



Appeal Decision

Site visit made on 4 September 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 11 September 2017

Appeal Ref: APP/Y2003/W/17/3176573

Rear of No 68 High Street, Messingham DN17 3NT

- 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 Ms Toni Krajnik against the decision of North Lincolnshire Council.
 - The application Ref PA/2016/1603, dated 10 October 2016, was refused by notice dated 8 March 2017.
 - The development proposed is the conversion of barn and outbuildings to create a new wedding venue and bridal suite with associated landscaping and car parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant submitted amended plans in January 2017 and these formed the basis of the Council's refusal notice. For the avoidance of doubt, I have determined the appeal against such plans.

Main Issues

3. The main issues are the effect of the proposal upon (i) the living conditions of the occupiers of neighbouring properties in respect of noise and disturbance; (ii) the designated Area of Amenity Importance; (iii) whether or not the submitted Travel Plan measures are needed and, if so, whether such measures would mitigate any adverse car parking/highway impacts and (iv) the impact of the development upon highway and pedestrian safety and the free flow of traffic on the local highway network.

Reasons

Site and proposal

4. The appeal site falls within the development boundary of Messingham and is an identified rural settlement in the adopted North Lincolnshire Local Development Framework Core Strategy 2011(CS). There is an existing children's nursery (Wise Owls Nursery) on the appeal site and there is a restaurant (The Stables) immediately adjacent. To the rear of the site there is open land which is designed as an Area of Amenity Importance by virtue of Policy LC11 of the CS. Part of the appeal site is included in this designated area. To the south is an existing tractor shed and beyond this is a modern estate of houses.

5. It is proposed to convert, alter and extend three barns/outbuildings on the appeal site. Barn A would be used for wedding ceremonies, barn B for wedding receptions and barn C for associated kitchen and servicing facilities. Extensions are proposed including a two storey extension and the introduction of a mezzanine floor in barn A in order to link the barns together to create a functional wedding venue. The extensions would form staff facilities; toilets; a lobby; covered cloister; bridal suite; bars; stores and a covered area for the nursery. The area to the rear of barn B would be laid out as a walled garden area. A bridal garden area would be formed adjacent to the bridal suite and barn B.
6. A total of 41 on-site car parking spaces would be available for the proposed use and it is proposed that there would be a one way vehicular access with an entrance adjacent to No 66 C High Street (to the north) and an exit adjacent to an existing tractor shed (to the south). It is proposed that there would be a maximum of 120 guests at any one time and that up to 23 staff would be employed. All music would stop at 23.00 hrs and all guests would be required to leave the site by 23.30 hrs.

Living conditions

7. I acknowledge that in terms of light pollution, cooking odours and hours of use it would be possible to control these matters by means of the imposition of planning conditions. Nonetheless, No 66C High Street, which is a dwelling, is positioned next to the proposed car park and has habitable room windows which face directly onto it. I acknowledge that in this area there is a car park already associated with the use of the nursery. However, unlike the appeal proposal, the nursery does not operate into the late evening. In this case, it is proposed that a significant number of people (i.e. up to 120) would occupy the wedding venue at any one time. The nature of the use is such that at the end of the evening most of the guests would likely leave at a similar time.
8. I consider that there is scope for significant amounts of disturbance and noise from the revving of engines, slamming of car doors and talking/shouting within the car park during the late evening. A number of the guests would likely be in good spirits following wedding celebrations and hence would not necessarily be fully aware of the need to move away from the site in a relatively speedy, peaceful and quiet manner. This is an important factor as 23.00 hrs and beyond is a time when residents should be afforded reasonable levels of peace and quiet as this is a time when they would wish to sleep.
9. I accept that the appellant has submitted a noise survey, but this was based on the original plans and not the amended plans which show the access and car parking spaces very close to No 66C High Street. However, the appellant's noise survey did suggest that there should be a minimum distance of 36 metres between the closest parking space and the Noise Sensitive Receptor. The amended proposals do not achieve this.
10. Given the very close proximity of No 66C High Street to the proposed car park (i.e. the rear of the property and first floor side windows), I consider that the effect of the proposal upon the living conditions of the occupiers of this property would be significantly adverse. This impact would be compounded by the fact that there would also be some activity and disturbance during the day from use of the proposed outside gardens and the car park as well as the existing Wise Owls Nursery. Whilst day time activities would be acceptable, I

think that it is reasonable for neighbouring residents to have a period of respite from such activity and noise during the late evening. This is particularly the case as the site and its immediate surroundings are already used for a mixture of commercial uses during the day.

11. I note that the appellant has submitted a Travel Plan and that where possible she proposes to operate a number of shuttle bus services. However, I have no doubt that there would be times when a significant number of the guests would still seek to rely on the private motor vehicle when arriving and leaving the site. Hence, I consider that it is reasonable to conclude that the car park would, on most occasions, be well used. I deal with the wider Travel Plan considerations later in this decision. I accept that a one way vehicular system is proposed, but this would not mean that there was no noise from vehicles manoeuvring in the car park, from the revving of engines, from doors slamming or talking/shouting in the car park as guests say their final goodbyes.
12. For the reasons outlined above, I conclude that, by reason of noise and disturbance, the proposal would have a significantly detrimental impact upon the occupiers of No 66C High Street. Therefore, the proposal would not accord with the amenity, noise and site context aims of paragraph 123 of the National Planning Policy Framework (the Framework); Policy CS5 of the CS and saved Policies DS1, DS11 and RD3 of the adopted North Lincolnshire Local Plan 2003 (LP).

Area of Amenity Importance

13. Part of the appeal site falls within land defined as an Area of Amenity Importance (AAI) in the LP. Part of the car parking, access road, bridal suite, walled garden area and covered cloister area to barn B would fall within part of this wider designated area. Saved Policy LC11 of the LP states that "*within important amenity areas, development will only be permitted where it would not adversely affect their open character, visual amenity or wildlife value or compromise the gap between conflicting land uses. Where development is permitted, measures shall be taken to minimise their impact, or where necessary, make a positive contribution to such areas*".
14. The appellant has submitted a bat/bird survey. On the evidence that is before me, I do not consider that the proposal would adversely affect wildlife. I acknowledge that the aforementioned development would represent a relatively minor incursion into the AAI. Nonetheless, it would seek to erode the open character of this land and to reduce the gap between it and surrounding development. I accept that the land is overgrown, but such land does nonetheless function as an open and green buffer between surrounding developments. The aforementioned development in the AAI would follow a similar line to existing development in the form of the existing tractor shed. To some extent this would help to reduce the visual impact of the proposal upon the AAI.
15. Taking the above into account, coupled with the fact that the amount of land that would be developed in the AAI would be proportionately and relatively small, I conclude that the overall conflict with the character and amenity aims of Policy LC11 of the LP would not be very significant. Nonetheless, there would be some limited harm to the open character of the area and this weighs against the proposal.

Travel Plan

16. The Council does not have any car parking standards for wedding venues. According to the appellant's Travel Plan prepared by NTP it is envisaged that there would be typically about 100 guests on site in the evening with 20 of the guests leaving during the day.
17. I acknowledge that the site is served by a number of bus services and that in the day time some of the guests would possibly arrive at the site using public transport or by bicycle or on foot. This would of course depend on whether the guests were drawn from the local catchment which may not always be the case. I agree with the Council that a reasonable proportion of the 23 members of staff would also likely travel home by private motor vehicle. The evidence provided by the Council (and the information displayed on the bus stop outside the Wise Owls Nursery) indicates that there would be no bus services operating in the immediate area in the late evening when the wedding events are likely to finish.
18. There is no guarantee that the wedding venue would always be used by families and friends that reside in the local area. It is not unusual for successful wedding venues to be hired by people who live far away. In these circumstances, I consider that it is reasonable to conclude that many people would be likely to arrive at the site by private motor vehicle. Not all guests would consume alcohol on the site and indeed the appellant says that "nominated drivers" for the night would not be uncommon. I do expect that there would be some car sharing that takes place whereby a number of family members or friends share a lift to and from the site. However, there can be no guarantee that this would always be the case.
19. The appellant has submitted a letter from Ben George Limited who operates a coach booking service within a 20 mile radius pickup/drop off at four agreed locations. I do not doubt that the appellant would seek to advertise this service, but I am not persuaded that guests would always be from within a 20 mile radius. It is quite possible that guests would be drawn from beyond a 20 mile radius and, in any event, I cannot be certain that the majority of guests would always use a coach booking/bus shuttle service.
20. Whilst it would be possible to limit or reduce on-site car parking demand for those weddings where the visitors were from a very local catchment area, I do not consider that that this would be the case for visitors who came from further afield. For such wedding parties, it is possible that the number of people arriving at the site by private motor vehicle would be significant. For these wedding events, I do not consider that the measures as proposed in the appellant's Travel Plan would realistically reduce reliance on the private motor vehicle. I accept that some visitors may stay overnight in nearby local hotels, but depending on travel distances some may return home in their private motor vehicle at 23.30 hrs.
21. I conclude that Travel Plan measures would be needed to reduce reliance on the private motor vehicle. Whilst on some occasions the identified Travel Plan measures would be capable of achieving a slight shift towards more sustainable transport choices, this would not always be possible. Therefore, I conclude that the submitted Travel Plan would not mitigate all adverse impacts and that on some occasions there would therefore be an insufficient number of on-site car parking spaces. Given the intensity of the use proposed there would be a

very heavy reliance on the private motor vehicle. In reaching this conclusion, I also have my doubts about the overall effectiveness of the Travel Plan as it does not include specific targets or any penalties. I note that it is proposed to cap the maximum number of wedding guests, but I have not been provided with any evidence to indicate how this could be enforced in practice. For the above reasons, the proposal would not accord with the sustainable transport/development and car parking aims of Policies CS1, CS2 and CS25 of the CS and paragraphs 17, 32, 34 and 36 of the Framework.

Highway and pedestrian safety and the free movement of vehicles

22. Given my conclusion above, I consider that there may be times when there is overspill car parking onto the surrounding highway network. The local highway network is not currently restricted and in that sense I agree with the appellant that any road user could currently park in these areas. However, the issue is whether or not a new use would be likely to create additional parking on these roads and, if so, whether this would be prejudicial to matters of highway and pedestrian safety and/or the free flow of traffic.
23. On the evidence that is before me, and taking into account the worst case scenario as detailed above and the size/intensity of the use proposed, I consider that it is very possible that there would be unacceptable levels of on-street car parking in the vicinity of the junction of the A159 and B1400 (Brigg Road) to the detriment of road safety. In particular, there is scope for such car parking to impair the visibility of drivers using this junction. Furthermore, any parking on High Street/Scotter Road, which are busy main roads, would unacceptably interrupt the free flow of traffic which in turn could lead to unacceptable traffic congestion issues. Whilst I do not consider that on-street car parking would lead to significant pedestrian safety issues, the aforementioned highway safety and traffic flow issues are matters which significantly weigh against allowing the proposal.
24. For the reasons outlined above, I conclude that the proposal would not accord with the highway safety, traffic movement, car parking and sustainable development aims of paragraphs 32 and 35 of the Framework; Policies CS1 and CS2 of the CS and saved Policies T1, T2, T19 (appendix 2), RD3 and DS1 of the LP.

Other Matters

25. I have taken into account representations made by other interested parties including supportive comments and objections. Some of the comments made have already been addressed in the reasoning above.
26. Comments have been made about possible anti-social behaviour and an increase in crime. I do not consider that these issues would in themselves justify withholding planning permission and, in any event, I have not seen any compelling evidence to substantiate such claims. In respect of concerns raised about lighting, noise break out from the buildings, odour and drainage, these are matters which could be addressed by means of the imposition of planning conditions.
27. I acknowledge that the main entrance to the building would be to the western side of the proposed property, but this would not overcome noise and disturbance associated primarily with use of the car park late at night.

28. I agree with the Council that the proposed alterations/extensions to the existing buildings would be acceptable and sympathetic. This is a positive factor to weigh in the balance.
29. I have considered the relationship of the Horn Inn Public House and No 79 High Street and the appellant's view that the proposal would be no worse than this in terms of its effect upon the living conditions of the occupiers of immediate residential properties. I do not know the opening hours of the Horn Inn Public House or indeed whether the same number of people would be likely to leave this establishment at 23.30hrs. Furthermore, I have no objective information about levels of noise associated with the Horn Inn Public House. In any event, the fact that this arrangement exists does not automatically mean that the appeal proposal is acceptable. I have determined the appeal proposal on its individual planning merits.
30. Whilst I have concerns about car parking, I have no evidence to support claims made that the local highway network could not physically deal with the volume of additional traffic associated with the proposal. Indeed, the Highway Authority did not object on these grounds.
31. Whilst there may be an alternative venue close by (i.e. Grange Park), I have not been made aware of any policies which would indicate that there is a requirement to demonstrate a need for the proposal.
32. The appellant has referred to planning permissions PA/2012/1365 and PA/2014/0963 whereby the Council allowed a wedding venue to operate in an area where there were fewer public transport facilities and services. The appellant also indicates that such a Travel Plan included far less details/measures than the one submitted as part of the appeal, but was nonetheless accepted/approved by the Council/Highway Authority.
33. I do not know the precise details which led to the above proposals being allowed and, in any event, I have determined this appeal on its individual planning merits. I do not know whether or not there has been a lack of consistency in decision making terms as I have not been able to make precise comparisons with the proposals. In any event, even if there had been some inconsistency in decision making terms, this would not negate a requirement for me to determine this appeal against up to date local and national planning policies.
34. I do accept that the proposal would provide some employment and in that sense would perform a positive economic role. I do not doubt that guests of the wedding facility would spend some money in Messingham and other local settlements. These economic matters which weigh in favour of the proposal. However, in considering sustainability in the round I have found that the proposal would have a significantly detrimental impact in environmental terms. The proposal would not fulfil the environmental role of sustainability as detailed in paragraph 7 of the Framework and therefore would not be acceptable in planning terms.
35. Subject to increasing the height of the frontage wall, I am satisfied that the proposal would not have an adverse effect upon the setting of 1 Brigg Road which is a listed building. Had the proposal been acceptable in all respects, this is a matter that could have been addressed by way of a planning condition.

36. None of the other matters raised outweigh or alter my overall conclusion on the main issues.

Conclusion

37. The proposal would deliver some positive economic and tourism benefits and in design terms the extensions and alterations to the buildings would be acceptable.
38. Notwithstanding the above, the proposal would have a significantly detrimental impact upon the living conditions of the occupiers of No 66C High Street. Furthermore, there would be an insufficient number of off-street car parking spaces to deal with all wedding functions and consequently, and on occasion, this would likely result in on-street car parking to the detriment of highway safety and the free flow of traffic. I am not persuaded that the measures in the Travel Plan would lead to a significant shift in the number of staff/guests arriving and leaving by public transport (or walking and cycling) at all times. Furthermore, and, in any event, the Travel Plan does not include specific targets and penalties. In addition, there would be some, albeit limited, harm caused to the AAI.
39. The above matters are of overriding concern and, on balance, and taking into account all other matters raised, I conclude that the proposal would not deliver a sustainable form of development. Hence, the appeal should be dismissed.

Daniel Hartley

INSPECTOR