

Stansted **560823 162150** **8 February 2010** **TM/10/00294/FL**
Downs

Proposal: Partial change of use of barn for up to 14 events and functions per year, in addition to continued use as ancillary residential amenity and agricultural farm storage
Location: Court Lodge Plaxdale Green Road Stansted Sevenoaks Kent TN15 7PG
Applicant: Mr Harry Bott

1. Description:

- 1.1 The proposal seeks planning permission for the conversion of a barn to hold events and functions. The applicant is also proposing to continue using the barn as ancillary residential amenity and agricultural/ farm storage.
- 1.2 The application is a retrospective application. Work was originally carried out to convert the building in 1996 to allow the applicants to use it for their own wedding.
- 1.3 Temporary planning permission was granted for the above change of use on 25 March 2009. This consent lapsed on 31 March 2010.
- 1.4 Events that have taken place in the building include wedding receptions, art exhibitions, fund raising events for charities and Christmas dinners. In 2009, a total of 10 events were held (4 paid and 6 unpaid), including a fundraising dinner for 100 people, two family events, a school play and two farmers markets. In 2007 and 2008 there were 11 events held each year (8 paid and 3 unpaid).

2. Reason for reporting to Committee:

- 2.1 Review of effect of previous Temporary Consent.

3. The Site:

- 3.1 The site is located within the village of Stansted, within the Metropolitan Green Belt and Conservation Area. The barn is adjacent to a Listed Building (Court Lodge). To the north of the application site lie a number of farm buildings that have been converted to office buildings. Access to the barn is via the courtyard that these farm buildings centre around.

4. Planning History:

TM/00/01926/LB Grant With Conditions 25 September 2000

Listed Building Application: Change of roof material and eaves detail

TM/39/10134/OLD Grant with conditions 3 May 1939

Additions.

TM/09/00160/FL Approved 25 March 2009

Retrospective application for partial change of use of barn for events and functions in addition to continued use as ancillary residential amenity and agricultural/farm storage

5. Consultees:

5.1 PC: No response.

5.2 KCC (Highways): No objections.

5.3 DHH: Environmental Health has received no complaints of noise. As listed in the design and access statement, the applicant has taken a number of steps to ensure noise disturbance is kept to a minimum. So long as this continues I have no objection to this change.

5.4 Private Reps (5/0S/0X/3R): 3 letters received, objecting on the following grounds:

- Since temporary permission was granted in March 2009 there have been very few commercial events (fewer than previous years and fewer than proposed). Therefore it was not representative and it is difficult to assess whether the measures put in place will be effective and would therefore be beneficial to have another temporary period;
- Should permission be granted, and further site visits made by Environmental Health, it would be helpful for us to have clarification and reassurance on these points by TMBC;
- It would be reassuring to have 'normal' Sunday hours honoured, rather than until 11.30pm;
- During the past year Stansted Village Hall has been extended and renovated and an extension planned for St Mary's Church. Both are close to Court Lodge and therefore there will be increased traffic, parking and noise in the village;
- Concerned that Stansted will become a 'Wedding Theme Village' attracting people from far;
- Since temporary consent has been granted the applicant would have been mindful that they would need to re-apply so they would have been careful to cause minimum disturbance;

- Last year would not have been representative of the barn's use and the impact of that use, given the recession;
- Will the use of the barn include the facilities being used for filming purposes, as was the case on 24/2/10;
- 13 or 14 events per year means that the barn is likely to be used every weekend throughout the summer, which would cause disturbance to neighbours;
- The mitigation of events should not rely entirely on the applicant's voluntary imposition of a rental agreement, which could change at any time. Permission stays with the property, not with the applicants.

6. Determining Issues:

- 6.1 The main determining issues relating to this proposal are the conversion of the barn for such use, parking and highway issues and acoustic issues.
- 6.2 PPS4 and PPS7 and policy DC1 of the Tonbridge and Malling Borough MDE DPD states that proposals for the reuse of existing rural buildings for commercial development will be permitted subject to a number of criteria.
- 6.3 The previous proposal established that the building is of a form, bulk and design that is in-keeping with the adjacent office building conversions. It is of a permanent, substantial and sound construction.
- 6.4 In terms of highway issues, there have been no objections raised by KCC (Highways), based upon the fact that there have been no adverse highway safety issues associated with the use of the barn over the past three years of operation. There is no indication within the information submitted that the applicant wishes to intensify that use in any way. The application was originally submitted with longer hours proposed, but has now been amended to reflect the hours of the previous temporary consent.
- 6.5 Many of the concerns raised by private reps with respect to the proposal relate to noise and disturbance. No complaints have been received by DHH relating to noise arising from events already held at this site. There appears to be no record of planning enforcement complaints since the last permission. As with the previous temporary consent, any planning permission could include suitable conditions to restrict the number of days per year that events are held, the hours of use and noise and the maximum level of noise permitted. The fields shown to be used as temporary car parks could be used for vehicle parking for up to 28 days per year without requiring a planning application under the Town and Country (General Permitted Development) Order 1995.

- 6.6 I note the concerns that there are other suitable facilities in the locality and the fact that the village could become a wedding themed village. However, the suitability of this site needs to be considered on its individual merits. If the number of events permitted is controlled by limit, I do not consider it a reason in itself to refuse planning permission.
- 6.7 I note the concerns raised in terms of the lower number of commercial events held by the applicant within the last year from the previous two years. However, I consider that in view of the fact that there have been no complaints of noise to DHH over the last 3 years, this does not give justification to grant planning permission on a temporary basis again.
- 6.8 With respect to the query raised about monitoring noise levels, whether pro-actively or re-actively, any assessment would take place where the 'blue line' (which defines land other than the application site owned or controlled by the applicant) adjoins or comes closest to the boundary of noise sensitive premises.
- 6.9 The term 'barely audible', as referred to in condition 2 of TM/09/00160/FL, is to some degree subjective, music noise should not be clearly audible above background noises such as wind through trees or distant road traffic, etc.
- 6.10 I note the concern relating to the site being used for filming purposes. However, this is not directly controllable, unless it involves a material change of use. I do not understand this to be the case in this instance, as I understand filming to have only occurred in one instance.
- 6.11 In light of the above considerations I consider the proposal to be acceptable, subject to the following conditions.

7. Recommendation:

- 7.1 **Grant Planning Permission** This was approved in accordance with the following submitted details: Design and Access Statement dated 08.02.2010, Site Plan B0545 D01 dated 08.02.2010, Floor Plan B0545 D02 dated 08.02.2010, in accordance with the following submitted details:

Conditions / Reasons

1. The building shall not be used for commercial events outside the hours of 9am to 8pm Sundays to Thursdays; or 9am to 11pm on Fridays and Saturdays and all guests shall have left the application site within 30 minutes of the end of the said event.

Reason: To protect the aural environment of nearby dwellings.

2. Noise attributable to the playing of live or recorded music at the premises shall be no more than barely audible at the boundary of the land edged in blue and associated with the application site.

Reason: To protect the aural environment of nearby dwellings.

3. The building shall not be used for commercial events more than 14 days per calendar year.

Reason: To protect the amenities of nearby dwellings.

Contact: Glenda Egerton