

Appendix 2: Officer Report

FULL: CHANGE OF USE OF FORMER PORTAL FRAMED BUILDING TO A BUILDING USED FOR COMMUNITY EVENTS, WEDDINGS AND OTHER CELEBRATIONS AND EVENTS (USE CLASS D2 ASSEMBLY AND LEISURE) (RETROSPECTIVE), EXTERNAL ALTERATIONS AND EXTENSION TO EXISTING BUILDING TO FORM AMENITIES BLOCK AND ASSOCIATED CAR PARKING PROVISION AT LOWER DAMGATE FAR, ILAM MOOR LANE, ILAM (NP/SM/0915/0895 412682/353335 27/7/2016/CF)

APPLICANT: Carolyn Wilderspin

Site and Surroundings

Lower Damgate lies in open countryside off Ilam Moor Lane mid-way between the two nearest named settlements Ilam, which lies around 2.5km to the south of the site, and Alstonefield, which is just over 2km to the north. The property comprises a grade II listed dwelling house, associated barns that have been converted to holiday accommodation, and a large modern blockwork building that has been sub-divided into two parts. The larger part of the blockwork building (c.280m²) has been taken into use to host events. The submitted plans show the remainder of this building has been used for storage purposes and as a workshop.

The landscape surrounding Lower Damgate is characterised as Limestone Plateau Pastures in the Authority's Landscape Strategy and Action Plan. The valued characteristics of this landscape setting include its scenic beauty and its tranquillity. The landscape setting of Lower Damgate is also sparsely populated but there is a residential property in separate ownership immediately opposite Lower Damgate on the opposite side of Ilam Moor Lane.

Proposal

The current application seeks retrospective planning permission for the use of the blockwork for events, which have been taking place without the benefit of planning permission. Information submitted with the application states that planning permission is being sought to hold 15 weddings, 6 charity events, 6 community events, 6 residential workshops per year, with two short events being held on a weekly basis throughout the year.

These proposals are in excess of the number of events that have been held at Lower Damgate in previous years and information submitted to the Authority suggests this is because the business is steadily growing. For example, the applicant says that Lower Damgate hosted 5 weddings, 4 charity events and one school play in 2010 compared to 14 weddings, 2 charity events and one community event in 2015. However, the applicant has expressed a willingness to reduce the number of events at Lower Damgate if the current proposals were not found to be acceptable.

The application also seeks planning permission for a relatively modest extension to the existing blockwork building that will extend off the planes of an existing off shot to create an amenity block providing toilets, storage space and smoking shelter. The extension would provide just over an additional 90m² of floor area and the revised plans show that the extended building would be clad with vertical timber boarding to improve its appearance. In addition, planning permission is sought for permission for the use of land for overspill car parking on an existing yard area.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. **Lower Damgate cannot be deemed to be an appropriate location for the scale of the development proposed in this application and the scale of the use of the building proposed in this application would harm the character and amenities of the local area contrary to saved Local Plan policies LE4(b)(i) and LE4(b)(ii). The use of the building at the scale proposed would be also be unneighbourly contrary to saved Local Plan policy LC4, policy GSP3 of the Core Strategy and core planning principles in the Framework.**
2. **As tranquillity is intrinsically linked to the special qualities and appreciation of the character of the surrounding landscape, the use of the building at Lower Damgate at the scale proposed would detract from the tranquillity of its landscape setting. The application therefore conflicts with the landscape conservation objectives of policies GSP1, GSP2 and L1 of the Core Strategy and paragraph 115 of the Framework.**
3. **For the above reasons, the development proposals do not accord with the social and environmental principles of sustainable development and the harm arising from the grant of planning permission would not be demonstrably or significantly offset or outweigh by any economic benefits to the rural economy that might arise from the events being held at Lower Damgate. The application therefore conflicts with core planning principles in the Framework and with policy GSP1 of the Core Strategy.**

Key Issues

- Whether the proposals at Lower Damgate are of a modest scale that would be appropriate in this location in open countryside; and
- Whether the proposed use of the building at Lower Damgate would harm the amenity and valued characteristics of the area.

History

The site is currently under investigation by the Authority's for several alleged breaches of planning controls including the change of use of the blockwork building, which is the subject of the current application. Information supplied by the applicant sets out the previous use of the blockwork building as follows:

2010: 5 weddings, 4 charity events and one school play.

2011: 6 weddings, 3 charity events and one community event.

2012: 8 weddings and 4 charity events.

2013: 6 weddings and 4 charity events.

2014: 10 weddings, 2 charity events and 2 local events

2015: 14 weddings, 2 charity events and one community event

The following applications relate to the property but none are directly relevant to the planning merits of the current application.

NP/SM/0105/00019 Variation of planning condition 4 to delete ancillary and single planning unit restriction. Granted conditionally.

SM0603056 Conversion of store to office. Refused.

SM0603057 Listed building consent for conversion of store to office. Refused.

SM0400036 Conversion of barn to additional living accommodation. Granted conditionally.

SM040037: Listed building consent for conversion of barn to additional living accommodation. Granted conditionally.

SM0998113: Listed building consent for conversion of outbuilding to 3 holiday units. Granted conditionally.

SM0998114: Conversion of outbuilding to 3 holiday units. Granted conditionally

SM1297116 Alterations to listed building conversion of barn to dwelling. Withdrawn.

SM1297117 Conversion of barn to dwelling withdrawn.

SM0697053 Alterations to listed building installation of rooflights. Granted conditionally.

Consultations

County Council (Highway Authority) – No objections to the revised proposals subject to conditions.

District Council (Environmental Health Officer) - No overriding objections to the revised proposals subject to conditions.

Parish Council – No objections to the revised proposals subject to a range of conditions.

Representations

At the time of writing, 36 letters of support for the current application had been received by the Authority. Of these letters, 23 were received from individuals who do not live within the National Park and 13 were received from individuals who live within the National Park. A further two letters were received from contractors specifying works they had carried out at Lower Damgate.

In summary, these letters often focus on the applicant's character and set out in some detail how the applicant is keen to make the events work in a way that is sensitive to the local area, and that the events at Lower Damgate are run with a strong emphasis on preventing the events being unneighbourly. Many letters mention the applicant's charity work and community events and many mention the importance of the events at Lower Damgate with regard to generating additional income for the rural economy including letters from people who work for the applicant or have a business connection with the applicant.

There have also been seven letters of objection received by the Authority at the time of writing: three from visitors to the National Park, one from a guest of the nearest neighbouring property, stating that the events at Lower Damgate essentially spoil an otherwise beautiful location. Two of these letters of objection have been received from a nearby property and one from the nearest neighbouring property although it should be noted that this letter is supported by three other letters from the same address, and professional representations made on behalf of the owners of these premises made in respect of the original application.

The letters from the nearby premises have a slightly different emphasis: one concluded by saying that a better balance ought to be found between the operation of a successful business and its impacts on the local area. The other sets out very clearly how the financial information

submitted by the applicant seeking to demonstrate how the events at Lower Damgate benefits the rural economy is inaccurate and goes on to say that the business operated at these premises has a very different business model to Lower Damgate and does not rely on Lower Damgate to supplement its income. The letter from the nearest neighbouring property makes a similar point but also says that the events at Lower Damgate are much more likely to have an adverse impact on the holiday let business operated from these premises.

The letter received from the owners of the nearest neighbouring property in respect of the revised application goes into a significant amount of detail about the adverse impacts of the events held at Lower Damgate, sets out in precise detail where it is considered there are flaws in the various submissions by the applicant, and the letter sets out specific areas where the findings and efficacy of the mitigation measures set out in the noise report and transport plan submitted by the applicant are disputed. In sum, this letter sets out in substantial detail the authors' concerns about the developments proposals, how previous events have affected the living conditions of the authors of this letter, and sets out substantial objections to the proposals on a range of valid planning grounds.

In this respect, officers consider that more weight should be attached to representations made by those most directly affected by development proposals compared to the volume of letters of support made on valid planning grounds but made by individuals who do not live within 'sight or sound' of Lower Damgate. Furthermore, one of the letters received from the owners of the nearest neighbouring property state very clearly that the amendments made to the application do not address their concerns.

It should also be noted that the Friends of the Peak District (FPD) have also made strong objections to this application and particular concerns for this remote and tranquil part of the White Peak. In summary, although FPD understand that there are some socio-economic benefits accruing from the business, these do not outweigh the likely disbenefits. Consequently, FPD are objecting to the current proposals on the grounds that the number of events proposed are excessive; could impact significantly on local amenity; and that measures to mitigate impact are either insufficient or unlikely to be enforced satisfactorily. The FPD also note that in similar circumstances, a wedding event venue in an equally sensitive location of the National Park was limited to a maximum of eight events per year subject to a range of conditions.

The full details of all representations can be viewed on the Authority's webpage for this application.

Main Policies

Relevant Core Strategy policies include: DS1, E2, GSP1, GSP2, GSP3, HC4, L1, L3, RT1, T1 and T4

Relevant saved Local Plan policies include: LC4, LC6, LE4, LT2, LT9 and LT18

Assessment

Background

The proposals involve the change of use of an existing modern blockwork building to allow events such as wedding functions and community events to be held at Lower Damgate. This type of use would normally be considered to be a D2 use for assembly and leisure. However, the application is partly retrospective because the building has already been taken into use and this is partly why the proposed change of use is not permitted development because it was not last in use for farming on the relevant date in the regulations. In any event, the size of the building means that planning permission would have been needed for the change of use of the

barn to a D2 use but the regulations would have allowed the Authority to consider (i) transport and highways impacts of the development; and (ii) noise impacts of the development if the proposals were permitted development subject to prior approval before granting consent for the change of use.

Notably, the issues of noise and disturbance from events at the premises and the impacts of vehicular movements to and from the premises are at the heart of complaints about previous events held at Lower Damgate and similar issues are raised in objections to the application. As set out in the following sections of the report, the applicant has gone to significant lengths to address these concerns and gone to considerable expense to provide additional information requested by officers on the basis that dealing with these issues would result in an officer recommendation of approval. In this respect, it is reasonable to say that the scale of the development now proposed by the applicant was not fully appreciated by officers from the outset of discussions but the following sections of this report explain why officers consider that concerns about the acceptability of the current proposals have not been fully addressed and why officers are unable to support the application now that a fuller assessment can be made of the planning merits of the development proposals.

Key Issues

The Authority has previously determined several similar applications seeking planning permission to use land and buildings within the National Park as a venue for events such as wedding functions. In the most recent cases, the proposals have been considered to be a more commercial form of economic development compared to other types of recreational proposals that are more closely related to the quiet enjoyment of the National Park's special qualities. This means that applications like the current application have been determined with reference to policy E2 of the Core Strategy and saved Local Plan policy LE4.

In this case, there is some land attached to Lower Damgate (c.20 acres) and some animals kept at the premises but there is no evidence to suggest that the applicant is running a farming business that would generate a reasonable income or any evidence to suggest these proposals would meaningfully diversify an existing farm business. The applicant's agent refers to single farm payments and mentions that money from the holiday cottages helps to pay for maintenance of walls, a woodland and the upkeep of the listed buildings. However, a land management agreement does not in itself mean that a farm business is being operated from a particular premises and maintenance works carried out for the upkeep of land or buildings does not in itself constitute agricultural operations.

Therefore, the proposals cannot be considered to be a form of farm diversification albeit it is recognised that the income from these proposals do support the applicant's interest in maintaining the land in ownership in good condition and keeping a small number of animals on the land that generate some income. Nonetheless, the amended planning statement does acknowledge that the primary business carried out by the applicant is related to providing self-catering accommodation and the current proposals would support this business. The amended planning statement states that wedding functions, for example, are only allowed on the basis that the accommodation on-site would also be fully booked and paid for on the night of the event by parties attending the same event. The amended planning statement also acknowledges that policy E2 of the Core Strategy is an appropriate starting point in terms of assessing the planning merits of this application.

Policy E2 would be more supportive of business uses in locations like Lower Damgate in the countryside outside of a settlement if they were more clearly related to the diversification of an existing farming business or where the business would make use of a traditional building. However, E2 is also permissive of the re-use of modern buildings where there is some enhancement to the character and appearance of the site and its setting. This policy approach is consistent with the National Planning Policy Framework which supports the growth of the

rural economy and re-use of buildings in the countryside for business and leisure uses.

In this case, the amended plans show that the modern portal framed building used to host the wedding events and other activities taking place at Lower Damgate would be reclad with timber boarding, which would improve the existing character and appearance of the building. The plans also show a relatively modest extension to this building that would be used to accommodate a utility block. There are no overriding objections to the extension in terms of its design. Therefore, the proposed use of this building for a range of events could be considered to be acceptable 'in principle' with reference to E2 and national planning policies in the Framework. However, the existing use of this building for various activities, including wedding events, has already given rise to complaints and there are a number of objections to the current application.

The nature of the objections to this application relate closely to the two reasons that the Authority would have required prior approval of these proposals if they were permitted development: namely noise and transport issues. In preparing this application and during the determination period the applicant has sought to address these concerns through commissioning noise reports and transport management plans, amongst other things. However, concerns remain that these proposals do not comply with saved Local Plan policy LE4(b) which deals with business in open countryside and the wider range of supporting design and conservation policies.

LE4(b) says outside Local Plan Settlements, expansion of existing industrial and business development (other than that linked to homeworking, farm diversification, forestry, mineral working and appropriate recreational activity) will not be permitted unless:

- i. it is of a modest scale in relation to the existing activity and/or buildings, and does not extend the physical limits of the established use;
- ii. it does not harm and wherever possible secures an enhancement to the amenity and valued characteristics of the area and the appearance of the site.

Similarly, policies HC4 and RT1 of the Core Strategy also suggest that uses that would provide community facilities or service, or proposals for recreational uses could be encouraged in locations outside of recognised settlements. These policies are relevant insofar as the application indicates some community events will be held at Lower Damgate including some use of the building at the premises for recreational purposes. Nonetheless, these policies are supportive of these types of use outside of a named settlement providing that the proposed use of the land would not be unneighbourly or harm the character and amenities of the surrounding countryside

The provisions of policy LE4(b) and policies HC4 and RT1 are supported by a wider range of design and conservation policies in the Development Plan including policies GSP1, GSP2, GSP3 and L1 of the Core strategy and saved Local Plan policy LC4, which are concerned with promoting sustainable development that accords with the National Park's statutory purposes, high standards of design, and safeguarding the living conditions of local communities, amongst other things. The objectives of these policies accord with the specific provisions of paragraph 115 of the Framework in relation to development in a National Park and core planning principles set out in paragraph 17 of the Framework. Policy L3 of the Core Strategy and saved Local Plan policy LC6 are also relevant insofar as the proposals would have an impact on the setting of the listed buildings at Lower Damgate. L3 and LC6 are consistent with national planning policies because they aim to preserve and enhance the significance of the National Park's cultural heritage including designated and non-designated heritage assets.

It is also relevant that Lower Damgate lies in a relatively isolated location in open countryside within a landscape setting identified as Limestone Plateau Pastures in the Authority's

Landscape Strategy and Action Plan. The landscape surrounding Lower Damgate is characterised by the rolling upland limestone plateau, pastoral farmland enclosed by limestone walls, isolated stone farmsteads and field barns, and open views to surrounding higher ground. The valued characteristics of this landscape include its scenic beauty and its tranquillity. Therefore, this is a landscape setting that is sensitive to change and the impact of development could be keenly felt if it was to disrupt the peaceful, settled nature of the local area.

It is therefore considered that any adverse impacts associated with the proposals need to be rigorously examined and found to be acceptable, or to be capable of mitigation, before permission could be granted. In this case, it is also considered the criteria in LE4(b)(i) and (ii) form the basis of the analysis because they underpin the key issues in this case which are:

- whether the proposals at Lower Damgate are of a modest scale that would be appropriate in this location in open countryside; and
- whether the proposed use of the building at Lower Damgate would harm the amenity and valued characteristics of the area.

Scale

The significance of the scale of the proposed use of the site and the appropriateness of the location for events are issues that have crystallised over a period of time rather than matters the applicant has been asked to consider from the very outset of discussions with the Authority. The discussions between the applicant and Authority about the current proposals commenced in the context of an unauthorised use of the site and the applicant's clear desire to regularise the situation and to address concerns raised by officers about noise and disturbance in particular.

The events that have been held at Lower Damgate have had an adverse impact on the character and amenities of the local area and this has been through increased traffic movements to and from the premises, and noise and disturbance generated by the events and by visitors to the events. These types of impacts underpin the complaints received by the Authority about the use of Lower Damgate and objections to this application seeking to regularise the use.

Therefore, there are good reasons to consider that Lower Damgate is not an appropriate location to host the type of events that have been held at the premises and the types of events proposed in this application noting the applicant has 13 wedding events planned for this year, would like to increase the number of events to 15 weddings, 6 charity events and 6 community events throughout the year. Moreover, the building can hold over 100 guests. The application is also suggesting that the premises could be used to host other community-based events and other activities. In these respects, the proposals exceed the amount of events that the Authority has allowed at other premises when considering similar applications and where the Authority has granted planning permission for events venues this has normally been subject to a temporary consent for two years in the first instance.

A two year temporary consent would normally be granted to allow for a trial run to allow the applicant concerned some opportunity to demonstrate a development can go ahead without any adverse impacts on the amenities of the local area before a permanent consent is issued. In this case, the unauthorised use of the premises means that Lower Damgate has already had an unauthorised trial run but this has not successfully demonstrated that the events can be run from the existing building on the premises without adversely impact on the amenities of the local area. This is why the applicant has had to expend time and money on noise assessments and transport management plans, amongst other things, because this information is necessary to demonstrate that events can be held at Lower Damgate without harming the amenities of the local area taking into account the applicant does not wish to cease the use of the premises.

However, it is clear from the information that the applicant has submitted that further costs will be incurred fitting noise attenuation measures to the building to limit noise breakout along with a range of other mitigation measures including:

- covering the roof with 100mm of Kingspan noise insulation and steel sheeting on top of the existing sheeting across the whole roof including rooflights;
- installing 120mm Kingspan in the gable ends of the barn;
- moving the stage and the speakers so that they face east and direct the noise eastwards away from the nearest receptor;
- installing an in-house speaker system with full control of the noise emitted through the speakers;
- installing an environmentally certified Noise Limiter (Electronic Orange);
- creation of a new entrance to the barn on the eastern side of the building and the doors on the south side to remain closed during events;
- replacing the temporary toilets located in the yard on the south side of the building and provide new permanent toilets on the eastern side of the building, which would be accessed directly from inside the building; and
- provision of a sheltered smoking area on the eastern side of the building whereas at present the smokers use the outside area south of the barn using the doors on the south of the barn.

The amended plans also show the creation of an amenity block, which would house the new toilets, and vertical timber cladding for the building, which would add further cost to implementing any permission granted for this application. In terms of the capital outlay that would be required, and considering the previous problems associated with the use of the site, it would not be appropriate to consider granting a temporary consent to test whether the measures proposed by the applicant would reduce the impacts of events to an acceptable level. This should only be considered if there is a reasonable likelihood that a permanent permission could be granted at the end of a trial period.

However, granting planning permission on a permanent basis for the current application could be held to conflict with LE4(b)i and with LE4(b)ii unless the scale of the proposed development were to be reduced, or, unless it can be shown that the mitigation measures proposed by the applicant would mean that granting planning permission for this application would not result in harm to the amenity or any other valued characteristic of the local area. A planning judgement on the merits of this application relies on an appreciation and understanding of the impacts of the proposals on the tranquillity of the local area as much as it is important to consider the technical evidence submitted by the applicant and the physical impacts of the proposed development on its landscape setting.

Landscape and Visual Impact

The existing building is a large modern portal framed building that has formerly been used for agricultural purposes. There is some land attached to Lower Damgate (c.20 acres) and some animals kept at the premises but there is no evidence to suggest that the applicant is running a farm or any evidence to suggest these proposals would meaningfully diversify an existing farm business. This means that the retention of the building is not reasonably necessary for the purposes of farming by the applicant and the proposed use of the building provides further

evidence this is the case. However, by virtue of the size and scale, and the form and massing of the building, and the materials used in its construction; the existing building does not contribute positively to its landscape setting or the setting of the nearby listed buildings. Therefore, a very meaningful enhancement to the character and appearance of the local area could be achieved by demolishing this building and putting forward a more appropriate replacement rather than re-using it for uses other than for farming.

The Authority's policies and policies in the Framework do not rule out the re-use of this building and permitted development rights in the GPDO indicates that the Government is open to the re-use of redundant farm buildings for a range of uses. Equally, the applicant has responded to concerns about the re-use of this building by submitting amended plans showing the building would be clad with vertical timber boarding that would cover the existing blockwork walls and as noted above, would improve the character and appearance of this building. This approach would help to soften the visual impact of the existing building and the cladding would also help the building to look more like a typical modern farm building that are seen throughout the local area.

However, whilst there are no overriding objections to the relatively minor extension to this building to create an amenity block, the building does have a particularly wide span and off shot, which results in the building having a bulky form and massing that would be slightly increased if the extension shown on the amended plans is approved. This means the building would still dominate its immediate setting and still have a significant visual presence within its landscape setting even if it were to be clad with vertical boarding.

Therefore, the enhancements offered by the applicant to improve the appearance of the existing building should carry some weight but in their own right would not justify an approval of this application. This is because the building would still not contribute positively to its landscape setting and it would still have a negative impact on the setting of the nearby listed buildings. However, the building does sit within a farmed landscape and its appearance would be improved by the cladding. Therefore, allowing the retention of the building subject to the proposed changes to its external appearance would preserve the setting of the listed building and conserve the character of the surrounding landscape because of the proposed improvements.

In these respects, the proposals would broadly accord with national planning policies and the objectives of landscape and conservation policies in the Development Plan including policies GSP1, L1 and L3 of the Core Strategy and saved Local Plan policies LC4 and LC6 paying full regard to the significance of the nearby listed buildings. The amended plans also include a landscaping scheme and securing this additional planting would further soften the visual impact of the building, which would also help mitigate the impact of the retention of this building and the addition of the extension shown on the amended plans.

Neighbourliness

In this case, extending the existing building and then cladding the building with vertical timber cladding would not be unneighbourly. By virtue of the intervening distances between the new building and the nearest neighbouring properties; the building, as proposed on the amended plans, would not harm the outlook from any other residential property and it would not impact on the privacy or quiet enjoyment of any other residential property other than by way of the activities taking place in the building. Therefore, it is the proposed use of the building that gives rise to neighbourliness issues but part of the problem in this case is that the noise and disturbance that has been associated with previous events has not been confined to what takes place in the building itself. There have been issues raised about vehicular movements giving rise to noise and disturbance and noise and disturbance outside the building associated with visitors to events at the premises and activities taking place in and around the building on land at Lower Damgate.

To address these concerns, the applicant has commissioned a second Noise Break-Out Assessment Report ('the noise report') to support this application and intends to implement the recommendations made in this report. The effectiveness of the mitigation measures that the applicant intends to implement has been challenged in representations on this application but further noise survey work completed for the applicant suggests that noise breakout from the building can be brought down to acceptable levels. However, it should be noted that this assessment relies on the use of a sound limiter that would cut out amplified music if 88dB(B) is reached. This report also contains some very specific guidance. For example, the report says that live bands should not use drum kits. The report also includes more general advice about managing visitors to prevent noise and disturbance outside the building.

The District Council's Environmental Health Officer (EHO) broadly accepts the findings in the applicant's noise report but remains concerned that a pre-commencement test ought to be carried out to assess whether the proposed mitigation would be effective and that the noise from any additional equipment in the building such as air conditioning units should be carefully controlled. The EHO recommends a number of conditions but also raises concerns about the number of events and goes on to say the noise from traffic management/car parking and customer noise outside the venue is more subjective and difficult to predict precise impacts. Furthermore, the EHO comments that the location of Lower Damgate is a unique rural location with low levels of noise normally existing in the area especially at night and the noise from traffic and outside noise specifically at night could be more difficult to control than any noise arising from the building itself.

In many respects, the EHO's comments illustrate why a temporary consent for this application may have provided a reasonable compromise because a trial run could have helped identify whether noise and disturbance both inside and outside of the building could be adequately controlled. Notably, the applicant has submitted a further noise report that demonstrates that events held at lower Damgate would not cause a 'statutory nuisance' through noise impacts but this does not demonstrate that the events would not impact on perceptions of tranquillity. In these respects, there is a risk that a trial period would perpetuate the problems experienced within the local area, which would neither be appropriate nor acceptable, and as noted previously in this report, the applicant would incur additional costs that might prove to be abortive if the temporary consent was not renewed or replaced with a permanent consent. These issues may have been easier to deal with if the previous unauthorised use of the premises had not given rise to harm to the amenities of the local area and had not impacted adversely on the quiet enjoyment of the nearest neighbouring property.

Moreover, with regard to the applicant's noise reports and the comments made by the EHO on this application, it is considered that neither is able to demonstrate that the proposed noise insulation for the building would conclusively deal with noise and the potential for disturbance arising from events. The noise report makes it clear that the effectiveness of the sound insulation is dependent on other factors such as the sound limiter and even rules out the use of drums by a live band. The EHO also requires conditions to ensure noise breakout and other activities outside the building, including vehicular movements, does not adversely affect the amenities of the nearest neighbouring property.

This means that the previous problems with events might not be resolved by simply providing the building with better sound insulation and much would depend on how the events are managed to ensure that the conditions suggested by the EHO are not breached. This gives rise to a concern that the conditions would be especially difficult for the Authority to monitor and enforce, leaving the burden of monitoring compliance with any permission granted for the application with the owners of the nearest neighbouring property.

It is acknowledged that noise issues may be dealt with under other legislation as a statutory nuisance, for example, and it is also acknowledged further submissions from the applicant

suggest noise levels can be adequately controlled. Nonetheless, it would not be in the best interests of the proper planning of the local area to grant planning permission for premises that have the potential to be a 'bad neighbour' in circumstances where an unduly onerous requirement would be placed on the Authority to properly monitor and enforce conditions and in a situation where the technical evidence supplied by the applicant, and verified by the EHO, confirms any breach of these conditions could adversely affect the quiet enjoyment of the nearest neighbouring property.

In addition to these concerns, the local area is characterised by its tranquillity and is relatively undisturbed by noise from human caused sources that would undermine the intrinsic character of the area. This part of the National Park is valued for its tranquillity by visitors and residents, including the ability to perceive and enjoy the natural soundscape, as well as the scenic beauty of the surrounding landscape. Therefore, an assessment of the impacts of noise and disturbance goes beyond a technical analysis of noise breakout from the building, for example, it must also include an assessment of how the activities proposed in this application would affect the tranquillity of the local area. The threshold for disturbance to tranquillity and peaceful enjoyment will be well below that required to create a statutory nuisance; this was the determining factor in the appeal decision relating to stone saws at Dale View Quarry in 2015.

The scale of the events in terms of their numbers and the potential numbers of guests, the difficulties ensuring that these events and associated activities would not lead to noise and disturbance, and the amount of vehicular movements associated with the events, are all factors that all contribute to a conclusion that any approval for the current application would result in a harmful impact on the tranquillity of the local area to the detriment of the quiet enjoyment of the nearest neighbouring residential property. It is therefore considered that the development proposed in this application would be contrary to the requirements of saved Local Plan policy LC4, policy GSP3 of the Core Strategy and core planning principles in the Framework, which collectively require full regard to be paid to the impacts of development on those most directly affected by the proposals.

Traffic

As noted above, vehicular movements associated with the events at Lower Damgate have caused a problem in terms of noise and disturbance associated with vehicles bringing visitors to Lower Damgate and then collecting visitors at the end of the event. By virtue of the size of the building and the number of people it can accommodate at events, it is almost inevitable that events at the premises will generate a relatively large amount of vehicular movements especially taking into account that there are no public transport links to the premises. These vehicular movements might also take place late at night so it is reasonable to say that traffic generated by the events at Lower Damgate would adversely impact the tranquillity of the local area. Moreover, these impacts would be more keenly felt within an area that is more generally lightly trafficked at night. However, this is not to say that the traffic generated by the events at Lower Damgate would have a harmful impact on the local road network and the Highway Authority has advised that there are no objections to the application on highway safety grounds.

The applicant has responded to concerns about on-site parking provision and access arrangements for larger vehicles such as mini-buses and coaches by submitting a travel plan and a revised plan that shows adequate parking provision for the events and sufficient manoeuvring space allow mini-buses and coaches to load and unload passengers within the site and off the public highway. There are no objections to the proposed overspill car parking on any other planning ground. In addition, the transport plan helps demonstrate that the number of vehicle movements would be minimised as far as possible but there are concerns similar to those raised about noise mitigation measures proposed by the applicant insofar as how enforceable the transport plan would be in practice.

Provided the parking provision and arrangements shown on the amended plans were secured by an appropriate planning condition, the current application would meet the requirements of saved Local Plan policy LT18 and national planning policies, which require adequate parking provision and the provision of a safe and suitable access as a pre-requisite of all new development in a National Park. Nonetheless, these conclusions are strongly disputed in representations made on this application and reference is made to conflict with a wider range of the Authority's adopted transport policies. In particular, Core Strategy policies T1 and T4 and saved Local Plan policies LT2 and LT9 are relevant and these policies presume against developments that would result in traffic generation particularly where it would result in the more intensive use of minor roads by heavy goods vehicles and large vehicles transporting goods.

However, officers consider that whilst the local road network would be affected to a certain degree by vehicle movements to and from events at Lower Damgate, the impact of these movements would not be severe in terms of the threshold set in national planning policy especially when taking into account the transport plan submitted by the applicant. The transport plan also demonstrates that traffic moving to and from the events would not result in unacceptable risk of danger to other highway users albeit, as noted above, the recommendations in the transport plan may be difficult to monitor and enforce. Therefore, on balance, officers consider that it would not be appropriate to refuse planning permission for the current application on highway safety grounds or on the basis of the undesirable impact running events at Lower Damgate may have on the local road network.

Nonetheless, accepting that the technical evidence submitted by the applicant demonstrates the proposals are acceptable in highway safety terms does not prevent this Authority from objecting to the impact of vehicular movements on the tranquillity of the local area. In this respect, rather than seeking the implementation of the travel plan submitted by the applicant, it is considered it is the number of events and the number of people likely to be attending that needs to be addressed before planning permission could be granted for the proposed change of use. Notably, the applicant has expressed a willingness to reduce the number of events at Lower Damgate if the current proposals were not found to be acceptable. However, without further consultation, it is not clear whether a smaller number of events would address local concerns and the Authority first needs to determine whether the number of events proposed in this application is acceptable or appropriate notwithstanding an officer recommendation of refusal.

Conclusions

In conclusion, officers consider that the proposed scale of the use of the building at Lower Damgate for 15 weddings, 6 charity events, 6 community events, 6 residential workshops per year, with two short events being held on a weekly basis throughout the year, would harm the tranquillity of the local area and detract from the valued characteristics of the National Park also taking into account the number of people that might attend those events. There is also no certainty that the adverse impacts of the proposed development on the tranquillity of the local area can be made acceptable by the use of planning conditions, a temporary consent would not be appropriate in this case, and it cannot be guaranteed that a permanent permission would not result in an unacceptable adverse impact on the quiet enjoyment of the nearest neighbouring residential property.

Therefore, Lower Damgate cannot be deemed to be an appropriate location for the scale of the development proposed in this application and the scale of the use of the building proposed in this application would harm the character and amenities of the local area contrary to saved Local Plan policies LE4(b)(i) and LE4(b)(ii). The use of the building at the scale proposed would be unneighbourly contrary to saved Local Plan policy LC4, policy GSP3 of the Core Strategy and core planning principles in the Framework. As tranquillity is a core component of the character of the surrounding landscape, and the use of the building at Lower Damgate at the

scale proposed would detract from this valued characteristic of its landscape setting; the current application also conflicts with the landscape conservation objectives of policies GSP1, GSP2 and L1 of the Core Strategy and paragraph 115 of the Framework.

Consequently, planning permission should be refused for the current application unless any other material planning considerations indicate otherwise.

Other Relevant Considerations

In various submissions to the Authority, the applicant's agent has stated that the events would promote farm diversification and go towards the upkeep of the listed buildings and land in the applicant's control, amongst other things. To date, no firm details have been provided to show how income from the events would be 'ring fenced' to pay for the upkeep of the property or how income from the events would be used or has been used. Therefore, these matters can only be afforded limited weight. Similarly, in various submissions made by the applicant's agent, it has been stated that the events at Lower Damgate contribute significantly to the local economy and this point is repeated a number of times in representations made in support of this application. However, for the reasons set out in the above report, the proposals do not accord with the social and environmental principles of sustainable development and the application conflicts with core planning principles in the Framework as well as policies in the Authority's Development Plan

Therefore, whilst it is acknowledged that the events at Lower Damgate would make some positive contributions to the rural economy and its clear from representations that a number of local businesses would benefit from the events being retained; only limited weight can be attached to the economic benefits to the rural economy that might be achieved by granting planning permission for the current application. Equally, the extent to which the applicant provides community based events has been firmly disputed in representations on this application and the extent to which Lower Damgate provides a community facility is uncertain. There is little evidence in the representations that suggests this is the case and the Parish Council have not suggested that Lower Damgate provides a valuable service to the local community

Furthermore, the applicant's agent claim that this is a unique venue and the need for the services offered by the applicant cannot be met elsewhere in the local area is easily disproven and there are a whole range of other providers within the local area that can provide venues for events. There is also concern that the synergistic relationship the applicant says exists between Lower Damgate and a nearby business providing wedding ceremonies is firmly rejected by the owner of that business. The nearest neighbour also disputes the income said to be generated by the events for their own business. Therefore there is very little evidence that Lower Damgate does meet a need that could not be met elsewhere in the local area or that the events at the site provide any substantial benefits to the local community, taking into account it is said that just one community event and two charity events were held at Lower Damgate in 2015 as opposed to 14 weddings.

It is therefore considered that whilst a number of positive aspects of the events at Lower Damgate have been promoted in the applicant's various submissions and in representations, the positive aspects of the development proposals are not considered to demonstrably or significantly offset or outweigh the identified harm to policies and the harm to the amenities of the local area in this case.

Finally, the applicant is willing to compromise on the proposals and despite references made to a fall-back position by the applicant's agent; the applicant says there is no real likelihood that events would be held in a marquee at Lower Damgate. The applicant has also expressed a willingness to reduce the number of wedding events to ten or would accept a temporary consent if the current proposals were not considered to be acceptable by the Authority notwithstanding an officer recommendation of refusal for the current proposals. However, as

noted above, it is considered these types of changes would require further consultation but there is also the issue of continued uncertainty for those affected most be the events at Lower Damgate and for the applicant if a final decision was to be deferred on this application, which was submitted in its original form in September 2015.

Recommendation

In conclusion, for the reasons set out in the above report, Lower Damgate is not an appropriate location for the numbers of events proposed in this application when taking into account the number of people that might attend those events and taking into account the potential adverse impacts of these proposals on the tranquillity of the local area, and the potential for these proposals to be unneighbourly in a manner that cannot be properly mitigated. Accordingly, the application is recommended for refusal.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil