

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H22-0569-19 **Applicant:** Mrs K Milsom
Proposal: Change of use of existing agricultural building to venue (retrospective)
Location: Poplar Farm Fengate Drove Weston
Terminal Date: 6th September 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework 2019

Section 12. Achieving well-designed places
 Section 15. Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a retrospective planning application that seeks permission for change of use of existing agricultural building to venue at Poplar Farm, Fengate Drove, Weston Hills. Spalding.

Site Description

The site is located approximately 600 metres due east of Weston Hills. Poplar Farm stands visibly separated from the built-up area of Weston Hills within the open countryside. No residential properties are within a radius of at least 500 metres.

The farmhouse is a large two-storey building on the edge of the lane facing onto it. The site access is to the east. There is a spacious driveway in gravel that narrows as it travels to the south-west to provide vehicular access to the agricultural building in question. Old brick barns are located either side of the access off Fengate Drove. The rear part of the site is paddock used as a domestic garden. Tall mature trees obscure views onto the garden.

The agricultural building is located some 20 metres to the rear of the farmhouse. It has vertical timber panel cladding on the external walls which would confer a higher quality design and contemporary appearance to the structure. The internal floorspace would amount approximately to 90 square metres.

History

H22-0807-00 - Demolition of one storey wing plus erection of two storey extension and alterations - Approved

Consultation Responses

Residents

One objection has been made, raising the following issues:

- Lack of details on car parking provision.
- The likely number of visitor cars is too high and would pose a risk to the road users.
- Inappropriate vehicular access for the movement of further vehicles associated to the intended use of the barn.
- Lack of details on foul sewage and surface water runoff disposal.
- Noise and disturbance to other residents in view of the proposed open times of the venue.

Applicant

In view of the resident objection, a letter has been received on 28 July which responds to the issues raised:

- The proposed number of car parking spaces is up to 50. This is maximum capacity and it has never reached such number of vehicles on the site. The provision of car parking is proposed on the large paddock at the rear of the site which is more than sufficient to accommodate such number of vehicles.
- The current Temporary Events Notice for the venue gives permission to host events with up to 499 people. However, the events held so far have brought far less number of people to the site.
- Customers are usually dropped off and the vehicles leave the site afterwards. The existing site access and driveway are sufficient for this purpose. As mentioned above, the proposed parking area would be sufficient for those who wish parking their cars during the event.
- Portable toilets are hired and removed from the site after the event. No flood risk on the site.
- The venue is available for private hire (Birthday/anniversary celebrations/naming

ceremonies/weddings) and corporate hire (Teambuilding days/team offsites/office celebrations).

- Noise and disturbance is limited given the isolated location of the venue and opening times. Live music is intended up to 11pm and disco music up to 1am if needed according to the type of event. No complaints on these terms have been received to date.

- The opening times are not intended to hold events 7 days a week from 9pm-1am every day.

Further clarification was sought on where/when music is to be played. The applicant has advised that "music (live band or disco) can be played inside the barn up until 1am. However live bands are asked to stop by 11pm. There may be an occasion when we have live music played outdoor in a marquee (depending on event) but this will stop by 11pm, with a continuation of a disco inside the barn up until 1am".

Ward member

Supports the proposal.

SHDC Environmental Health Officer

The application is retrospective and the Council's Licensing team have advised that there have been several events at the premises this year. The Environmental Protection team are not aware of any complaints having been raised regarding noise. Should the venue be regularly used for events it may be necessary for the owner at a later stage to apply for a premises licence which would have conditions relating to operating hours and noise control.

Weston Parish Council

No objection.

Lincolnshire County Council as Local Highway and Lead Local Flood Authority

LCC has commented that it would not be in the applicant's interest to allow any part of the site to deteriorate to such an extent that it could risk the applicant's investment in the facility. Any issues in highway terms would only likely arise if the facility became so popular that an extension into the adjacent land became an option. The road network serving the site is not suitable for anything larger than that which is dictated by the constraints of the existing site.

Planning Considerations

Principle of development

The site is out of the settlement boundaries of Weston Hills as set out in the Inset Map 67 of South East Lincolnshire Local Plan (SPPL), 2019. Therefore, the site is within the countryside.

Policy 1 of SPPL states that "in the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits"

Although the frequency of holding events is not excessively regular, the event management and organisation would create opportunities to local businesses related to such type of activity like food & drink providers and stage assemblers. Furthermore, the building would offer an excellent opportunity for local people wishing to hold community events thereby bringing social benefits. There is not a wide range of similar venues in the area and there has been a growing demand for using the barn on the site. The impact of the proposed use upon the environment is considered to be minimal given that it involves the use of an existing building which is well screened.

Taking into account all the above, it is considered that the proposed change of use would bring further benefits than the former use as agricultural storage in line with sustainable development needs of the area.

Impact upon residential amenity

The applicant is seeking permission to use the barn for events between 9am and 1am, 7 days a week. However, it is not their intention that there would be events on every day of the week and this

has certainly not been the case so far.

The applicant advises that the barn has been used for events for around one year so far. No complaints have been received by the Local Authority relating to noise and disturbance during this time. No residential properties are in close proximity to the site, the nearest being approx. 600m away. SHDC Environmental Protection has raised no objection to the change of use as proposed.

Highway safety and car parking provision

The applicant advises that car parking space is available for up to 50 cars across the extensive grassed area within the farm curtilage. Given the internal floor space and type of events, far less vehicles would be parked on the site than this, which has been confirmed by the applicant. The motor vehicles would be parked first on the existing gravel drive which is fairly spacious for the number of dwelling occupiers. The grassed area would be used at a later stage at the time the drive was busy. Lincolnshire County Council as Highways Authority has raised no objection in this respect.

Design and layout

The building in question is reasonably separated from the dwelling. It has vertical timber panel cladding on the external walls which would confer a higher quality design and contemporary appearance to the structure. The resulting appearance is acceptable as it does not detract from the existing rural setting.

Conclusion

In light of considerations above, the proposed development is considered to be in accordance with Policies 1, 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, 2019.

It is therefore recommended to approve this planning application via delegated powers.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such

as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.