



Appeal Decision

Site visit made on 26 April 2022

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2022

Appeal Ref: APP/R0660/W/21/3289848

Lady Grey Farm, Lady Lane, Mobberley WA16 7NE

- 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 Dan Morgan against the decision of Cheshire East Council.
 - The application Ref 20/3260M, dated 28 July 2020, was refused by notice dated 15 December 2021.
 - The development is described as "Change of use of the existing shippon to a wedding venue together with associated works including a small infill extension, part replacement roof, new blackened vertical timber cladding, septic tank, associated access, car parking and landscaping works."
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Decision

1. The appeal is allowed and planning permission is granted for Change of use of the existing shippon to a wedding venue together with associated works including a small infill extension, part replacement roof, new blackened vertical timber cladding, septic tank, associated access, car parking and landscaping works at Lady Grey Farm, Lady Lane, Mobberley WA16 7NE in accordance with the terms of the application Ref 20/3260M, dated 28 July, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description above is taken from the application form. However, as the term 'part-retrospective' is not a definition of development I have removed it. From the evidence before me and what I saw on my visit, including inside the building, it is apparent that works to alter and extend the shippon building have already taken place and it is already being used as a wedding venue. Despite this, I have dealt with the appeal on its planning merits.

Main Issues

3. As the site is in the Green Belt, the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and the effect of the appeal development on the openness of the Green Belt and purposes of including land within it,
 - The effect of the proposed development on the living conditions of neighbouring residents with particular regard to noise and disturbance, and
 - If the proposed development constitutes inappropriate development in the Green Belt, would the harm by reason of inappropriateness, and any other

harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

4. The appeal site comprises an agricultural shippon building and areas of hardstanding. They are adjacent to a dwelling owned by the appellant with an extensive front garden. The site is accessed via a private driveway off Lady Lane, at its junction with Davenport Lane. The site is some distance from the village of Mobberley and being surrounded by fields is clearly in the countryside. A public right of way Mobberley FP76 (the 'footpath') runs along the site's northern boundary and runway 2 of Manchester Airport lies approximately 600 metres to the north.
5. The development involves the conversion of, and alterations to, the shippon building for use as a wedding venue. There is an area of grass and patio around the north and west sides of the building that provide outside areas for guests. Hardstanding areas to the north east and west of the shippon building would be used for parking.
6. During determination of the application, the appellant sought to address a number of concerns raised by officers and the Planning Committee. An amended plan¹ was submitted that shows reduced areas of hardstanding to the west and north east of the shippon building that would provide car parking for 33 cars plus 1 disabled space and 1 mini bus space. A previous area for guest parking, shown outside the application red line, has been removed although the 4 staff spaces shown adjacent to the dwelling still remain outside the application site. Furthermore, the appellant has confirmed there would be no more than 50 weddings per year and they would be confined to Saturdays between 10:00 hours and midnight. In addition, the number of guests at any wedding event would be reduced to 80, instead of the original 150.

Whether the scheme is inappropriate development in the Green Belt

7. The Framework identifies that the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence (paragraph 137). It goes on to state at paragraph 147 that 'inappropriate development' in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework regards the construction of new buildings as inappropriate development in the Green Belt, subject to a number of exceptions listed in paragraphs 149 and 150.
8. Policy PG3 of the Cheshire East Local Plan Strategy (the 'CELPS') seeks to protect Green Belt from urban sprawl and inappropriate development unless the development falls within the exceptions listed in the Framework. I am satisfied that Policy PG3 is broadly consistent with the Framework.
9. The main parties are in agreement that under Framework paragraph exception 149c) the works to extend and alter the existing shippon, by infilling an inner part of the building, do not result in disproportionate additions over and above

¹ Drawing 210-LYR-XX-ZZ-DWG-L-1001 Rev 9 – Landscape Masterplan

the size of the original building. From the evidence before me and what I saw on site I concur. Consequently, the works to the building themselves are not inappropriate development under the terms of the Framework. There is also no doubt from the parties' evidence and what I observed during my visit that the shippon building is of a permanent and substantial construction, which is a requirement of Framework exception 150d) for the re-use of buildings in the Green Belt.

10. However, the area of dispute rests with the proviso surrounding all paragraph 150 exceptions, namely that the development should preserve the openness of the Green Belt and not conflict with the purposes of including land within it. This is a matter of planning judgement. Openness is one of the essential characteristics of the Green Belt and, whilst there is no definition of it in the Framework or the development plan, caselaw has established that it requires consideration of both spatial and visual aspects.
11. Following officer concerns about the extent of hardstanding that had been laid and following the appellant's additional traffic surveys of average vehicle and guest numbers at another venue, less car parking provision has been justified. Consequently, the appellant's amended plan shows that the area of existing hardstanding to the west of the building (area 1) would be reduced in size to make a smaller car park area. The remaining hardstanding would be reverted back to wildflower meadow with tree planting. The car parking shown to the north east of the shippon building (area 2) is currently part lawn and part concrete hardstanding, as it was part of a track that led from the farmyard to a field the other side of the footpath. The reduction in hardstanding for parking would reduce the spatial impact on openness. I saw that timber fencing has been installed along the hedge line to screen parking from view along the footpath. The whole site is also fairly well screened by existing hedging along the footpath and there is a concrete wall on the other side of the site, such that there would be limited visual impact from further afield.
12. The parking of cars for wedding functions would be different to agricultural vehicles that would have once been part of the farm and its farmyards. However, the large expanse of hardstanding that has been laid would be reduced and the car parking limited to areas closest to the shippon building, and would not extend out towards the extremities of the site and the adjacent fields. Coupled with the limited frequency of parking (no more than 50 Saturdays a year) and duration of parking during a Saturday (10am–midnight), I am satisfied that on balance the openness of the Green Belt would be preserved in this instance. It would be necessary to impose a condition to ensure the site is laid out in accordance with the amended plan so that the areas of hardstanding that would not be retained are removed within a specified timescale, in order to ensure openness is preserved.
13. There would be some noise and light from the premises on the Saturdays when there would be a wedding. However, Green Belts are not designated on the basis of their quietness, as illustrated by the range of uses and activities the Framework deems to be not inappropriate, such as mineral extraction or outdoor sports and recreation. I shall deal with noise and disturbance separately.

14. Overall, I am satisfied that the proposed development would preserve the openness of the Green Belt and not constitute inappropriate development under the terms of the Framework and would not conflict with the purposes of including land within the Green Belt. Accordingly, the development would comply with CELPS Policy PG3. As I have found the development would not be inappropriate development, it is not necessary for me to consider whether very special circumstances exist.

Noise & Disturbance

15. The sources of noise and disturbance are most likely to occur from noise emanating from the building, such as music, or from vehicle movements in the vicinity of the venue as guests and staff arrive/leave.
16. There is a dwelling in close proximity to the shippon building outside of the red line application site boundary, but it is under the appellant's control. The other closest residential property, and the one most likely to be affected, is Orchard Lea located opposite the site on the corner of Lady Lane and Davenport Lane. The nearest part of the shippon building is some 130 metres away from the nearest elevation of Orchard Lea, separated by Lady Lane and the front gardens of both properties.
17. Vehicles, guests and staff would enter the appeal site via the driveway on Lady Lane, close to the corner with Davenport Lane. Once into the yard, there is a turning/drop off area. Vehicles that need to be parked could go in one of two directions: to the right past the farmhouse to parking area 2, or to the left to the rear of the shippon building to area 1. There are also a number of parking spaces along the edge of the building and site boundary to the south. The entrance into the building itself is on its far western side furthest away from Orchard Lea.
18. It has been agreed between the parties that wedding functions would only operate for a maximum of 50 Saturdays a year between the hours of 10:00 and midnight, at which time the functions would stop and the DJ/amplified music/live bands/other entertainments would cease. There would then be a period of time afterwards during which guests would leave the building and site in their respective vehicles or taxis. Staff would also leave the site. From the submitted evidence, after guests and staff have left, the premises is locked up at around 01:00 hours early on Sunday morning. The parties also agree that the number of guests at any wedding function would be limited to 80.
19. The appellant has submitted two Noise Impact Assessments (NIA)² based on ambient noise survey measurements and theoretical and predicted noise level. In addition, two noise assessments were also undertaken by the same acoustic company, namely a 'Measurement of Noise Egress' report for a wedding event held on 26 June 2021³ and a 'Further Measurements and Comments' report⁴ for a wedding event that took place on 17 July 2021. The assessments have measured and considered noise audible from the venue, such as music, at sensitive noise receptors as well as noise from vehicle movements as guests

² by PDA Acoustic Consultants – reports dated 23 February 2021 and 15 July 2021

³ PDA report dated 2 July 2021. Note - there appears to be typographical error in paragraph 3.0 of the report that refers to a wedding event on 26 July 2021. This post-dates the date of report. However, the results in Table 1 and the rest of the report refer to the wedding event taking place on 26 June 2021.

⁴ PDA report dated 23 July 2021

- and staff arrive/leave, and any attendant noise from this. Interested parties also commissioned their own noise assessment⁵. The findings differ.
20. The neighbour's noise assessment, dated 25 February 2020, was commissioned and undertaken in response to a premises licence application to permit live music Monday to Sunday until 01.30 hours, as well as provision of recorded music Monday to Sunday until 02:00 hours. While this assessment found that at all frequencies, background noise levels were exceeded and the requested Noise Design Criteria was not achieved it predates the submission of the planning application, the subject of this appeal, and the intended reduction in the number of guests and associated mitigation measures. Furthermore, the assessment carried out within the Hepworth Acoustics letter dated 29 June 2021 was undertaken at hours when music at the venue was not in operation, demonstrated by photographic evidence provided by the appellant.
 21. The appellant's two assessments of noise at actual wedding events both found there was no significant increase in overall noise levels during the wedding evening when compared with background noise measurements taken on evenings with no entertainment. These assessments found entertainment noise levels from the venue were well below pre-existing background noise levels and hence would be unlikely to be significantly audible at nearby noise sensitive properties further away. The assessments suggested that additional mitigation was unlikely to be needed. However, to maintain sound insulation of the building the NIAs recommend doors should be kept closed and/or adequately lobbied and any ventilation openings should be fitted with appropriate acoustic attenuation to ensure they do not compromise the sound insulation of the building envelope.
 22. The Council's Environmental Protection team considered the noise reports submitted by both parties and record that it has no objections, subject to a number of noise attenuation measures being undertaken. These include implementing details shown on a particular plan⁶ for entrances, exits and windows to ensure noise does not emanate from the building, insulating the roof, and that all windows are triple glazed. I am led to understand that not all these measures have been fully implemented. Therefore, a condition(s) would need to be imposed to ensure they are put in place and the condition worded such that failure to implement the measures could see the use as a wedding venue cease.
 23. The appellant's NIAs also made assessments of vehicular movements and noise from them, including doors banging, and using data from a number of traffic counts the appellant undertook during a typical wedding event to gauge average vehicle movements. The worst-case 1-hour period was found to be between 21:00 and 22:00 hours where 49 vehicles were observed arriving and/or leaving the site. The majority of guests were dropped off in taxis, hence vehicles would pass the access route twice. Based on the noise model used, the worst case noise level from vehicular movements at the nearest noise sensitive dwelling (Orchard Lea) would not exceed background noise levels in the vicinity. Hence the NIAs concluded the impact would be low.
 24. Furthermore, the appellant has proposed submitting a Staff and Guest Travel Plan to encourage travel alternatives to private cars or reduce single occupancy

⁵ by Hepworth Acoustics dated 25 February 2020

⁶ CPP A1-L dated 27.02.20

car journeys to limit demands for parking at the site. In addition, the submission of a Management Plan is also suggested, which would show how wedding functions would operate and include matters such as how the events would be managed to discourage unsociable behaviour of guests, access arrangements for guests, control on noise levels, and the role of on-site management. Both of these Plans would help reduce vehicle numbers and mitigate against general noise and disturbance. Both can be conditioned.

25. Whilst there would be increased vehicle movements at the junction of Lady Lane and Davenport Lane, these would not be directly outside the access entrance to Orchard Lea, which is further north along the Lady Lane. I saw that Orchard Lea itself is set back from both Lady Lane and Davenport Lane behind mature hedgerows, which would provide some noise attenuation and screening.
26. Taking account of the limited frequency and duration of events, together with appropriate mitigation measures and the use of suitably worded conditions, I am satisfied the development would be adequately mitigated against undue noise and disturbance from both inside and outside the building, such that the living conditions of nearby residents would not be materially harmed.
27. Accordingly, the proposal would comply with saved Policies DC3, DC13 and DC14 of the Macclesfield Borough Local Plan and Policy SD2 of the CELPS. Collectively these seek to adhere to sustainable development principles and ensure that noise-generating development does not significantly injure the amenities of nearby residential properties with unacceptable levels of noise, and that noise is mitigated by soundproofing measures where appropriate.

Other Matters

28. The Council raises no concerns regarding the design of the external alterations and extensions or its effect on the local landscape. From my observations on site I see no reason to disagree and consider the building integrates acceptably into its countryside location.
29. The appellant has submitted data based on this and the other wedding venue in his ownership, which demonstrates that at peak capacity car parking requirements were significantly lower than the number of guests and could be adequately accommodated on the appeal site without causing harm. Furthermore, a condition could be imposed requiring a travel plan to be submitted with the aim of limiting single occupancy journeys to the venue. I am aware that the Framework seeks to ensure that sites that meet local business needs may well not be in locations that are well served by public transport. The Council's Head of Strategic Transport has raised no objection to the development and I am satisfied that through the adoption of a travel plan opportunities to reduce the number of car journeys are maximised.
30. The Manchester Airport Safeguarding Team has no objections to the development subject to a number of conditions. In addition, the appellant has submitted an Ecological Report setting out mitigation measures for the development which can be secured by the imposition of a condition to ensure there is no harm to ecology. There is no substantive evidence before me on either matter to lead me to a different conclusion.

Conditions

31. I have considered the Council's suggested conditions against the advice in the Framework and Planning Practice Guidance. I have also sought the comments and various clarifications of the main parties.
32. There would be a requirement for the development to be carried out in accordance with the plans, but as the development has commenced there is no need for the standard time period.
33. To help encourage sustainable means of travel I shall impose the suggested conditions requiring the submission of a Staff and Guest Travel Plan and the installation of electric vehicle infrastructure.
34. To promote sustainable drainage and ensure no flood risk on or off the site, I shall impose the suggested drainage condition, which is based on the advice of the Council's Flood Risk Management Team. I shall also require that the Ecological mitigation recommendations be implemented in the interests of enhancing biodiversity in this countryside location.
35. In the interests of the living conditions of nearby residents I shall impose the suggested conditions to reduce the number of guests attending any wedding function to a maximum of 80; the number of wedding functions in a year to no more than 50, and that the wedding functions can only take place on Saturdays between 10:00 and midnight.
36. I had considered that all guests and staff vacate the premises by midnight. However, I have reconsidered this in light of the appellant's comments and suggestions. There will be a period of time after midnight, after all the music and entertainment stops and the wedding function comes to an end, when guests and staff have to vacate the premises. As this will be in the early hours of Sunday morning and in the interests of the amenities of neighbouring properties, guests and staff will need to vacate the premises as expediently as possible. To this end I have accepted the appellant's suggestion that all guests shall have vacated the premises 30 minutes later by 00:30 hours and that all staff shall have vacated the premises 45 minutes later by 00:45 hours, and that the on-site bar and all music and entertainment, live or not, must cease at midnight. These times will also need to be reflected in the Staff and Guest Travel Plan and the Management Plan, together with measures to show how this will be implemented. The Council has had the opportunity to consider the appellant's suggested hours' condition, but has not made any comments.
37. On requesting a copy of the 'particular plan' for noise attenuation measures mentioned in the Committee Report, the main parties inform me that they have no such plan. However, I am directed to the layout plan produced by Calder Peel Architects drawing 20004(PL)11D dated 27.02.20. This shows locations of the sound lobbies, doors and windows. In light of this, I shall refer to the Calder Peel Architects plan in the condition.
38. Due to the site's proximity to Manchester Airport and in particular Runway 2 a number of conditions are recommended in the interest of aircraft safety. These include the submission of a Bird Hazard Management Plan and conditions to ensure that there is no upward spill of light from any exterior lighting, no solar photovoltaics, fireworks, inflatables or barbeques. I consider their imposition necessary.

39. I shall impose a 'long' condition that will require the submission of various additional details and their implementation within certain time periods. Failure to comply with any aspect of this condition will require the use as a wedding venue to cease.

Conclusion

40. For the reasons given above I conclude that the appeal should be allowed.

K. Stephens
INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - 20004 (PL) 001C – Location Plan
 - 20004 (PL) 007* - Material Palette
 - 20004 (PL) 012 F – Proposed Elevations
 - 20004 (PL) 011 D – Proposed Floor Plans
 - 210-LYR-XX-ZZ-DWG-L-1001 Rev 9 – Landscape Masterplan
2. The use and associated works hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 2 months of the date of this decision:
 - a) The site is laid out in accordance with Landscape Masterplan drawing 210-LYR-XX-ZZ-DWG-L-1001 Rev 9.
 - b) The noise attenuation works are carried out to the building, as shown on drawing CPP A1-L dated 27/02/20; the roof of the premises is insulated with 200mm of Knauf acoustic partition roll sandwiched between 2 layers of metal roof sheets, and all windows are triple glazed.
 - c) A Management Plan for the operation of wedding functions is submitted for written approval by the local planning authority .
 - d) A Staff and Guest Travel Plan for wedding functions is submitted for written approval by the local planning authority .
 - e) A Bird Hazard Management Plan is submitted for written approval by the local planning authority.
 - f) A detailed drainage strategy, including design, management and maintenance plans, is submitted for written approval by the local planning authority.
 - ii) If within 6 months of the date of this decision the local planning authority refuse to approve any of the schemes required above or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv) The approved schemes c), d), e) and f) above shall have been carried out and completed in accordance with a timetable to be approved with the local planning authority. Upon implementation of the approved schemes specified in this condition, those schemes shall thereafter be retained in use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

3. Within 12 months of the date of this permission the Ecological mitigation features shown annotated on Penny Anderson Associates Ltd plan, entitled (in handwriting) "Plan Showing Mitigation Features – indicative locations 22 July 2021" shall be implemented.
4. Within 6 months of the date of this permission, electric vehicle infrastructure shall be provided to the following specification:
 - i) 5% of new parking provision with Rapid (43kW AC or 50kW DC) EVP with cabling provided for a further 5% (to enable the easy installation of further units) or the best available given the electrical infrastructure.
 - ii) Should the infrastructure not be available, written confirmation of such from the electrical supplier shall be submitted to the LPA.
 - iii) Where there is insufficient infrastructure, Mode 3 compliant Fast 7kW charging may be deemed acceptable subject to the previous being submitted.

The approved infrastructure shall be implemented in accordance with a timetable to be agreed with the local planning authority and maintained throughout the use of the development.

5. The premises can only be open and used for wedding functions on Saturdays, in accordance with condition 7, between the hours of 10:00 and 00:00 (midnight) with all guests having vacated the premises by 00:30 hours on Sunday and all staff and all other personal having vacated the premises by 00:45 hours on Sunday.
6. The on-site bar shall be closed and no entertainment, including a DJ, music, band or other form of entertainment, shall be permitted outside of the hours of 10:00 and 00:00 midnight on Saturdays, and shall only operate in conjunction with a wedding function.
7. There shall be no more than 50 wedding functions in any calendar year.
8. There shall be no more than 80 guests at any wedding function.
9. Any exterior lighting shall be capped at the horizontal with no upward light spill.
10. No solar photovoltaics, fireworks, inflatables, barbeques shall be erected, installed or used on the site.

End of Conditions