
Appeal Decision

Site visit made on 21 July 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 August 2017

Appeal Ref: APP/A2525/W/17/3176599

Rose & Crown Inn, Low Road, Holbeach Hurn, Spalding PE12 8JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Barnes against the decision of South Holland District Council.
 - The application Ref H09-1165-16, dated 10 November 2016, was refused by notice dated 11 January 2017.
 - The development proposed is described as '*retrospective marque at existing caravan site*'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form and Appellant's appeal documents refer to the development as being a 'marque'. It is clear that the development is a 'marquee' and I therefore use this term within my decision.

Main Issues

3. The main issues in relation to the development are:
 - The effect on the character and appearance of the surrounding area; and
 - The effect on the living conditions of occupiers of neighbouring properties as regards noise.

Reasons

Character and appearance

4. The marquee is already in place. The area surrounding the appeal site is predominantly rural in character with open arable fields, hedgerows, trees and woodland. There are a small number of residential properties nearby. The appeal site includes the public house and a caravan and camping site and is located on the corner of a road junction.
5. I note that the marquee is located to the rear of the public house adjacent to the caravan and camping part of the appeal site. However it is visually prominent when viewed from the adjacent highways, particularly Marsh Road, due to its relatively close proximity to the site boundary. Furthermore its large scale and overall design results in it being a distinctly separate structure from

the public house that is visually dominant and appears at odds with the prevailing rural character when viewed within the context of the surrounding rural area. Accordingly, in my view, it does not blend in with its surroundings.

6. Whilst touring and static caravans and tents are in close proximity to the marquee, these elements are generally much smaller in height and overall scale and are of a predominantly temporary nature. Accordingly they appear less visibly prominent from the adjacent highways.
7. I acknowledge the Appellant's suggestion that the hedgerow adjacent to the highway could be allowed to grow in height to around six or seven feet. This would be likely to restrict at least some views of the marquee from the street scene. Nevertheless this would take a period of time to achieve and in the interim the marquee would remain visually dominant. Based on the evidence before me I am also not satisfied that this would obscure all views of the structure.
8. Whilst I also note that static caravans could be positioned on the site instead of the marquee, I consider these would generally be of a lesser height and overall scale in comparison. Accordingly it is my view that these would not be as prominent when viewed from the public realm.
9. Taking all the above factors into account I conclude that the development results in a dominant and incongruous addition to the site which is materially harmful to the character and appearance of the surrounding area. It therefore is contrary to Policy SG14 of the South Holland Local Plan 2006 (LP) which seeks development that is of good design, respects local character and adds to the quality of the area architecturally and visually. It also conflicts with the National Planning Policy Framework (the Framework) which places great importance on development responding to local character to ensure its integration into the existing environment.

Living conditions

10. LP Policy SG13 seeks, amongst other things, that neighbours of development are protected from unacceptable levels of pollution including noise. In addition LP Policy SG17 states that development should not cause material harm to residential amenity including in relation to noise nuisance.
11. The Framework includes seeking to secure a good standard of amenity for all existing occupants of buildings. This includes from unacceptable levels of noise pollution. The Planning Practice Guidance (PPG) also recognises that noise exposure can have an adverse effect on health and quality of life for local residents and therefore seeks to minimise this.
12. It is clear from the details that are before me that the marquee is being used for events though the scale of usage is dependent on the level of bookings. I note the Appellant's statement that the use of live music and/or a DJ would be occasional and subject to a special event notice. However the application seeks daily opening hours for use of the marquee between noon and midnight.
13. The Appellant suggests that the noise levels from discos and live bands within the marquee can be controlled through enforcement of the temporary event licences. However the licensing of events is a separate matter to planning and no substantive evidence on the level and effect of noise from use of the marquee on neighbouring residents is before me.

14. Consequently in considering the planning merits of the case the minimal details submitted are insufficient to demonstrate to me that the development does not have the potential to be materially harmful to the living conditions of neighbouring occupiers as regards noise, particularly as the nearest residents are relatively close. Furthermore I note that the Council's Environmental Protection section objects to the development on these grounds.
15. Therefore, in the absence of adequate details as to factors including the source, level, character and timing of the noise in relation to background levels and the effect on occupiers of neighbouring dwellings, I am unable to conclude that this is acceptable or is capable of mitigation by condition.
16. Consequently, taking the above factors into account and having considered the available evidence, I conclude that the development would result in material harm to the living conditions of neighbouring residents in relation to noise. The development is therefore contrary to Policies SG13 and SG17 and the Framework in this regard.

Other matters

17. Whilst concerns have been raised that the proposal would result in additional traffic through the village and car parking issues I have no substantive evidence to indicate that this would cause significant harm to highway safety. In addition neither the Council nor the Highway Authority objects to the proposal on these grounds. As such I have no reason to disagree with these views.

Conclusion

18. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Y. Wright

INSPECTOR