



Appeal Decision

Site visit made on 26 July 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2022

Appeal Ref: APP/G2713/W/21/3289987

Westholme, York Road, Thirsk YO7 3AE

- 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 Mrs Sarah Goacher (Westholme Ltd) against the decision of Hambleton District Council.
 - The application Ref 20/00008/FUL, dated 5 January 2020, was refused by notice dated 12 October 2021.
 - The development proposed is described as 'Change of use of an existing Agricultural Building to a Function venue eg, Wedding receptions, Birthday Parties, Functions. Etc'.
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Decision

1. The appeal is allowed and planning permission is granted for 'Change of use of an existing Agricultural Building to a Function venue eg, Wedding receptions, Birthday Parties, Functions. Etc' at Westholme, York Road, Thirsk YO7 3AE in accordance with the terms of the application Ref 20/00008/FUL, dated 5 January 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The decision notice refers to the Local Development Framework Core Strategy (adopted April 2007) and Development Plan Document (adopted February 2008) policies. After the submission of this appeal, the Hambleton Local Plan (LP) was adopted in February 2022 and now replaces the aforementioned documents as the development plan. The Council has provided copies of the most relevant policies. Given the submission of the appellant's final comments post-dates the adoption of the LP, I am satisfied that all parties have had a suitable opportunity to comment on the implications of the relevant policies.

Main Issues

3. The main issues are as follows:
 - The effect of the proposal on the living conditions of nearby residents with particular regard to noise; and
 - Whether the appeal site would be a suitable location for the proposed development with particular regard to the Council's spatial strategy.

Reasons

Living Conditions

4. The appeal site comprises an agricultural building located on land which was formerly a farm but evidently no longer operates in this manner. There are

other outbuildings and a dwelling adjacent, while the nearest dwelling not associated with the farm is located in the village of Bagby circa 300m to the east. Visitors would enter the site via the existing access track from the A19, with the appeal building located at the end of the track. The adjacent field is proposed to be used as a parking area.

5. The use of the building for events such as weddings could generate excess noise and disturbance. This could be from live or recorded music, guest's voices or vehicles entering and exiting the site. The submitted noise impact assessment (Dragonfly Consulting – Ref DC3570-R1v3) concludes that the cumulative effects of noise would constitute an increase of less than 3 decibels. This would result in a 'non/not significant' effect upon local receptors. These were monitored at three locations nearby – two in Bagby, including the closest un-associated dwelling, and another on the opposite side of the A19.
6. The consultation response from the Council's Environmental Health (EH) team concurred with the findings of the assessment and determined that any resulting effects of additional noise from the proposed change of use could be mitigated adequately by conditions. Based on the evidence before me I see no reason to disagree with either the findings of the assessment or the EH response.
7. The Council does not dispute the findings of the noise impact assessment but does have concerns that the conditions required to make the proposal acceptable would be difficult to enforce. However, there is little substantive evidence as to why this would be difficult. Conditions to control noise emanating from events such as weddings which fall outside of standard working hours are not uncommon and the appellant has outlined procedures to have management staff on site during events. They have also clarified that the 'Do-it-Yourself' aspect of the events would involve guests having control over decorating and furnishing the building themselves rather than complete autonomy of the venue, including volume levels. Further details are required in this regard to be secured by condition, as well as other restrictions on the use of fireworks or entertainment outside of the building. Although there are references to new housing approved closer to the appeal site, I have no substantive details of these before me.
8. Based on the foregoing, the proposal would not harm the living conditions of nearby residents with regards to noise in accordance with Policy E2 of the LP, which states all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including existing occupants and users of neighbouring land and buildings, in particular those in residential use.

Whether Suitable Location

9. The appeal site is located outside of any defined settlement limits. For the purposes of the development plan, it is therefore considered to be within the countryside. Policy S5 of the LP states that development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.
10. Policy EG7 gives support to the re-use of an existing building of permanent, structurally sound construction that is capable of conversion without the need

for substantial extension, alteration or reconstruction and can accommodate the functional needs of the proposed use including appropriate parking provision. I have not been made aware of any concerns from the Council regarding the condition of the building, its functional use or car parking arrangements at the site.

11. Policy EG8 states that where a countryside location for new visitor facilities is proposed, it should be demonstrated that the proposal will be accessible by sustainable travel options, among other things. I have not been provided with information regarding travel options to the appeal site, although given the location it is reasonable to assume that this would be limited to private vehicles. The appellant does not dispute this point. Generally speaking, this is the least sustainable form of transport.
12. However, the National Planning Policy Framework (the Framework) advises in paragraph 85 that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In any event, Policy EG8 stipulates that in considering proposals for these uses, the Council will have regard to any benefits to the local economy and local services.
13. The appeal site is located circa 300m from the nearest dwelling within Bagby, which is identified in Policy S3 as a secondary village with some services and facilities. From my observations on the site visit this includes a pub, church and village hall. Thirsk is located circa 2km from the appeal site and is identified as a Market Town in Policy S3. The justification for S3 stipulates that Thirsk, along with Northallerton, will continue to be the prime focus for development in the district, for both housing and employment.
14. Thirsk includes a range of services and facilities along with good public transport links. The likely scenario for visitors to the venue would involve those travelling from greater distances seeking to stay overnight in Thirsk, during which time they would make use of bed and breakfasts, taxis and restaurants alongside the financial benefits to the appellant business.
15. As such, while the site is not well linked with public transport, it is close to a town which does have good transport links and would make a significant contribution to the rural economy. On balance, the appeal site would be suitable for the development, in accordance with Policies S1, S5, EG7 and EG8 of the LP as detailed in the foregoing chapters. The proposal would also accord with paragraphs 84 and 85 of the Framework. Accordance with national policy is a further requirement of Policy S5 of the LP.

Other Matters

16. I have had regard to the comments of interested parties, some of whom live nearby. Concerns relating to noise and disturbance have been addressed within the relevant sections of this report. Although I understand some people may be worried about traffic impacts on the A19 road, these have been assessed by the Council's highways team with no concerns subject to a condition to secure further details regarding the vehicular access. Similarly, while some comments raised concerns relating to the impact on the character and appearance of the proposal there are minimal external works proposed and the Council did not

give this as a reason for refusal. Based on the evidence before me and my observations on the site visit, I see no reason to disagree.

Conditions

17. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the national Planning Practice Guidance (PPG), making amendments as necessary to comply with those documents. I note the appellant has agreed with these conditions in their appeal submissions.
18. Alongside the standard time limit, a condition to clarify the approved plans is required to maintain the character and appearance of the area. Conditions to secure further details of the management of events, the tenure of the appeal building, which will remain linked to the occupation of Westholme, hours of operation, noise limit measures, restrictions of vendors operating outdoors, details of openings of the building, capacity and number of events annually are required to protect the living conditions of occupiers of nearby residents alongside those details contained in the Noise Impact Assessment. Further details regarding the vehicular access and parking improvements are necessary to ensure highway safety is maintained.

Conclusion

19. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed, subject to the conditions in the attached schedule.

C McDonagh

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan (dated Tuesday February 11 2020); Site Access plan (Westholme York Rd).
3. The use hereby permitted shall be tied to the occupation of Westholme, York Road, Thirsk, YO7 3AE.
4. Prior to the first use of the development hereby permitted, an events management plan shall be submitted to and approved in writing by the Local Planning Authority. An event management coordinator shall be identified and assigned in this manner and shall manage, monitor, and review the plan. The plan shall include details of the following:
 - A process for recording and managing complaints relating to noise and disturbance.
 - The management of visitors leaving the premises and clean-up operations.

Thereafter, the appeal premises shall be operated in accordance with the approved management plan for the life of the development.

5. No events which commence on Friday or Saturday shall take place outside the hours of 07:00 that day and 01:00 the following day, and no event which commences on a Sunday will take place outside the hours of 07:00 that day and 23:00 the same day.
6. Prior to the first use of the development hereby permitted, a noise limiter shall be installed within the building subject to this approval. This limiter must ensure that no amplified entertainment noise within the building exceeds 87Db(A). The limiter, set at this level, shall remain in place and active for this and all subsequent events.
7. No entertainment, including live or amplified music, shall take place outside the building subject to this approval.
8. No fireworks shall be used on the site during events subject to this approval.
9. No food and drink vending shall take place outside the building subject to this approval.
10. The roller shutter door in the north elevation shall remain closed between 23:00 and 07:00.
11. The openings in the south façade shall remain closed at all times and any other openings shall remain closed when not immediately required for access/egress.
12. Prior to the first use of the development hereby permitted the upper parts of the north, east and south elevations will be close boarded.
13. The building shall be limited to only 26 events within a calendar year. The venue shall not exceed 200 people at any such event.

14. Prior to the first use of the development hereby permitted, the access to the site shall be set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

-The crossing of the highway verge must be constructed in accordance with the approved details and/or Standard Detail number E10.

-The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works must accord with the approved details.

15. Prior to the first use of the development hereby permitted, the proposed car parking shall be laid out in accordance with the approved plans. The proposed car parking shall be maintained and retained for this purpose throughout unless otherwise approved by the Local Planning Authority.

END OF SCHEDULE