
Appeal Decision

Site visit made on 1 February 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2024

Appeal Ref: APP/Y2736/W/23/3323560

Sproxton Hall Farm, Main Street, Sproxton, Helmsley, North Yorkshire YO62 5EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Mark Wainwright on behalf of A Wainwright and Son against the decision of Ryedale District Council.
- The application Ref 22/00791/FUL dated 6 July 2022, was refused by notice dated 2 March 2023.
- The development proposed is change of use and alteration of farm buildings to form a mixed-use events and venue barn (wedding ceremonies and reception and small conferences etc.) with associated facilities, landscaping and parking including new access from A170.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the planning application was determined, Ryedale District Council has merged with several councils to form North Yorkshire Council. However, the development plan policies against which the planning application was determined remain in place until such time as they are revoked or replaced. I have determined the appeal on this basis.
3. In reaching this decision, I have had regard to the revised version of the National Planning Policy Framework ('the Framework'), that was published on 20 December 2023. As the changes do not relate to matters which are relevant to this appeal, I have not sought the parties' comments on it. I have, however, used the revised paragraph numbers within my decision.

Main Issue

4. The main issue is the effect of the development upon the living conditions of nearby residents with particular regard to noise and disturbance.

Reasons

5. The appeal relates to a range of agricultural buildings within a farm grouping located close to the hamlet of Sproxton. The proposal would result in the buildings being refurbished for use as an events and venue barn, including external areas. An area for parking would also be provided, with an access route direct from the A170 across land currently in agricultural use. Provision would also be made for external catering facilities such as mobile vans, moveable bars and ice cream vans.
6. It is stated that the venue would cater for a maximum of 180 guests per day, rising to 220 guests for an evening wedding event. It is also stated that events

would run between 1200 and 0000, and that live music within the venue would cease by 2300, and other music by 0000. However, the planning application form also indicates that operating hours on a Saturday would extend until 0100.

7. The Council's concern relates to the effect of the proposal on the living conditions of nearby residents, the closest of which are the occupiers of Bransdale Cottage. I understand that the occupiers of this property also operate four holiday cottages known as Sproxton Hall Cottages which are co-located with Bransdale Cottage.
8. The application was supported by an Acoustic Impact Assessment¹ ('the AIA') produced by Sustainable Acoustics which includes a background noise survey. I am also in receipt of a review of this document, prepared by Apex Acoustics², and a further rebuttal³ to the Apex Acoustics review prepared by Sustainable Acoustics.
9. The AIA identifies that with the use of a Zone Array System ('ZA'), that a commercially viable dancefloor mean-average noise level of between 90 and 95dB(A) could be achieved without exceeding a lowest observed adverse effect level at the closest residential properties.
10. This conclusion is based upon a number of attenuation assumptions including from the structure of the building itself. It is stated that the target attenuation of the building should be 35dB(A) following the making good of existing stone walls and roof tiles. It is also stated that the roof, doors and windows should be upgraded to meet the mitigation requirements, and that doors and windows in the event space should be kept closed and alternative ventilation provided.
11. A test using a ZA was carried out at the appeal site using the building as it currently stands, and, it is stated, the results met with positive feedback from those local residents who were present. However, no empirical results from this test are before me. It is therefore difficult to understand the level of attenuation performance that the building currently delivers or, therefore, the level of improvement to the fabric of the building that would likely be required in order to achieve the assumed attenuation performance. Furthermore, the level of continued objection to the proposal by some local residents indicates that the results of the ZA test may not have met with universal approval.
12. No assessment of the attenuation performance of the proposed roof structure has been provided or is shown on the plans, nor are there details of the noise attenuation level of any proposed doors and windows. Without such details, and without a baseline of current performance established, it is not clear whether the proposed works to the roof structure or replacement doors and windows would deliver the level of attenuation which is assumed. Furthermore, as it is common ground that the buildings are curtilage listed, this could have additional implications if significant works beyond those set out in the evidence before me were required in order to achieve the stated attenuation. Therefore, I consider that a planning condition in relation to the achievement of sufficient building attenuation, as suggested by the Council's Environmental Health Officer ('EHO'), would not be appropriate in these circumstances.

¹ Sproxton Hall Events Venue Acoustic Impact Assessment No. 22-0105-0 R-01, Sustainable Acoustics, June 2022

² Memo 8640.5A - Review of Sustainable Acoustics Report 22-0105-R01, Apex Acoustics, September 2022

³ Memorandum 22-0105-0 Sproxton Hall Acoustic Rebuttal M01 SW PR Issue 2, Sustainable Acoustics, October 2022

13. The attenuation assumptions also refer to doors and windows being kept shut. Although the provided Noise Management Plan includes measures in relation to the prevention of the opening of some doors and windows, I consider that at a large event it would be impractical to ensure that all external doors are kept closed throughout, as people would be arriving, leaving, making use of external smoking areas, or despite the use of mechanical ventilation, enjoying a period of fresh air. It is therefore likely that there would be circulation into and out of the building with a degree of regularity. It has not been shown that the associated opening and closing of the door, even accounting for the lobby area and its location on the south-eastern side of the building, would not result in noise leakage.
14. I acknowledge that the AIA does provide a 5dB reduction to the level of attenuation provided by the building on the basis of on-site imperfections. However, no basis for this level of reduction is provided, nor, given my reasoning above, is it clear whether this level of discount would be a realistic reflection of the situation. I also note the view of Apex Acoustics that the stated mean-average dancefloor noise level would be towards the lower end of commercial viability, which would limit any margin to realistically reduce dancefloor noise levels should attenuation assumptions prove unachievable.
15. With regard to external noise generated by people and vehicles, I consider the methodological assumptions within the AIA to be generally reasonable. However, there is reliance on effective site management to limit the use of external areas and traffic management to ensure the use of the proposed access track as opposed to the existing road access through Sproxton. It is suggested that compliance could be achieved by means of planning conditions. However, given that both of these factors would involve a number of elements outside of the control of the appellant, such as the behaviour of guests including potentially large groups of people, and third-party vehicles, the effectiveness of such measures would not be guaranteed or be wholly enforceable. It is therefore possible that levels of noise higher than those identified could result.
16. Furthermore, I have been provided with no assessment of the potential cumulative effects that could occur from internal amplified music, external conversations, noise associated with vehicles, or other noise sources such as catering or refreshment vehicles and other plant or equipment, all of which could occur concurrently.
17. Given the nature of the proposed use and the stated operating hours, such noise could occur over a prolonged period and into the late evening hours when the occupiers of nearby properties might reasonably expect a quiet environment, or during daytime and the early evening when it would not be unusual for garden areas to be enjoyed, particularly in summer months. I am therefore unable to conclude that when taken together, that the level of noise generated by the proposal overall would not result in unacceptable levels of noise and disturbance.
18. It has not been shown that the proposal would not cause unacceptable noise and disturbance for the occupiers of nearby dwellings. Although a range of conditions are suggested, including the use of a noise management plan, these would not give me sufficient comfort that the potential impacts would be acceptably mitigated. Therefore, the proposal would be contrary to Ryedale Plan – Local Plan Strategy Policy SP20 which states, amongst other factors,

that development will not have an adverse impact on the amenity of occupants of neighbouring land and buildings or the wider community.

Other Matters

19. The appeal site is adjacent to the Grade II listed Sproxton Hall. Although not listed in themselves, it is common ground that the buildings subject to this appeal are curtilage listed as they are closely associated with Sproxton Hall. I understand that the Council has previously granted listed building consent⁴ for the appeal proposal and as a result, considers that it would preserve the significance of the heritage assets. I have no reason to disagree, and as I am dismissing the proposal for other reasons, no harm would arise from me not considering this matter further.
20. I am aware that the application received a positive recommendation from the Council's officers and that no objection was raised by the EHO. However, the conclusion of the EHO was based upon a number of caveats, including ensuring that the building would deliver sufficient noise attenuation and adherence with a noise management plan.
21. As stated above, it is my view that it would not be appropriate to secure additional building attenuation by means of planning condition, and I also have concerns with regard to whether the measures set out in the noise management plan would be wholly enforceable. Accordingly, whilst I have had regard to the views of the EHO, I consider that there is justification, in this case, for departing from them.

Planning Balance and Conclusion

22. The proposal would conflict with the development plan when read as a whole. I am mindful that the proposal would amount to a farm diversification scheme which would generate local employment opportunities and would support other local suppliers. Paragraph 85 of the Framework sets out that significant weight should be placed on the need to support economic growth and productivity and Paragraph 88 highlights that planning decisions should enable the development and diversification of agricultural businesses.
23. The proposal would also result in the restoration of the curtilage listed buildings. However, I saw that they are currently in agricultural use and are therefore likely subject to a degree of basic maintenance and it is not suggested that they would be at risk should the appeal fail. Nevertheless, this would represent a further benefit of the proposal. It is also possible that the proposed separate access track would reduce the level of farm traffic travelling through Sproxton, however as this would not be controlled, this is a benefit to which I afford very minor weight.
24. Overall, I conclude that there are no material considerations including the Framework, either individually or in combination, that outweigh the identified harm and associated conflict with the development plan. I therefore consider that the appeal should be dismissed.

C Harding

INSPECTOR

⁴ 20/00696/LBC