to a different site than the previous application. Instead of being limited to the barn itself it now covers the surrounding areas including that occupied by the Shepherds Hut, Camping Pod and proposed further pods. However the extent of the land to be covered by any consent does not appear to be clearly defined. It is unclear as to what the applicants' true intentions are. If permission were granted for a camping and caravan site that would raise many more issues - would it cover caravans, motorhomes and camper vans as well as tents? If so the access would be wholly inappropriate and threatened traffic noise levels much greater. Is the applicant intending to discontinue the equestrian centre, the justification for the barn in the first place? A well-run equestrian centre would be a greater asset to the village.

6. Previous Planning Consent. The applicant has yet to comply with the conditions attached to the previous consent under application 07/19/0002. How can the Parish Council be satisfied that it is the applicant's intention to comply with any conditions that might be attached to any consent on this occasion. For the reasons set out above the Parish Council are unable to support the above application and therefore wish to formally object to the application.

Environmental Health - If the decision is made to allow the change of use I would recommend that conditions are used to restrict the number of events and to control the level of noise from music. Some of the recommendations are mentioned in the Noise Management Plan. These could include:

- No amplified music to be played outside
- No amplified music shall be played within the barn on the site except on eight days of the year.
- No music shall be played on more than three consecutive weekends.

A noise limiting device shall be installed and used whenever there is an event in the barn involving live or recorded music.

SCC - TRANSPORT DEVELOPMENT GROUP - It is noted that the submitted details state that following recent negotiation between the applicant and the Parish Council an amended access arrangement is proposed. However, it is understood that this is an on-site arrangement to aid vehicle circulation and direct noise levels away from neighbouring properties and will not affect the position of the junction between the access track and Hele Road.

In this regard the Highway Authority does not wish to make comment further to those submitted under application 07/19/0011.

SCC - ECOLOGY –

- An Ecological Impact Assessment of the application site was carried out by JH Ecology in August 2019. This found no evidence of roosting bats or

nesting birds. Suggestions were made for enhancements by way of bat and bird boxes. The National Planning Policy Framework (170d) requires biodiversity enhancement to be provided within development. As such a condition has been recommended (please see condition 8)

- A bridge is proposed but has not been included in the ecology report. This spans the River Tone and Tributaries Local Wildlife Site. Lacking evidence to the contrary, and assuming that some vegetation would be removed and that there is potential for the presence of kingfishers, a Schedule 1 species on the Wildlife and Countryside Act 1981 (as amended) which affords protection from disturbance during the breeding season including whilst with dependent young. As such condition 9 has been imposed.

ENVIRONMENT AGENCY - Provided the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection, in principle, to the proposed development, subject to the suggested condition No. 7.

Part of the site is within Flood Zone 3 therefore the Sequential Test requirements should be considered. However, it is recognised that the building and access is located in Flood Zone 1 which is the most suitable designation with regards to flood risk.

In addition, the application form indicates that foul drainage is to be discharged to a non-mains drainage system (cesspool). We aim to resist the proliferation of cesspools on the grounds of sustainability, however we do recognise that there will be certain circumstances where there is no viable alternative option. If this is the case the following comments must be noted:

- The cesspit should be a pre-formed, watertight structure designed for the purpose.
- The cesspit should be installed as far away as possible from the nearest watercourse, spring, borehole or well and maintained to the satisfaction of the LPA.
- There should be a high level warning device to ensure timely emptying, and the prevention of pollution following overflows.
- There should be no pre-formed overflow.
- Any discharge from the structure to any watercourse/soakaway will be un-consented and illegal under the Water Resources Act 1991 and therefore subject to legal proceedings.
- There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Representations Received

18 objections were received which raised concerns regarding:

- Noise
- Increased camping use

- Increased traffic
- Parking
- Traffic
- Local need
- Uses proposed
- Amenity
- Noise
- Impact on wildlife
- Light pollution

19 letters of support were received in relation to:

- Beautiful venue.
- Support for local economy and businesses.
- Level of noise could be controlled.
- Preferable to a marquee.
- Diversification of a local business

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), the Taunton Site Allocations and Development Management Plan (2016), 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.

CP8 - Environment,
 DM1 - General requirements,
 DM2 - Development in the countryside,
 DM4 - Design,
 SB1 - Settlement Boundaries,

Determining issues and considerations

The main issues of this case are the principle of development, impacts on the character and appearance of the area, impact on residential amenity, flooding/drainage and highways/car parking.

Principle of the change of use

The site is located in open countryside where core policy DM2 would apply. This policy states that outside of defined settlement limits, a number of uses will be

supported.

The list of acceptable uses within such areas under this policy allows for:

1. Community Uses;
2. Class B Business Use;
3. Holiday and Tourism;
4. Agriculture, Forestry and related uses;
5. Residential Dwellings;
6. Replacement Housing;
7. Conversion of existing buildings; and
8. Development for essential utilities infrastructure.

When considering this, with the information provided in the proposal, the criterion relevant will be 3 and 7.

Also relevant in local policy terms is policy SB1 of the adopted Site Allocations and Development Management Plan 2016, that guides on a sustainable approach to development and assessment against Core policies CP1 (Climate Change), CP8 (Environment).

The National Planning Policy Framework, (NPPF) 2019, is also relevant and in particular paragraphs 8-10 (Sustainable development) and paragraphs 83 and 84 regarding supporting a prosperous rural economy and diversification of agricultural and land based businesses. Also of primary relevance in this case is Chapter 14 of the NPPF, Meeting the challenge of climate change, flooding and coastal change, paras 155-165, which seeks to avoid locating inappropriate development in areas at risk of flooding.

In light of the above, the Council supports the diversification of agricultural buildings, and as the building is being adapted for the change of use by the addition of an extension, including two wet rooms, a kitchen, and the installation of a mezzanine floor this could constitute a conversion and therefore the sequential approach in line with Criterion 7 of Policy DM2, should be applied.

Criterion 7 states the sequential approach must be followed in the following priority:
i. Community uses; ii. Class B business uses; iii. Other employment generating uses; iv. Holiday and tourism; v. Affordable, farm or forestry dwellings; vi. Community housing; vii. In exceptional circumstances, conversion to other residential use;

The extension and additional facilities within the barn would support the existing camping use of the site. Campers would be able to use the kitchen and bathroom facilities so the proposal is in accordance with Criterion 7(iv) of Policy DM2. In addition as the barn will be used for Holiday and Tourism purposes, the proposal complies with Criterion 3 of Policy DM2.

The extension would also allow the barn to function as a venue to hold weddings and parties, allowing the barn and this Agricultural and Equestrian land/business to further diversify in accordance with paragraphs 83 and 84 of the NPPF (2019) regarding supporting a prosperous rural economy and diversification of agricultural and land based businesses.

In consideration of the above, it can be concluded that the principle of development

is acceptable.

Design

The existing building has a footprint of 22m x 14m and was approved on 20/11/2018 under permission reference 07/18/0018. The extended building would have a footprint of 27 m x 14 m and would have the same design as existing, incorporating vertical cladding and box profile roofing. It is therefore not considered that any visual harm would result from the extension. Furthermore, existing hedgerow boundaries to the north and south of the site would mitigate any potential visual impact of the extended building within its rural setting.

Formation of footbridge over the mill leat would be visually acceptable and would not have an unacceptable impact on the surrounding area, providing the conditions suggested by Ecological Officer are imposed.

The installation of the sess pool tank is considered to be acceptable given that it would have no visual impact on the landscape.

Amenity

The LPA recognise that potential noise arising from the proposed uses of the barn is a great concern for residents of this area and therefore the most pertinent issue that must be considered.

One of the main reasons for refusal of the previous application 07/19/0011 was noise and the lack of information submitted to allay concerns of the LPA and residents. For this application, a noise impact assessment (NIA) has been submitted which is considered to specifically respond to the concerns raised by the Environmental Health Officer (EHO) and local community regarding music noise from the proposed development. The NIA undertook the following:

- a review of relevant legislation/guidance;
- an on-site noise survey to determine existing background noise levels;
- on-site acoustic testing of the barn to determine the sound-reducing qualities of the building envelope and level of noise propagation to the nearest residents;
- a noise modelling exercise which has been 'calibrated' by matching the results of the model to the on-site testing, and then using this to model live music within the barn (after the proposed extension) to predict Music Noise Levels (MNLs) at nearby residents; and
- an assessment of predicted MNLs against relevant guidelines, including those suggested by the EHO.

In relation to the provision of amplified music before 23:00, this assessment demonstrated that MNL's should be well within the recommended guidelines that are commonly applied to other similar venues - and have been identified by the EHO as being relevant to this site.

In relation to the provision of amplified music between 23:00 and midnight, this assessment demonstrates that the use of a noise limiter system inside the barn - set

at 90 dB(A) above the dancefloor – will result in music noise being inaudible inside bedrooms in the local area.

In light of the above assessment, the LPA have concluded that the noise levels would be acceptable providing a number of conditions were attached to the permission. Please see conditions 3 to 5.

As previously mentioned it is proposed to use the barn for up to 8 events per calendar year with amplified music, to be held between April and October each year on not more than 3 consecutive weekends. This is a vast improvement on the previous proposal which would have involved 15 events between ‘the summer months’ and the currently used 28 day rule for outdoor events which are not subject to any planning controls.

The LPA recognises that the patrons will possibly still be on site after 23:00, especially if they would also be using the camping facilities, and they may make some noise that could carry. However, the change of use proposed will clarify the planning history and correctly control the use of the barn as incidental to the holiday accommodation use with consent for up to 8 events annually. The consent will also establish the holiday use of the land on which the building sits and as such removes the potential for continuing to exercise the 28 Permitted Development rights it benefits from, which could cause amenity impacts that go over and above the proposed.

In light of the above assessment it can be concluded that the proposed would be acceptable in terms of amenity with the relevant conditions imposed to control the noise.

Highways

As this site has already been the subject of a previous similar application the applicant benefits from the advice provided during that process. The Highway Authority did not object to the proposal and suggested the imposition of conditions would be sufficient to allow the scheme to be approved.

Flooding

Part of the site is within Flood Zone 3 and for this reason the Environment have suggested that the Sequential Test be considered.

However, the building, access and camping is located in Flood Zone 1 which is the most suitable designation with regards to flood risk.

Please note: The camping pods approved under planning permission 07/19/0002 were subject to a condition which imposed that the camping would be located within Flood Zone 1.

Other matters

The formation of the footbridge and cess pool would be acceptable provided the recommended conditions from Environmental Health and Ecology were applied and

complied with.

Summary

In light of the above assessment, it is recommended that planning permission is approved subject to the appropriate planning conditions.