



Appeal Decision

Site Visit made on 14 December 2020

by Mr Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st January 2021

Appeal Ref: APP/Y2810/W/20/3257353

Staverton Hill Farm, Badby Lane, Staverton, NN11 6DE

- 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 J Ransford against the decision of Daventry District Council.
 - The application Ref DA/2019/0510, dated 12 June 2019, was refused by notice dated 15 June 2020.
 - The development proposed is Proposed change of use of existing buildings to use for wedding venue/functions.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed use on the living conditions of nearby residential occupiers, with particular regard to noise and disturbance.

Reasons

3. Staverton Hill Farm is located on the outskirts of Staverton. It is away from the main settlement, adjacent to a small cluster of dwellings. The farm consists of several buildings. These include a coach house, a dwelling under construction, a quadrangle of buildings around a courtyard and a reception building. The topography of local land slopes from the A425 and Badly Lane upward towards the buildings on site. The cluster of neighbouring dwellings are also on rising land from Badly lane. They are to the side of the appeal site and separated from the quadrangle by a parcel of land. The site is therefore in a relatively exposed location.
4. The proposed use would occupy the quadrangle and the reception buildings. A car park, with around 133 spaces, is also proposed to the side and rear of the reception building. The venue would include two dance floors, a restaurant, ceremony room, lounge area and 5 guest bedrooms and accommodate around 125 guests. The proposed wedding activity would take place within the courtyard during the day and evening and then move into the 'barn' (building 4) in the evening. The use is proposed to cease at 23:00.
5. The National Planning Policy Framework (The Framework) requires, at paragraph 180, that new development should avoid noise giving rise to significant adverse impacts on health and the quality of life. Planning Practice Guidance explains that a significant observed adverse effect would result in a change to the behaviour or attitude of occupiers of nearby noise sensitive

receptors. From the evidence, it seems that the proposal would principally generate noise from amplified music, the use of the car park and the sound of people gathering and enjoying the event outdoors.

6. The nearest noise sensitive receptor is Oak Cottage. However, other noise sensitive receptors are also in close proximity to the courtyard such as the dwelling under construction at Staverton Hill Farm, Whitmill Hill Cottage and nearby dwellings currently under construction on the site of the old isolation hospital. During my visit I was able to visit Oak Cottage and observe the appeal site from its first-floor windows. Although, no windows of habitable rooms directly overlook the appeal site, I noted that the landscape boundary provides only partial screening. Furthermore, the rear garden is on a steep slope and includes areas used for recreational purposes towards the boundary of the appeal site.
7. The Appellant's Noise Assessment explains that the amplified music would generate reverberated noise levels of around 95dB, which if enclosed by a brick building would provide a sound reduction of 50dB. As the dance floor in building 4 is separate from the remaining facilities this would result in users frequently moving to and from the courtyard and into other buildings. The central courtyard is within a comparatively open and exposed location due to the topography of local land. Therefore, this movement and gathering would be likely to occur in large numbers, especially during summer months. It is therefore unlikely that the building would be kept sealed to realistically maintain the 50dB reduction promoted by the appellant. Therefore, although later commentary considers the effect of some doors and windows being open, the Assessment has not taken sufficient account of the noise generated by amplified music.
8. The Appellant's Technical Note explains that noise levels from crowds could range between 60 and 78dB for 'raised' to 'very loud' vocal levels. The model predicts that a crowd of 25 people talking in normal/raised voices, would create a 60dB sound level. It predicts that this would be reduced to 39dB at Oak Cottage (28dB internal). However, the model is based on normal/raised voices only. Whereas I would anticipate the environment would be likely to be exposed to prolonged levels of very loud vocal levels. Furthermore, I am also unconvinced that only 25 guests would be outside in the courtyard on a summer's evening, when the venue could be occupied by 125 patrons. It would also be unrealistic for this number to be limited by staff on site during an event. Accordingly, the Note has not taken sufficient account of the collective noise of large numbers of patrons being outside in the evening.
9. In terms of car park noise, the Technical Note considers the noise impact of 60 cars arriving and leaving the event. This also anticipates that it would cause one hour of activity at the start and end of the event. The car park is located some distance from the nearest residential building and would be accessed from the A425. However, the sound of patrons and staff leaving via the car park after 23:00 hours would cause further noise disturbance. The noise of the use of the car park would therefore compound and prolong the noise disturbance already identified above.
10. Amplified noise levels could be reduced and managed by a noise limiting device set by planning condition or a noise management scheme. Nevertheless, this alone would be unlikely to contain noise levels or prevent a significant adverse

impact on the quality of life and living conditions of adjacent residential occupiers. Furthermore, I am doubtful that the proposed acoustic barrier would meaningfully reduce sound levels from the courtyard. It is unconvincing that interrupting the 'line of sight' would substantially reduce the noise levels of the identified activity due to the surrounding open character. Therefore, the sound of patrons gathering outdoors and the associated music, would be likely to cause significant disturbance to adjacent neighbours. As such, due to the scale of the proposed use, this would be likely to significantly undermine neighbouring occupier's reasonable expectation for a peaceful enjoyment of their home environment.

11. Accordingly, the proposal would fail to satisfy policies E7(d), R2 and BN9 of the West Northamptonshire Joint Core Strategy (2014). These seek amongst other things, for tourism and visitor development to be supported where it would benefit local communities, for proposals which would enhance the rural economy to be supported where it would be of an appropriate scale for its location and that would suitably reduce the adverse impacts of noise. Furthermore, the proposal would not accord with policy RA6(viii) of the Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2019 (2020). This seeks development for leisure use to be of an appropriate scale to have no adverse impact on the character, tranquillity and beauty of the area. These policies are consistent with the Framework.

Other Matters

12. The site benefits from permission for a reclamation yard, located to the north of the quadrangle. The use appears to be relatively low key and partially screened from adjacent dwellings by rising topography and planting. During my visit, I observed that existing background noise consisted of distant traffic, which was barely perceptible. I was unable to observe the existing plant noise referenced in evidence. This appeared to be as on-site construction was not taking place and the reclamation business had been temporarily relocated to the Appellant's alternative site in Rutherford Way. Therefore, although it is recognised that the site would generate some noise levels from the lawful reclamation use this would be unlikely to be intense or sustained, especially during the evenings and night-time. I have therefore attributed limited weight to the fall-back position in regard to existing noise levels.
13. The Council's Environmental Health Officer originally raised no objection subject to the imposition of 6 conditions. These conditions related to external plant, delivery hours, a noise management plan (NMP), an exclusion to outside noise amplification, details of the disposal of waste and details of the noise barrier. However, I am unconvinced that the requirement for a NMP would pass the tests of paragraph 55 of the Framework in being precise. The NMP would require a specification to be adhered to and be partly reactive to complaints. This would require the use to be managed retrospectively. As it seems likely that complaints would occur, these may not be readily satisfied without a fundamental revision and imposition of new restrictions in how the activity could operate. Such a condition would therefore not be clear to either the applicant or the local community as to its full implications or requirements. Consequently, without the ability to apply the full suite of conditions required by the EHO, their initial comments are of limited weight in favour of the proposal.

14. Furthermore, the draft NMP, attached to the appellant's Statement of Case, would not address the root of my concern in regard to the gathering of guests within the courtyard and the associated noise impact this would create for adjacent neighbouring occupiers. Also, although the NMP could be revised and refined, if the use generates complaints, such an approach would be unlikely to address the issues raised above.

Conclusion

15. For the above reasons the appeal is dismissed.

Mr Ben Plenty

INSPECTOR