

- a) **DOV/22/00493 - Change of use of land/buildings to mixed use agricultural and wedding/events venue, installation of hard surfacing and associated parking provision – Barfrestone Court Farm, Barfrestone Road, Barfrestone**

Reason for report – Councillor call-in due to concerns relating to the impact on the residential amenity of surrounding residents and the traffic generated as a result of the proposal and number of contrary views (36).

- b) **Summary of Recommendation**

Planning permission be granted, subject to safeguarding conditions.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010)(CS)

CP1 – Settlement Hierarchy

DM1 – Settlement Boundaries

DM3 – Commercial Buildings in the Rural Area

DM4 – Re-Use or Conversion of Rural Buildings

DM11 – Location of Development and Managing Travel Demand

DM13 – Parking Provision

DM15 – Protection of the Countryside

DM16 – Landscape Character

National Planning Policy Framework (NPPF) (2021)

Paragraphs 2, 7, 8, 11, 84, 85, 104, 110-112, 124, 130, 167, 174, 180

National Planning Practice Guidance

National Design Guide (2021)

National Model Design Code (2021)

Kent Design Guide (2005)

SPG4 Kent Vehicle Parking Standards

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

- d) **Relevant Planning History**

DOV/02/01201 - Re-building of barns and reinstatement of Oast House as 3 units of holiday accommodation – Refused – Appeal Allowed with conditions

DOV/19/01308 - Erection of first floor extension with alterations to windows and doors to an agricultural building – Refused

19/01309 - Alterations to agricultural building to include inserting a first-floor extension with 3no rooflights & door openings to front elevation. 3no dormer windows & shutters to rear elevation. Internal works include insertion of a staircase & first floor structure - Refused

e) **Consultee and Third-Party Responses**

Environmental Health - Environmental Protection have been asked to comment on the above application. Prior to receiving this application Environmental Protection commented on a Premises Licence application for the same venue under the Licensing Act 2003. Following a formal hearing, operational controls were agreed, those controls were:

• Recorded music changed to a termination of 00:00am • Alcohol provision changed to a termination of 00:00am • During regulated entertainment, the doors of the barn facing the courtyard (north facing) shall remain closed other than for access and egress. • During regulated Entertainment patrons who wish to smoke shall be directed to use the area on the south side of the barn which can be accessed through the south exit of the barn.

The current application is for a change of use from an agricultural barn to wedding venue. The application will allow the wedding venue to operate 7 days a week, 365 days a year, however the wedding frequency information within the Design and Access statement is noted.

One concerning factor that was not mentioned as part of the Licensing application was the use of the external garden area to have a marquee and extended events. A marquee by its nature is acoustically ineffectual, reducing noise aspects by 10dB maximum in some circumstances. Given the rural nature of the location we would be concerned by external amplified music at any time.

When reviewing this application Environmental Protection do not object to the application, we do however request controls to ensure that a level of residential amenity is maintained. We are minded to ensure that the application does not move to where significant observed adverse effect is experienced. Residents' comments are noted, which report noise issues with previous events at the development site. While these are noted, no complaints were received about these events by the local authority and so limited weight can be taken from them. When requesting controls, we accept the offers made within the application information but wish to move further, we therefore request the following conditions:

1. The site shall only be used for the purposes of a wedding venue (as applied) between the hours of 11:00am and 00:30am on each operational day. All operations associated with the weddings and associated events shall be conducted within these hours.
2. All performances of music in external areas, even within a temporary structure, shall be acoustic only i.e., no amplification of voice or instrument.
3. Weddings or associated events held at the development site between the 1st September and 30th June shall only take place on 1 day within any 1-week period (Monday to Sunday). Between 1st July and 31st August shall only take place on 2 days within any 1-week period (Monday to Sunday). This gives an expected total of 60 possible events per year as outlined in the application financial information.

4. Records of weddings or associated events held at the site shall be recorded by the operators of the site and the records be available for review within 96 hours of a receipt of a request in writing from the local planning authority.

5. Prior to first operation of the site as applied, a noise limiting device shall be installed within the internal wedding venue. All sources of amplified music associated with wedding events shall be played through the noise limiting device. The device shall not be bypassed at any time. The device shall be set prior to first operation by the local planning authority through the local Environmental Protection Team and the site operator. Any sound level set shall be maintained by the operator of the site. The noise limiter shall be maintained and replaced as required for the life of the development.

*It is our view that if the controls requested are put in place any disturbance to nearby residents will be significantly minimised, however if justified complaints are received this department has other powers to tackle such issues.*

Eythorne Parish Council - *Members of EPC had mixed feelings on the application, it was felt the residents' objections raised over noise concerns should be taken into account and the increase in traffic with this being in a small hamlet. Other members mentioned that as DDC's Licensing committee had already agreed to a licence to supply alcohol for consumption on and off the premises between 12.00 & 0.00 every day, and to allow music, with an extension for New Year's Eve. A condition was also put in place that the North facing courtyard doors are to remain closed. If this has been agreed by this Committee, members could not see why it should not apply to a wedding or other function. The issue of the PROW through the farm has been dealt with and access will be improved. Members understand why there are objections about the possibility of noise and additional traffic but conditions on the number of events and a routing agreement should safeguard neighbours. Some objectors suggest that it would be detrimental to the historic church, but members felt additional use would be a financial benefit which in turn would preserve this lovely & unique building for the future.*

Heritage Officer - *Principle listed building, the farmhouse, was listed in 1963 so even if the owner carried out the work 20 years ago as he indicated consent would have been required. Planning history shows a case in 1991 where from the existing plans it is apparent that the glazed doors were not in place at that time. Subsequently, I need a LBC for the glazing to the ventilation slits and the glazed door to the rear. They will need to provide full construction plans to show how the glazing relates to the structure and indicate how fixed, plus all the usual.*

*In essence, I am not adverse to the change of use however I am concerned that there are portaloos proposed and suggest that such a function should only be a very temporary measure. I would like to see greater detail of the finish of the land both to the rear where the marquee is to be positioned and the parking area within the inner courtyard as we do not appear to have any detail of the surface treatment of either.*

KCC Highways Final Comment - *The applicant has provided plans which demonstrate the visibility splays which can be achieved based on the 30mph speed limit on Barfrestone Road. The plans also show the boundary of Barfrestone Court Farm and land which is within the applicant's control. The splays should be measured 2.4m into the entrance of Bafrestone Court from the carriageway edge which does not appear to have been done. However, having carried out my own assessment, the visibility can be achieved by cutting back some vegetation around the pond on the bend (which is under the applicant's control). I would therefore wish to see a condition requiring the provision and maintenance of 43 metres x 2.4 metres x 43 metres visibility splays at*

the access with no obstructions over 1.05 metre above carriageway level within the splays.

Sufficient parking and manoeuvring areas are available within the site such that there is unlikely to be any impact on the highway. The relatively remote location of the site means that most if not all trips will be made by vehicle, and the use of minibuses, taxis and car sharing should therefore be encouraged. I would therefore wish to see a condition requiring the submission and implementation of proposals to promote and encourage such sustainable travel. Taking all of the above into account I raise no objection the proposals in respect of highway matters subject to the following being secured by condition:

- Number of events limited to 2 per week
- Provision and maintenance of 43 metres x 2.4 metres x 43 metres visibility splays at the access with no obstructions over 1.05 metres above carriageway level within the splays, prior to use of the site commencing.
- Provision and permanent retention of the vehicle parking spaces and manoeuvring areas shown on the submitted plans (150\_010.PL1.2).

Original Comment - The application is seeking a change of use for an agricultural barn to provide a wedding venue, to include a total of 150 guests. The design and access statement mentions a separate marquee which has the capacity to accommodate an additional 200 guests should the customer require it however it is unclear if these facilities will be used in conjunction with each other. The applicant will need to clarify if at one time, the venue has the potential for the barn and the marquee to be at full capacity, leading to potentially 350 guests.

The application seeks to utilise the existing access from Barfrestone Road however given the current use movements are significantly less than that for an events venue it will be necessary for the applicant to submit plans demonstrating the visibility splays that can be achieved in each direction of the access. These are required to be drawn 2.4 metres x 43 metres (based on the 30mph speed limit) with no obstruction above 1.05 metres within the splays should be illustrated. The splays should be measured 2.4 metres back from the highway, and to the nearside carriageway edge in either direction. The splays should only include land within the control of the applicant or KCC Highways.

The submitted plans show parking allocation for a total of 72 cars however none of these are allocated for staff parking. It is recommended that the parking layout is revised to allow for staff parking and parking for 3 mini buses. The 6 proposed disabled spaces are situated in area 4 on site plan but this area is a distance from the main venue and on ground that is not suitable for the mobility impaired. It is my suggestion that these are relocated to area 2 for easier access. Each parking space provided needs to be 2.5m x 5m with a clear 6m reversing distance behind to allow for manoeuvring and the disabled bays are required to be 3.6m x 5.5m which includes a hatched area to the rear and one side.

EV parking details will need to be submitted. Due to the Governments proposals to increase the use of Ultra Low Emission Vehicles, it is appropriate that all new developments incorporate ULEV charging points. KCC has recently reviewed its car parking standards, and a draft proposal has been endorsed and we are waiting for this to be formally adopted. Our requirements for ULEV's will be as follows: For all non-residential uses - 10% Active Charging Spaces and 10% Passive Charging Spaces of total car parking allocation.

*Further details will need to be provided regarding waste collection for the venue. It is necessary to know if this is going to be a roadside collection or if the refuse vehicle will be permitted to enter the site to collect from a bin storage area as vehicle tracking for a refuse vehicle may be required.*

KCC PROW Updated Comment - *Given the increase in vehicles up to 150, I ask that a traffic management plan is conditioned to ensure that the methods of controlling the traffic are fully outlined and adhered to. This includes vehicles entering and exiting the site, ensuring that vehicles are marshalled within the site during events.*

*Pedestrians have the higher right over the route and incorporation of a signage strategy should be ensured. The signage should be of a nature that drivers are aware of pedestrians, and vice versa. While I understand that this is a currently working scenario, every effort should be made with the increase in vehicle movements along the PROW. There should be no vehicles parked on the PROW at any time as this is an obstruction of the highway. If these conditions can be met and the definitive line of the public right of way is restored, I have no further reason to pursue my objection.*

Original Comment – *The proposed development directly affects Public Right of Way EE334, the location of which is indicated on the attached extract of the Network Map of Kent. The application makes no reference to PROW EE334, which is directly affected by the proposals. As the application is currently presented, I must object to it for the above reason. I would ask that the applicant submit an amended application reflecting the existence of the right of way and indicating how it will be dealt with.*

Southern Water - *There are no public foul and surface water sewers in the area to serve this development. The applicant is advised to examine alternative means of foul and surface water disposal. The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long-term effectiveness.*

#### Public Representations:

One letter of objection has been received in response to the amended proposal and the concerns are summarised below.

- Queries the acceptability of the visibility splays on the revised plan.
- Concern regarding flooding of the pond near the access, which floods as it requires clearing out. Suggests that if permission is received for this venue, DDC should consider putting a condition on the permission that the pond is cleared out in order that flooding could be prevented in the future.

36 letters of objection have been received in response to the original scheme and the material considerations are summarised below. Matters such as impact on an individuals' property value, financial intentions of the applicant etc. are non-material considerations and are not included below.

- Previous events at the venue have resulted in noise and disturbance to the surrounding area and residential neighbours and the proposal will increase this.
- The proposal would result in detrimental noise and disturbance impacts, particularly given the high regularity of the proposed weddings and as guests exit the venue at night.
- Question the likelihood of keeping doors closed as stated.
- The proposed marquee is not soundproof.

- The village and venue are accessed via narrow rural lanes with limited passing places. The proposed use would generate a high volume of traffic and vehicular movements at similar times which would result in disruption to traffic flows to/from the village and could result in hazardous occurrences between vehicles and other road users, particularly given the nature of the surrounding roads.
- Concern regarding freedom of access to the village, particularly for emergency vehicles, arising from increase in traffic flows associated with the proposed use.
- The surrounding roads are not suitable for the amount of traffic this proposal will generate.
- It is stated that traffic will be diverted away from the village, which is not considered possible to enforce. People will take the shortest route the venue, usually via sat nav.
- There is no mains drainage/sewerage to the property.
- There is a PROW running through the site, which the proposed use may adversely affect/obstruct.
- The proposal will result in a loss of peace and tranquillity to the locality.
- The proposal will adversely affect the rural character of the area and Conservation Area.
- The proposal does not propose any new buildings, but no obvious steps have been taken to manage the visual impacts of the temporary structures and car park.
- The proposed car park and temporary toilets etc. will be visible from the PROW running through the site and from various points within the village, which will be detrimental to the visual amenity and rural character of the village.
- The proposal will result in light pollution, which will be detrimental to the local environment and wildlife.
- The proposal would be detrimental to the setting of the Grade I Listed Norman St Nicholas Church.
- Opposition to the scale of the proposal.
- The proposal would change the character of the hamlet and result in urbanisation.
- The site is a working farm and the proposal could result in a danger to the public.
- Disagree that the proposal would provide a financial benefit to the local economy.
- The benefits of the proposal on the local economy have not been substantiated.
- The proposed hard surfacing to access the venue would result in additional surface water run off, which is likely to exacerbate flooding issues at the pond adjacent to the entrance, which is the lowest point of the valley.
- Consider that the proposal does not meet the requirements of Policy DM1, DM4, DM11, DM13 and DM15 and should be refused.

11 letters of support and 2 letters of representation have been received in response to the original scheme and the material considerations are summarised below.

- Consider the proposal to be a good idea and would benefit the local community.
- The proposal will not impact on life in the village.
- There is ample parking on site.
- The traffic generated would be negligible through the surrounding villages.
- The farm is integral to our community and the barn has hosted art festivals in the past.
- The farmer is an asset to our community and consider that he will continue to be respectful to local residents.
- Support this local business.
- The proposal has a reasonable music cut off time.
- Support the proposal on the understanding that these wedding events will be properly managed.

- The proposal would benefit the local church and neighbouring small businesses such as hotels, pubs and taxi services bringing much needed revenue to the local area.
- The proposal will result in an increase in jobs in the area.
- The proposal will be a positive addition to the local area.

**f) 1. The Site and the Proposal**

- 1.1 The application site is located within the hamlet of Barfreestone, outside the defined village and settlement confines (there are no settlement confines for Barfreestone), and within the countryside for planning purposes. The site is also partially located within the Barfreestone Conservation Area, which includes the courtyard of buildings and area to the north and terminates at the rear of the main barn building. The application site forms part of Barfreestone Court Farm and relates to the Barfreestone Court complex and surrounding land. This includes the barn building and associated buildings fronting the courtyard, the courtyard, the adjacent access route to the east of the courtyard and a somewhat L shaped parcel of land to the rear of the barn building. The existing farmhouse is Grade II Listed and correspondingly the application buildings which are the subject of this application are curtilage Listed.
- 1.2 The courtyard is formed of a number of traditional farm buildings which frame the central partially hard surfaced, partially grassed courtyard. The barn building to the south of the Courtyard is the primary building, of the greatest scale, containing a central entrance which projects forward of the front elevation with large timber doors, and a gabled canopy above. The remainder of the building is a simple, rectangular building with ventilation slits set at intervals, set under a pitched roof. To the east of the barn building is an attached building of a reduced scale and simple design which largely reflects the parameters of the main barn building. The buildings to the east of the courtyard comprise two storey brick, and timber clad buildings, and the buildings to the west and north are simple, single storey brick-built buildings set under pitched roofs and containing a range of door and window openings. Beyond the courtyard to the north is the Grade II Listed Farmhouse, a traditional early 18<sup>th</sup> century farmhouse. Running alongside the courtyard to the east is an unmade access route which also comprises PROW EE334, with large open sided farm buildings to the east and leading to a circular farm structure to the south. Beyond this structure and to the west is an open field. To the rear of the barn building is an enclosed grassed/landscaped area, which is currently being utilised for the keeping of horses.
- 1.3 The application proposes to change the use of the existing buildings and land into a mixed use agricultural/wedding and events venue use. The main barn building and attached building to the south of the courtyard and the enclosed external area to the rear of these buildings are proposed to be used as a wedding/events venue to host civil ceremonies, wedding receptions and other functions. No works or external alterations are proposed to the buildings to facilitate this, and it is proposed for a marquee and hired toilet facilities to be sited in the enclosed external area to the south on an event by event basis. The remaining buildings to the courtyard will remain in agricultural storage use, as clarified by the site location plan.
- 1.4 The courtyard to the frontage of the barn building will accommodate parking for approximately 12 vehicles, including 6 disabled spaces, together with a taxi drop off/collection point to the centre of the courtyard. It is proposed to hard surface

the access route to the east of the courtyard buildings which also forms PROW EE334 with a porous hard surfaced material to formalise the existing access route and provide improved access. No change is proposed to the route or accessibility of the PROW. To the rear of the enclosed external space to the rear of the barn building it is proposed to provide a parking area for 55 vehicles including 3No. minibus parking bays and 11No. staff parking spaces accessed via the hard surfaced access route. This parking area is proposed to be fitted with heavy duty rubber grass mats. It is proposed that a member of staff will be present at the access to the farm to manage and direct in and outgoing vehicles for two hour arrival and exit windows. The proposal does not seek provision for guests to stay at the farm overnight.

- 1.5 The application has been supported by a Design and Access Statement and Travel Plan which sets out the intentions of the proposal, how the venue will be managed and mitigation measures for associated impacts of the proposal. In addition to this, an Economic Impact Statement has been provided to support the proposal.
- 1.6 The proposal has been amended during the course of the application to address highway and residential amenity concerns, together with clarifying the retention of the PROW. The application now proposes the maximum number of guests to be 150, has altered the parking and access arrangements and provided visibility splays in line with KCC Highways requirements and agreed to the conditions required by Environmental Health to control associated noise and disturbance. It is now proposed that weddings and associated events at the application site between 1<sup>st</sup> September and 30<sup>th</sup> June will only take place on one day within each 1-week period (Monday to Sunday) and between 1<sup>st</sup> July and 31<sup>st</sup> August, will only take place on 2 days within each 1 week period (Monday to Sunday) with a total of 60 possible events each calendar year. The site shall only be used for the purpose of a wedding and events venue between the hours of 11:00am and 00:30am on each operational day.

## **2. Main Issues**

- 2.1 The main issues for consideration are:
  - The principle of the development
  - Impact on visual amenity, the intrinsic character and beauty of the countryside and heritage impact
  - Impact on residential amenity particularly regarding noise and disturbance
  - Highway safety and amenity

### **Assessment**

#### **Principle of Development**

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 The application site lies outside the settlement confines and within the countryside for planning purposes. As such, Policy DM1 applies which states that development will not be permitted unless specifically justified by other development plan policies, or it functionally requires such a location, or it is



ancillary to existing development or uses. Policy DM4 is relevant and allows for the conversion or re-use of structurally sound, permanent rural buildings for commercial use outside of the settlement confines provided they contribute to local character, are suitable in terms of scale and character and acceptable in other planning respects. The supporting text also states that commercial uses that generate employment will generally be preferable to other uses. Policy DM3 allows for new commercial development within the rural area, but states this should be within the settlement confines unless it can be demonstrated that no suitable site exists, in which case it should be sited adjacent to the settlement unless there is a functional requirement for it to be located elsewhere. Policy DM11 does not permit development outside the urban boundaries and rural settlement confines which would generate travel unless justified by other local plan policies.

- 2.4 The National Planning Policy Framework takes a somewhat less restrictive approach to development of this type. Paragraph 84 says that decisions should enable the growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings; support is also given for sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 85 says it must be recognised that sites to meet local business and community needs may have to be found adjacent to or beyond existing settlements, and sites that are physically well-related to existing settlements, should be encouraged where sustainable opportunities exist.
- 2.5 The main barn building which is proposed to be the main focus of the wedding/events venue and attached building to the east are existing structurally sound, permanent rural buildings and therefore fall within the criteria of Policy DM4. The buildings are traditional courtyard farm buildings of architectural and historic merit and are curtilage Listed by virtue of their relationship and association with the Grade II Listed Farmhouse to the north. It is therefore considered that these buildings contribute to the local character, and the change of use could result in benefits associated with securing the continued use and future preservation of these buildings. It is considered that the application site provides an appropriate setting for the proposed wedding/events venue offer, which requires a large site and sufficient parking provision, thereby providing a level of justification for the development functionally requiring the proposed location. The site is also well related to Barfrestone, forming part of the cluster of built development which makes up this small hamlet. The proposal does not propose the erection of any further permanent buildings, with the associated structures and works relatively light-touch, largely temporary structures which would be ancillary to the main barn and grounds.
- 2.6 An Economic Impact Statement was submitted as part of the application to support the proposal. This details that the existing agricultural business is seeking to diversify to address decreasing profits arising from the agricultural use of the site and provide a more sustainable overall business. In addition, it details expected direct benefits to the local economy from associated ventures such as catering, photography, decorations/flowers, entertainment hire etc. and secondary benefits through the use of local accommodation, taxi services, local pubs, restaurants and hairdressers etc. associated with the wedding/event use. It also states that the nearby St Nicholas Church would financially benefit from being used for wedding ceremonies. The statement concludes that the proposal would result in a significant benefit to the districts local economy, tourism and could result in increased employment, alongside providing a revenue stream to

maintain the Listed and Curtilage Listed Buildings to the application site. The economic contribution of each event would be variable, however it is recognised that the proposal is likely to generate income to local businesses which have goods and services specifically of interest for such a use and result in economic and employment benefits to the local area. This would accord with the objectives of the NPPF to support new business ventures through the conversion of rural buildings and would meet the objectives of the economic dimension to sustainable development.

- 2.7 The proposal would accord with Policy DM4, forming the conversion of structurally sound, permanent rural buildings for a commercial use and provides a level of justification for functionally requiring this location outside the settlement confines. As such, the proposal would be compliant with Policy DM1 and DM11, justified on the basis of Policy DM4. In addition, the proposal would be consistent with the relevant approach and objectives for this type of development within the National Planning Policy Framework. The development is therefore considered to be acceptable in principle, subject to the detailed assessment of all other material planning considerations.

#### Landscape and Heritage Impact

- 2.8 The site is within a sensitive location, within the countryside, where Policies DM15 and DM16 apply and is partially located within the Barfrestone Conservation Area. In addition, the application buildings are Curtilage Listed and the development will have the potential to have an impact upon the setting of the Grade II Listed Farmhouse.
- 2.9 Policy DM15 directs that planning permission for development that adversely affects the character or appearance of the countryside will only be permitted if it satisfies one of four criteria, including that the proposal is justified by a need to sustain the rural economy or community and the development would not result in the loss of ecological habitats. Policy DM16 relates to landscape character and seeks to avoid development that would result in harm to the character of the landscape unless it is in accordance with allocations made in the development plan, or it can be sited to avoid or reduce harm and/or incorporate design measures to mitigate impacts to an acceptable level. Paragraph 174 of the NPPF seeks for development to contribute to and enhance the intrinsic character and beauty of the countryside. Paragraph 130 sets out that developments should function well and add to the overall quality of the area, are visually attractive and are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change.
- 2.10 As the application properties are Curtilage Listed Buildings, sited in a Conservation Area the Local Planning Authority must have regard to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the desirability of preserving the building or its setting, or any features of special architectural or historic interest it possesses. Paragraph 197 of the National Planning Policy states the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their consideration, and paragraph 199 states that great weight should be given to designated heritage assets conservation.
- 2.11 The application site and buildings form part of the working farm, Barfrestone Court Farm, to the southeast of the small Hamlet of Barfrestone. The site contains a number of historic, traditional farm buildings sited around a central

courtyard which are used for agricultural storage purposes, including the main barn building and attached building to the south to which the change of use to a wedding/events venue is proposed, with surrounding land. These buildings are located within the setting of, and form Curtilage Listed Buildings to the Grade II Listed Farmhouse. To the east of the site are further farm buildings and to the south and west are enclosed fields with hedgerows, with a hedgerow separating the proposed external area from the proposed parking area. Glimpsed views of the main barn building and attached building are visible from Barfrestone Road to the east, and the site is visible from PROW EE334 which is included in the application site and runs alongside the courtyard buildings to the east and into the field beyond. Intermittent views through landscaping/hedgerows and due to the topography of the land which falls to the east are also possible of parts of the site from Barfrestone Road to the west. The surrounding area has a rural, landscaped, and agricultural character. Many of the buildings within Barfrestone are traditional, historic buildings typical of rural areas.

- 2.12 The application site is located within the Open Arable Chalk Farmland with Parkland Landscape Character Area, specifically E1 Shephardswell Aylesham Parklands as identified in the 2020 Landscape Character Assessment. This landscape is classified as a rural and tranquil landscape which contains undulating topography of distinct gentle ridges and valleys and containing small estate villages linked to the historic parklands.
- 2.13 The proposal does not propose any internal or external alterations to either the main barn building or the attached smaller building to the east to which the change of use to a wedding/events venue is proposed and will therefore not alter the appearance, internal layout or historic fabric of these curtilage Listed Buildings. It would be in the interest of the wedding venue properties to maintain these buildings and grounds and the proposal would provide a further income to achieve this. The proposed development would therefore likely result in greater maintenance of these buildings and would provide a way of protecting and utilising these heritage assets as they were originally constructed, contributing to their future preservation, which weighs in favour of the proposal.
- 2.14 The existing central courtyard to the frontage of the main barn building is predominantly hard surfaced and used for parking of vehicles, with a smaller area of grass/landscaping. The proposal does not seek to alter this arrangement and proposes the use of the area to the frontage of the single storey building to the west for parking with adjacent taxi drop off provision which, whilst formalising this area to a degree, is comparable to the existing arrangement. Similarly, the unmade access route to the east of the courtyard is an established access utilised by farm vehicles etc. The proposal to hard surface this route would formalise this access, however a hard surfaced access is not considered to be out of character for a main route within a small farm complex and would be a modest addition to the existing areas of hardsurfacing, which would improve the condition of the access. The hardsurfacing is proposed to be a porous hardsurfacing such as road planings, fine crush or gravel. This would minimise additional surface water run-off and is considered to be suitably appropriate for its rural farm complex context. The final details of the hardsurfacing materiality will be conditioned to ensure it is appropriate and of sufficient quality should permission be granted.
- 2.15 The use of the external area to the rear of the barn building as an external garden area for the proposed wedding venue is not considered to meaningfully alter the nature or appearance of this area which is an existing enclosed landscaped area. The provision of temporary toilet facilities, marquees on an event-by-event basis

and the rubber matting will introduce further structures/materials to this area. These would not form permanent structures/works, and are relatively light touch, reversible elements which are considered to appear and identify as ancillary features/outbuildings. The toilet block and marquee would comprise a relatively modest scale and volume within their context which will reduce their visual impact, and the rubber matting and parking area would predominantly be apparent when cars are parked, which will be for limited periods. Views of these structures and works from the surrounding roads would be limited by virtue of the topography of the land, which falls from west to east, the provision of existing established hedgerows and landscaping and the presence of the existing buildings, which will largely screen these features/structures. From the wider landscape, the application site and buildings are largely visually discreet and as such, the built form and use of these elements will have a limited impact in this regard. These elements will have the greatest visibility from the PROW, however given their largely ancillary, temporary identity and nature, and the fact they will not permanently be in situ/use, these are not considered to be unduly harmful or out of character with the farm complex, the Conservation Area and the setting of the surrounding Curtilage Listed Buildings, or the main Listed Building, which is located some distance away, with the courtyard buildings sited in between, to warrant refusal of the application. Further details of the toilet facilities and marquee and the temporary use of this provision will be secured by condition.

- 2.16 The proposed use of the site will alter the character of the farm complex beyond its existing agricultural character. The proposal seeks a limited number of weddings per year, not exceeding 2 weddings per week during high season, and proposes a relatively moderate provision of guests for this type of use. This will constrain the impact of the proposed mixed use, with the agricultural use continuing to be predominant. The wedding/events venue use will be set back within the wider farm complex to the rear buildings within the courtyard, situated to a moderate portion of the site, with meaningful separation distance to adjacent roads and the main cluster of buildings to the hamlet to the north. The site can comfortably accommodate the proposed use with limited external alterations and works and is largely visually discreet from the surrounding landscape. In addition, farm diversification for uses such as this is not an uncommon feature of the countryside. Given this, the proposed development is not considered to be unduly detrimental to the tranquil nature of this part of the countryside or harm the character and appearance of the countryside and landscape to a degree that would be contrary to Policies DM15 and DM16 or result in unacceptable harm to the Conservation Area. The Heritage Officer has not raised any objections to the proposal. The proposal will utilise existing curtilage Listed Buildings of historic and architectural merit with no external or internal alterations proposed, contributing to their future preservation, and is not considered to be unduly harmful to their setting and that of the main Listed Farmhouse, or the Grade I Listed Church beyond to the north. The proposal is therefore considered to be suitably compatible with its environment and setting and will accord with the National Planning Policy Framework.

#### Impact on Residential Amenity

- 2.17 Section (f) of Paragraph 130 of the NPPF identifies that development should ensure a high standard of amenity for existing and future users. The use of the site as a wedding venue has the potential to generate adverse noise and disturbance impacts to surrounding adjacent neighbouring properties from both traffic movements and the convivial nature of the proposed use, particularly given the rural location of the site. Concern regarding this has been raised by several

members of the public and local community who have commented on the application.

2.18 The closest residential property to the proposed wedding venue is The Old Schoolhouse to the east of the site, located approximately 90m away. To the north, the Old Rectory is located a similar distance of approximately 95m away. The main cluster of buildings/dwellings to Barfrestone are located to the north of the site, a greater distance away. The main barn building is part of a courtyard of buildings, with buildings to the north, east and west of this building, and the proposed external area and car park, which is likely to be the greatest source of noise and social activity are located to the rear of the main barn building. The presence of these buildings will provide a barrier to noise impacts to a degree, and the venue is set back within the site which together with the separation distance to surrounding adjacent neighbours will limit the noise and disturbance impacts of the proposal to some extent.

2.19 The site currently benefits from a premises licence which includes a range of operational controls such as recorded music and alcohol provision termination at 00:00am and the north facing doors of the barn to remain closed except for access and egress during regulated entertainment. Licenses are reviewed periodically and provide an opportunity to deal with noise issues, should these arise. In addition to these controls, the applicants proposed measures to manage noise and disturbance associated with the proposed use, which is detailed within the Design and Access Statement. Environmental Health have reviewed the proposed application and whilst they have not objected to the proposal, controls are required to ensure that the development does not result in unacceptable impacts to the residential amenities of surrounding adjacent neighbours. As such, Environmental Health accept the offers made by the applicants, but go further than the noise management proposed.

2.20 These controls include:

- The site only being used for the purposes of a wedding venue between the hours of 11:00am and 00:30am each operational day.
- All performances of music in external areas, even within temporary structures such as the proposed marquee, shall be acoustic only, with no amplification.
- Weddings or associated events held at the site between 1<sup>st</sup> September and 30<sup>th</sup> June shall only take place on 1 day within a 1 week period (Monday to Sunday). Between 1<sup>st</sup> July and 31<sup>st</sup> August events shall only take place on 2 days within any 1 week period (Monday to Sunday), resulting in a maximum of 60 possible weddings/events per year.
- A noise limiting device to be installed within the internal wedding venue prior to the first operation of the proposed use and thereafter retained, with all amplified music played through the noise limiting device. The sound level of the device shall be set by the Local Authority prior to its first use, with the set sound level thereafter maintained.
- Records of weddings or associated events shall be recorded by the operators and available for review.

These controls as required by Environmental Health have been agreed by the applicant and will be secured by condition should consent be granted. In addition to these controls, it is also considered necessary to condition that the north facing doors of the barn remain closed except for access and egress for the duration of weddings and events. The ventilation slits to the building are fitted with fixed glass and are therefore not openable.

- 2.21 Movements to and from the site are likely to be distributed throughout the day and whilst there may be a peak of departures from the site in the evenings when weddings finish, given the car park is set back within the site, to the rear of the barn and courtyard buildings, with meaningful separation to the nearest adjacent neighbours, this is not considered to result in a significant degree of noise and disturbance to warrant refusal of the application. The Council's Environmental Health Officer has raised no objection in terms of noise and disturbance through movements to and from the site and conditions would be secured to restrict the times for delivery and collections from the site to between 0800 and 1800 Monday to Sunday to minimise the potential for noise transfer to and from the site.
- 2.22 The agreed controls and conditions are considered to provide a sufficient and appropriate level of management which will limit and mitigate the associated noise and disturbance impacts of the proposal. These controls, together with the location of the proposed venue within the site, and its separation distance and relationship with surrounding adjacent neighbours, together with the limited number of wedding events during the course of a year, and on a week-by-week basis, is considered to prevent unacceptable harm arising from noise and disturbance to the surrounding adjacent neighbouring properties.
- 2.23 Details of the proposed external lighting would be requested by condition to ensure that it does not result in any significant light pollution or disturbance to neighbouring property occupiers and biodiversity.
- 2.24 The proposal does not propose any external alterations to the existing buildings and proposes the erection of temporary hired toilet facilities and a marquee on an event-by-event basis, together with the provision of a car park to the rear of the external area. The additional structures will be on a temporary basis of modest built form and volume and are located a considerable distance from any residential accommodation. As such, these elements will not result harm to residential amenity arising from their position or built form.
- 2.25 The proposed development is therefore considered to be acceptable in terms of the residential amenity of adjacent neighbours, in accordance with paragraph 130 of the NPPF.

### Highways

- 2.26 The application site is rurally located, in an area where there are no pavements and the surrounding roads to access the site and village are single lanes with no street lighting. Barfrestone is served by a limited bus service which appears to operate one bus a day in each direction on Wednesday, Thursday and Saturday. As such, it is considered reasonable to conclude that the site is unsustainably located. A number of objections have been raised on the basis of the rural location of the proposed wedding venue use, the nature of the surrounding road network and the subsequent increase in vehicular movements and associated impacts.
- 2.27 It is acknowledged that the proposed use would result in an increase in vehicular movements to and from the site. The application is supported by a travel plan which includes measures to minimise the impact of the proposal on the surrounding highway network, particularly to the hamlet of Barfrestone. This includes the encouragement to utilise public transport and car sharing, the

provision of a minibus service to provide pick-ups and drop offs where the majority of guests are travelling from. Guests arriving by vehicle will be advised to approach the venue via Shepherdwell via the website/invites and site signage and the provision of a dedicated taxi drop off zone within the central courtyard. Arrivals to the site are likely to be distributed throughout the day which would limit their impact and departures in the evenings would be limited to guests and staff as conditions would be placed on times for deliveries and collections

- 2.28 KCC Highways have been consulted, who required clarification, further information and amendments to address their concerns and considerations, which have been submitted through the application process. In terms of the rural location of the proposed use, KCC Highways raise no objection on this basis provided the use of mini-buses, taxis and car sharing is encouraged, which the applicant has proposed, and a condition requiring the submission and implementation of proposals to promote sustainable travel is included, which will be secured should consent be granted.
- 2.29 The applicant has confirmed that the maximum number of guests for each event will be 150, which can be controlled by condition, and has amended the parking provision in line with KCC Highways requirements to include allocation of disabled spaces in the front courtyard, parking for mini-buses, staff and the provision of EV parking spaces. KCC Highways have reviewed this revised layout and consider that sufficient and appropriate parking and manoeuvring areas will be provided within the site which is unlikely to result in any impact on the highway in this regard. Waste is proposed to be collected via roadside collection as the existing arrangement, and no objection has been raised on this basis.
- 2.30 In terms of the suitability of the access, amended plans have been provided to demonstrate the visibility splays which can be achieved on the basis of the 30mph speed limit on Barfrestone Road to the access of the site. KCC Highways have carried out their own assessment of the visibility splays from this access and confirm that sufficient visibility can be achieved by cutting back some vegetation around the pond on the bend. A condition requiring the provision and maintenance of 43m x 2.4m x 43m visibility splays at the access with no obstructions over 1.05m above the carriageway level within the splays is required, which will be secured by condition. Further conditions are required such as the limitation to the number of events per week, and the provision and permanent retention of the proposed parking spaces and manoeuvring areas shown on the amended plan, which the applicant has agreed and will be secured.
- 2.31 Having regard to the detailed comments received from KCC Highways, it is considered that the highway impacts arising as a result of the traffic generated by the proposed change of use could be managed to a sufficient degree by attaching suitably worded conditions as recommended above. Therefore, it is not considered that the proposed change of use would cause unacceptable harm to the surrounding highway network or free flow of traffic.

#### Public Right of Way

- 2.32 The application site includes the PROW EE334 located to the east of the courtyard buildings and continuing into the open field beyond to the south. The application proposes to hardsurface this access route. KCC PROW originally objected to the application as it made no reference to this PROW. Amended plans were sought to clarify the matter, which included the route of PROW EE334 and confirmation was received from the applicant that no changes are proposed

to this PROW. KCC PROW have provided revised comments which require a traffic management plan to be conditioned to ensure that methods of controlling the traffic are outlined and adhered to. It is stated that pedestrians have the higher right over the route and a signage strategy should be provided so that drivers are aware of pedestrians utilising the route and vice versa, and that no vehicles should be parked on the PROW at any time. The applicant has agreed to these conditions, which shall be secured should consent be granted. Subject to these conditions, the proposed impact upon the PROW is considered to be acceptable.

### Drainage

- 2.33 There are no public foul or surface water sewers in the area to serve the proposed development. Southern Water has advised that the applicant examine alternative means of foul and surface water disposal. The proposed development does not include significant external works, with the existing buildings and courtyard retained as existing. The proposed hard surfacing of the access route to the east is an existing access with associated surface water run-off, and the hardsurfacing is proposed to be a porous material, which is not considered to significantly alter or increase run off to this area. The car park to the rear will be surfaced by heavy duty rubber matting which is perforated and will therefore be permeable and again result in no significant alteration or increase in surface water run off to this area. In terms of the foul waste associated with the development, the toilet facilities to serve the proposed use will be hired, with the company providing the hire responsible for emptying them. The applicant has advised that the toilet facilities would be emptied at the companies premise if hired short term, or they would come to the site to empty and service them if hired over a longer period, with the foul waste taken away by the company and disposed of. As such, this element will not result in any drainage impacts to the local environment. This arrangement will be secured by condition, and subject to this, the impact of the development upon drainage is considered to be acceptable.

## **3. Conclusion**

- 3.1 The development is located outside the settlement confines; however, it is justified on the basis of the conversion of existing permanent rural buildings for a commercial use, with a level of justification provided for functionally requiring this location given the nature of the proposed use which can be comfortably accommodated. The application proposes limited external works, which will largely comprise temporary structures, and proposes no external or internal alterations to the Curtilage Listed Buildings. The proposed wedding venue is set back within the application site, in a largely discreet location, which does not have wide visibility within the surrounding public realm and landscape and a limited number of weddings are proposed per year. Through this, the development is not considered to be unacceptably detrimental to the character and appearance of the countryside landscape, and Conservation Area or the setting of nearby Listed Buildings. The additional activity and movements associated with the proposal have the potential for increased noise and disturbance, however subject to a number of conditions to control this impact, together with the location of the venue within the site and the limited number of events proposed per year, it is considered that this increase would not be significantly harmful. The development would generate an increase in vehicular movements to this rural area, however mitigation is proposed through the encouragement of shared forms of travel, and no objections are raised to the



proposal on highway grounds by KCC Highways subject to conditions, which will be secured. The drainage impact and impact on the PROW through the site is considered to be acceptable. The proposed use would help to sustain the Curtilage Listed Buildings which are the subject of this application through their continued use and maintenance, and it would provide additional economic benefits to the area through the increased variety of facilities in the area, associated secondary benefits to local businesses and possible increased employment. When considering the proposal, no adverse impacts of granting permission have been identified that would significantly and demonstrably outweigh the benefits of the proposal. The development is therefore considered to form sustainable development in accordance with the applicable Local Plan Policies and the NPPF, and it is recommended that planning permission is granted.

**g) Recommendation**

**I PERMISSION BE GRANTED subject to the following conditions:**

- 1) 3-year commencement;
- 2) In accordance with the approved plans and details;
- 3) Site to be used as wedding/function venue only between hours of 11:00am and 00:30am each operational day;
- 4) Restriction of use of site for wedding/functions venue to 1 day within a 1 week period 1<sup>st</sup> Sep-30<sup>th</sup> June and 2 days within a 1 week period 1<sup>st</sup> July – 31<sup>st</sup> August;
- 5) No amplified music in external areas;
- 6) Noise limiting device installed within internal venue prior to first use of site and thereafter maintained;
- 7) North facing doors of barn building to remain closed except for the purposes of access and egress;
- 8) Records of wedding or function events to be recorded and available for inspection;
- 9) Maximum number of guests at any one time 150;
- 10) No deliveries or collections from site before 8am or after 18:00pm;
- 11) Prior to first use of site details of measures to promote sustainable travel to and from the site, building upon submitted travel plan, to be approved and implemented;
- 12) Visibility splays of 43m x 2.4m x 43m at site access to Barfrestone Road provided and thereafter maintained with no obstructions over 1.01m;
- 13) Approved vehicular parking spaces, EV charging points and manoeuvring areas provided and thereafter retained;
- 14) Cable provision for EV spaces;
- 15) Traffic Management Plan in relation to PROW EE334 and maintenance of pedestrian priority provided and implemented;
- 16) No parking of vehicles on PROW EE334;
- 17) Details of external lighting to be approved and thereafter maintained;
- 18) Details of proposed material finish of hard surfacing to the access to parking area;
- 19) Parking area to rear to comprise heavy duty grass matting;
- 20) Toilet facilities and provision of marquee temporarily hired on an event by event basis and not permanently situated on site;
- 21) Hire company of temporary toilet facilities responsible for disposal of foul waste, which is to be removed from site to be disposed

**II Powers be delegated to the Head of Planning and Development to settle any necessary wording in line with the recommendations and as resolved by the**

Planning Committee.

Case Officer

Jenny Suttle