



Appeal Decision

Site visit made on 22 January 2025

by **J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

Appeal Ref: APP/P4415/W/24/3352764

Ravenfield Arms, 30 Hollings Lane, Ravenfield, Rotherham S65 4PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Ryan Kelly of Ravenfield Arms against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2024/1033.
The application sought planning permission for use of land as extension to public house with erection of covered seating area to side and variation of condition 5 of RB2003/1577 to allow open seating area to the front without complying with conditions attached to planning permission Ref RB2023/1386, dated 18 June 2024.
 - The conditions in dispute are Nos 02, 03 and 04 which state that:
 - 02 – The external seating area and enclosed terraced area as indicated on the Architecture 1B plan (Drawing Ref No.2023-689-006 Rev A) shall only be open to patrons between the hours of 10:00hrs – 21:00hrs Mondays to Sundays.
 - 03 – There shall be no televisions situated outside of the pub or in the enclosed terraced area as indicated on the Architecture 1B plan (Drawing Ref No.2023-689-006 Rev A).
 - 04 – There shall be no playing of live or amplified music, or amplified audio outside of the pub or in the enclosed terraced area as indicated on the Architecture 1B plan (Drawing Ref No. 2023-689-006 Rev A).
 - The reasons given for the conditions are: To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 and 15 of the NPPF.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the application form is 30 Hollins Lane but on the appeal form and decision notice it is Ravenfield Arms, 30 Hollins Lane. For clarity I have used the name of the pub, Ravenfield Arms.
3. The planning application indicates that with regard to condition 02, the proposal is to extend the opening hours to the covered terrace area only but the decision notice refers to variation of the condition to include the external seating area and the enclosed terrace. The appellants appeal submission does not clarify the matter. Given that the planning application is clear that the covered area is required to be available to patrons until 2300 hours as opposed to 2100 hours as required by condition 02, I have assessed the appeal on this basis.
4. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024 and is a material consideration in this appeal. Having considered the revisions to the Framework, as well as the principles of natural

justice, together with the nature of the determining issues in this appeal it is clear to me that there are no material changes in the revised Framework relevant to the substance of this appeal. Therefore, I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework.

Main Issue

5. The main issue is whether conditions 02, 03 and 04 are reasonable and necessary to make the development acceptable taking into account the effect on the living conditions of the occupiers of surrounding properties with regard to noise and disturbance.

Background

6. The appeal site was previously a social club which obtained planning permission to change its use to a public house in or around 2003 (RB2003/1577). A condition on that permission prevented the land outside the building to be used as drinking or play areas (condition 5). An application for the erection of a covered seating area to the side and variation of condition 5 of RB2003/1577 to allow an open seating area to the front was approved (RB2023/1386) subject to conditions.
7. Condition 02 restricts the use of these areas to 1000 until 2100 Mondays to Sundays. The proposal is to vary this so that the covered area can be used up to 2300. Conditions 03 and 04 restricts any televisions and the playing of live music or amplified audio outside the pub or in the enclosed terraced area. The proposal is to allow televisions, in the covered area and allow playing of live or amplified music, or amplified audio in the covered and uncovered terrace areas until 2100.
8. The reasons for the three conditions are to protect the amenities of the occupiers of nearby properties. The nearest residential properties are opposite the Ravenfield Arms on the southern side of Hollins Lane and those across the playing field to the east of the pub on the northern side of Hollins Lane. I have considered the appeal on this basis.

Reasons

9. The Ravenfield Arms is a detached building located adjacent to a playing field and a childrens play area on the northern side of Hollins Lane. There are residential properties to the east of the playing field and on the opposite (southern) side of Hollins Lane and Wood Close, which runs off it. A covered terrace runs along the eastern side of the building, adjacent to the playing field, and there is an open external seating area to the front of the pub and the covered terrace.
10. A Noise Impact Assessment was submitted with the original application for the covered terrace and open seating area. This assesses noise from the enclosed terrace area and the most sensitive dwellings which it identifies as being on the southern side of Hollins Lane, on the corner with Wood Close at about 40 metres away and on the other side of the playing field, on the northern side of Hollins Lane, at about 60 metres away. The survey assessed noise levels from patrons occupying the terraced area and from noise from televisions or amplified noise during sporting events.
11. Based on the surveyed results, the appellants assessment advises that televisions and sporting events in the external areas should be limited to 2200 on Friday and

Saturday and 2100 for the remainder of the week. Also, the use of the external areas should be prohibited after 2300 hours.

12. Notwithstanding these findings, the Council imposed the stricter restrictions as set out in conditions 02, 03 and 04. The Council's views regarding the necessity of these conditions have not changed in the intervening time and no evidence has been submitted with this appeal to change its views. However, neither has the Council demonstrated any alternative noise data or empirical analysis to substantiate its view. The covered and uncovered areas are existing and have now been used for some time and I am mindful that the most affected residents living nearby continue to express concern about the use of these areas. I am, however, mindful about the appellant's reference to the Council following up enforcement action about a complaint and not finding any noise capable of causing a disturbance at the complainant's address.
13. The covered terrace is substantial and the appellants noise assessment assumes a peak capacity of 72 patrons (based on 12 tables seating 6 people). The number of patrons would increase if the uncovered seating area were taken into account. The survey acknowledges that there is no standard or guidance specifically designed for the assessment of patron noise. The assessment has therefore adapted the criteria in the available guidelines accordingly. It acknowledges that noise from patrons is highly distinguishable in most environments and contains louder peaks due to shouting, singing etc which has the potential to cause higher levels of impacts than the numbers alone suggest.
14. Noise emanating from patrons using the covered and uncovered terraced areas of the pub is likely to generate peaks which would be more apparent when they are watching live sporting event. I note the reference to significant football events that have taken place to date. From the representations received, the occupiers of neighbouring houses have experienced noise disturbance over the time when the covered and uncovered areas have been in use. Whilst this may not have been considered a statutory nuisance, it has been a source of complaint from neighbours.
15. The existing conditions allow patrons to use the outdoor covered and uncovered space seven days a week all day until 2100 hours. I note that the Council's Environmental Health Officer suggests that the covered area could be used later, until 2300. However, the open and covered areas run into each other and whilst a modest number of people could use this area without causing undue harm, larger groups could easily spill out into the uncovered area. The practicalities of allowing people to congregate in one part of this area and not another would be difficult to enforce and, in my view, is unreasonable. Given the proximity of residential properties to these areas, I consider that condition 02 is reasonable and necessary in order to protect the living conditions of the occupiers of the neighbouring properties from noise and disturbance.
16. Conditions 03 prevents televisions being sited in these locations and condition 04 prevents live or amplified music/audio in these outdoor areas. The appellant suggests allowing these until 2100. There would inevitably be a difference in noise levels from people sitting outside the pub, even in large groups, and those watching a sport event or listening and/or engaging with live music or amplified music/audio.

17. Levels of shouting, cheering or singing would rise and fall and therefore inevitably be more evident and potentially more disturbing to local residents. I am also mindful of the practicalities of showing live sporting events during the earlier part of an evening and turning televisions off at 2100 (a 2000 hours kick off for a football match for example would extend well beyond 2100). I do not therefore consider that a condition that could have the effect of truncating a live event would be reasonable. I note that the appellant states that patrons would locate themselves at the outset within the pub to avoid disappointment should such a scenario occur but this does not convince me that this would be a realistic arrangement. Therefore, I do not consider that allowing televisions into these areas of an evening would be acceptable.
18. Likewise, I am not convinced by the evidence presented that live or amplified music/audio in these outdoor areas would be acceptable. I have taken into account the evidence presented in the noise assessment which includes testing the existing external speaker system, set at maximum, and sets out a scenario based on the number of patrons speaking in raised voices added to noise from amplified music/speech. Whilst the readings take into account the distance to the two closest dwellings and finds the noise levels fall within acceptable limits, the distance between the nearest dwellings and the pub, as I observed them, do not seem sufficient to bring down noise and disturbance levels to a point where the living conditions of the occupiers of those dwellings would not be harmed.
19. There is inevitably some noise and disturbance associated with living close to a pub and in this case the external covered and uncovered areas have been allowed but the conditions imposed mitigate the harm. Varying these conditions as proposed would conflict with Local Plan¹ Policy SP 52 which seeks to control pollution, including noise, and permits development only where it can be demonstrated that harm to amenity, amongst other things, can be mitigated. Furthermore, it would be inconsistent with the requirement in the Framework to ensure developments function well and create places with a high standard of amenity (paragraph 135).
20. Consequently, I conclude that conditions 02, 03 and 04 are reasonable and necessary to make the development acceptable taking into account the effect on the living conditions of the occupiers of surrounding properties with regard to noise and disturbance.

Other Matters

21. The appellant compares the appeal site to two other pubs in the area, The Woodman and The Cavalier, both of which apparently have unregulated outdoor areas. The Woodman is described as having residential properties at a similar distance to the Ravenfield Arms whilst The Cavalier has dwellings closer. However, I have limited information about either of these two pubs in terms of the extent or use of their outdoor areas or evidence that they have no restrictions. I am unable therefore to draw a direct comparison between them and the Ravenfield Arms.
22. I note that the proposal has also generated letters of support but these are not from those closest to the pub. Reference is made to the use of the playing field adjacent to the pub but this is not within the application site and is not affected by

¹ Rotherham Metropolitan Borough Council – Rotherham Local Plan Sites and Policies, Adopted June 2018.

the conditions subject to this appeal. There is nothing in this proposal that prevents children using it. Furthermore, families would still be able to use the outdoor seating areas at the Ravenfield Arms until 2100 which, even in the summer months, would generally be reasonable for those with children.

Conclusion

23. For the reasons given above the appeal should be dismissed.

J D Clark

INSPECTOR