

PLANNING APPLICATION REPORT

Case Officer: Belle Richer-Hill
Buckland Monachorum

Parish: Buckland Monachorum **Ward:**

Application No: 1769/23/FUL

Agent/Applicant:

Emily Robinson - Atticus Planning
Limited
PO Box 247
Tavistock
PL19 1FJ

Applicant:

Uphill Farm Events
Uphill
Plymouth
PL20 6DF

Site Address: Uphill, Yelverton, PL20 6DF



Development: Use of walled garden for weddings, workshops & food events, construction of four ancillary buildings within the walled garden, use of part of adjacent barn for wedding ceremonies & construction of external staircase to barn (part retrospective) (resubmission of 2992/22/FUL)

Reason item is being put before Committee

Head of DM has requested that this application be considered by the Development Management and Licensing Committee because it has a number of significant material planning considerations.

Recommendation: Conditional Approval

Conditions:

1. Standard time limit
2. Accord with plans
3. Use (weddings, workshops & food events)
4. Walled garden (catering)
5. Tied to Listed Building
6. Number of events
7. Time of events – to protect the barn owls and amenity of neighbours
8. Number of guests
9. Sustainable travel plan
10. Lighting plan
11. Noise management plan
12. Amplified music
13. Ecological appraisal
14. Existing nesting site (prior to commencement)
15. New nesting site (prior to commencement)
16. Barn owl monitoring
17. Remove when no longer required

Informatives:

1. Proactive
2. Responsibility for compliance
3. Protected species

Key issues for consideration:

Location (countryside), Heritage (Listed Building), Landscape, Ecology (barn owl), and Amenity (noise and lighting)

Site Description:

The site is a curtilage listed walled garden of approximately 1 acre enclosed by a stone boundary wall (approximately 2.5 metres in height) with central double timber entrance gates to the east elevation and part of the curtilage listed threshing barn that forms part of the Grade II* Listed 'Uphill' (list entry number 1105490).

The site is located within the Tamar Valley Area of Outstanding Natural Beauty, Devon Landscape Character Area 2D Moorland edge slopes, and Plymouth Sound and Estuaries Special Area of Conservation 12.3km buffer. The site is also in proximity of the Dartmoor National Park boundary, multiple Tree Preservation Orders including Reference S73, and Grade II Listed Building 'Sowton Farmhouse' (List Entry Number: 1105489) and Grade II Listed Building 'Outbuilding Approximately 10 Metres To South-West Of Sowton' (List Entry Number: 1163329).

The Proposal:

The applicant seeks permission for the use of the barn and the walled garden for up to 55 commercial events per year (weddings, workshops & food events) for up to 120 guests. The applicant seeks permission to retain 3x unauthorised timber structures (prep kitchen, kitchen, and toilet). The applicant seeks permission for the erection of 1x glass house. The applicant seeks retrospective permission for alterations to the barn's flooring, steps, and glazed balustrade. The applicant also seeks the use of the adjacent field for parking.

We seek your assurance that these matters will be carefully considered and appropriately controlled by planning condition to ensure no detriment to the relative tranquillity of this part of the designated landscape, paying attention to the frequency and duration of events.'

- Dartmoor National Park No response received
- DCC Ecology Ok subject to conditions
8.11.2023

'Please condition the sound proofing, new barn box and monitoring as detailed in the ecology report'

- Barn Owl Trust No objections subject to conditions
08.11.2023

'It is good to see the report specifically mentioning the time of ceremonies and great to see the addition of sound-proofing into the mitigation measures.'

I think it is important that the following conditions are also clearly stipulated within the mitigation measures section which will help ensure the owls aren't disturbed while nesting:

- Ceremonies should continue to only be conducted in daylight hours
- A guest exclusion zone is created north of the walled garden following the daytime ceremony. This then means that the owls flight paths shouldn't be disturbed in the evening by guests using this area – crucial when they are feeding young and repeatedly flying back and forth from the barn.'

- DCC County Highways Authority No highways implications
- Environmental Health Team No objections subject to conditions
30.10.2023

'The comments I made on 17th October clearly set out the position with regards what noise and music could be heard at a residence which was around 500m away. The video sent was taken in the porch of the resident's home as is stated on it. This was not just distant music being heard, it was so loud that the track could be identified and words were clear.'

Yes we agree that the background noise would vary, in fact in this very rural area it is likely to drop as low as 18-20dB at times. This is why I have stated a typical rural background level to work to. The boundary of a residence is the garden boundary, not a land ownership boundary.'

The control set out by the applicant in the original noise management plan was : "The specific noise level from music at any event shall not exceed 5dBa above the prevailing background noise level at the facade of any residential property. The noise level shall be measured as a 15 min Laeq."

The noise reported over the summer suggests that this was exceeded and it would therefore be insufficient. Furthermore it would be better for the applicant to demonstrate compliance at a location he has access to, if he either receives a complaint or can hear the music himself whilst monitoring. The additional condition that I have suggested therefore does that. I have however amended the reference to background noise levels, and defined "audibility" instead of "inaudibility". In terms of noise management at source this won't make much difference - the applicant cannot turn the music volume up on nights when the background levels are higher so he needs to design the system and controls so that the music noise level never exceeds the lowest background levels. This condition fulfills the tests as it is necessary, relevant, precise, enforceable and reasonable.'

"No amplified music shall be played on the premises in such a way that it is audible at the boundary of any nearby residence. Reason: To protect the amenity of local residents from music noise. (Note: In this case "audibility" is defined as the specific music noise level (measured as Laeq, 15 min) which exceeds the background noise level (measured as La90, 15 min) prevailing at the time.)"

Representations:

32 representations have been received (16 in support and 16 objecting) and cover the following points:

SUPPORT

- Share traditional skills and knowledge, sustainable way of life
- Locally sourced materials, simple vernacular structures
- Benefit local economy, increase footfall
- Much needed employment however seasonal
- Hardworking young family
- Investing in decrepid listed building, high economic burden and responsibility
- Diligent with volume at wedding, encouraged guests leaving to respect local residents, making best use of advanced audio-limiting equipment and hired designated sound technician
- Noise always issue in any rural setting, recent tree felling
- Request independent Noise impact assessment
- Improving their car park facilities
- Near the A386
- Not noticed significant increase in traffic
- Delivery vehicles no more noise or disruption than others
- Dartmoor wildlife get killed by inconsiderate drivers from anywhere, cattle grids both ends of the lane
- Encouraging group travel
- Low level lighting, minimal and contained
- Rubbish is cleared

OBJECTION

- Misused Temporary Event Notice, neighbours were not able to voice views/concerns
- Applicants previously informed they could not use 28 day Permitted Development Rule (PD), disregard to local planning rules and regulations, feel this was not oversight, intended to build this business into a permanent wedding venue
- Leave residents with no peaceful weekends all summer to enjoy rural tranquillity
- Caused major disturbance and nuisance on several occasions, disturbs neighbouring houses, wrong location for night club, unwelcome and overpowering, cause anxiety, stress and sleep loss, disturbance will 'occur regularly and continue for a period of time' contrary to DEFRA Statutory Nuisance, force us to close windows to block the level of noise, midnight is too late, 10 pm would be less intrusive
- Marquee no noise insulation, prefer sound proof purpose built building
- Previously talked about technologies to mitigate sound nuisance but nothing has materialised
- Request information how council/enforcement will monitor/assess venue to ensure regulations/conditions met/adhered
- Not appropriate to Grade II Listed historic agricultural farm building, not common for buildings used for facilities for 120 plus guests in a business sense, applicant purchased being fully aware of listed status and the resultant limitations

- Not make positive contribution to TVAONB, decreases level of tranquillity
- Marquee visible from neighbouring gardens and driving around locally, not reasonable within AONB, detract from the beautiful landscape
- Very stringent planning and development rules within the AONB, planning rules and regulations are there for a purpose and they must be applied fairly to all
- Light pollution, use of full headlight beams
- Impact on enjoyment to watch/listen to bats, deer, brown owls, barn owls
- Impact on Mare and Foal Sanctuary brought to area for tranquillity to aid rehabilitation
- Flora and fauna is already diminished, further activity would cause further harm
- Single-track narrow country lanes restricted by cattle grids/no street lighting and few passing places, used regularly by farm vehicles, larger sized vehicles cause significant disturbance, already dangerous with frequent accidents occurring, concern if emergency vehicle needed access, Dartmoor livestock on roads prone to be hit by drivers at night
- More parking than 30 spaces
- Short term financial gain for owners, all home owners need to fund maintenance/repair of their properties, financial justification at detriment cost of quality of life and TVAONB
- Concern regarding future development of business premises

All representations are available via the council's website.

Relevant Planning History

Decision date	Planning application reference	Proposal	Decision
21/03/2019	4126/18/LBC	Listed building consent for structural repairs and floor renovation to threshing barn at Uphill	Withdrawn
12/01/2023	2992/22/FUL	Retention of the use of the walled garden as a wedding venue & training hub (Class E) together with two ancillary buildings & car parking (Retrospective)	Withdrawn

ANALYSIS

Principle of Development:

Policy SPT1 of The Plymouth and South Devon Joint Local Plan 2014-2034 (JLP) sets out a framework for growth and change underpinned by sustainability whereby development proposals delivered across the plan area should promote a sustainable economy, sustainable society, and sustainable environment. JLP Policy SPT2 requires the application of principles of sustainable linked neighbourhoods and sustainable rural communities to guide how growth and development should be delivered across the plan area. Development can support the overall spatial strategy by creating neighbourhoods and communities which, amongst other criteria, are well served by public transport, walking and cycling opportunities, and should have an appropriate level of services to meet local needs.

JLP Policy TTV1 'Prioritising growth through a hierarchy of sustainable settlements' sets out the Council's development strategy across the Thriving Towns and Villages Policy Area. The policy describes how the settlement hierarchy of (1) Main Towns, (2) Smaller Towns and Key Villages, (3) Sustainable Villages and (4) Smaller Villages, Hamlets and the Countryside will be used to inform whether a development proposal can be considered sustainable. Growth is directed to the main towns in the first instance, to promote self-containment in order to support new growth and to support existing services. Paragraph 5.5 of the supporting text

explains that development 'outside built up areas' will be considered in relation to JLP Policy TTV26 'Development in the countryside'.

JLP Policy TTV26 'Development in the Countryside' seeks to protect the role and character of the countryside. Paragraph 5.169 of the supporting text provides reasoned justification for TTV26 in general and explains how the policy works in conjunction with TTV1 and the settlement hierarchy. This accords with the wider spatial strategy for meeting housing and employment needs in the policy area and seeks to direct the vast majority of development towards the named sustainable settlements identified in Paragraphs 5.8-5.10.

The policy is divided into two different sets of policy requirements: part one (TTV26(1)) that applies to development proposals considered to be in isolated locations; and part two (TTV26(2)) that applies to all development proposals that are considered to be in countryside location.

In this regard, the LPA is applying the Bramshill Ruling in considering whether or not the site should be judged to be isolated (*City & Country Bramshill Limited v SoSHCLG, Hart District Council, Historic England, & The National Trust for Places of Historic Interest or Natural Beauty, 2020*). This judgement superseded the Braintree Ruling, which had previously applied a more literal understanding of the term 'isolated', stating that a proposal site would need to be 'far away from people, places or thing' to be considered isolated. Whether a proposed site is or is not "isolated" in this sense is a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand" (paragraph 10 of the ruling).

In this case, the site in question is in the vicinity of other dwellings, however, these are not considered to reasonably constitute a 'settlement' for the purposes of applying the Bramshill ruling, and the nearest obvious settlement, Yelverton, lies approximately 2.5 miles from the site. On this basis, the site is physically separate or remote from a settlement and it is only reasonable to conclude that the site should be considered 'isolated' and the proposal to constitute 'isolated development in the countryside.'

JLP Policy TTV26 'Development in the countryside' states

'The LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:

1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:

i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or

ii. Secure the long term future and viable use of a significant heritage asset; or

iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or

iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or

v. Protect or enhance the character of historic assets and their settings.

2. Development proposals should, where appropriate:

i. Protect and improve public rights of way and bridleways.

ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.

- iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*
- iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.*
- v. Avoid the use of Best and Most Versatile Agricultural Land.*
- vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.'*

Not every criterion within this policy would be engaged or relevant to every proposal.

The proposal does not relate to an essential need for a rural worker or a proven agricultural, forestry, or other occupational need that requires a countryside location and does not necessarily require this location. Officers acknowledge that the proposal would not prejudice viable agricultural operations or use Best and Most Versatile Agricultural Land.

The applicants seek to utilise an existing curtilage listed barn and walled garden. The applicants have indicated that the proposal would secure the long term future of the heritage assets and have offered a phased schedule of repairs for the farm store (curtilage listed building immediately outside the NW corner of the walled garden) and walled garden to secure their built fabric and this provides some support to the proposal. The applicants have stated that the farm store cannot also be reused as it has an existing function for storage. The proposals would not require significant enhancement or alteration to the curtilage listed structures. Officers acknowledge that this would provide a viable use for the heritage assets, however, this would not necessarily protect or enhance the character of the historic assets and their settings. The site is a historic farmstead complex and an events venue with commercial structures is not naturally compatible with the way that the site is experienced and understood.

JLP Policy DEV15 'Supporting the rural economy' sets out the circumstances in which the Council would support appropriately located proposals in rural areas which seek to diversify the rural economy, provided that a number of criteria are met.

JLP Policy DEV15 'Supporting the rural economy' states:

'Support will be given to proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy. The following provisions apply:

- 1. Appropriate and proportionate expansion of existing employment sites in order to enable retention and growth of local employers will be supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment.*
- 2. Business start-ups, home working, small scale employment and the development and expansion of small business in residential and rural areas will generally be supported, subject to an assessment that demonstrates no residual adverse impacts on neighbouring uses and the environment.*
- 3. Proposals should explore opportunities to improve internet connectivity for rural communities where appropriate.*
- 4. Support will be given to the reuse of suitable buildings for employment uses.*
- 5. The creation of new, or extensions to existing, garden centres or farm shops in the open countryside and unrelated to a settlement will only be permitted if the proposed development is ancillary to, and on the site of, an existing horticultural business or existing farming operation, and provided that 75 per cent of the goods sold will be produced within the immediate and adjoining parishes.*

6. Development will be supported which meets the essential needs of agriculture or forestry interests.

7. The loss of tourist or leisure development will only be permitted where there is no proven demand for the facility. Camping, caravan, chalet or similar facilities that respond to an identified local need will be supported, provided the proposal is compatible with the rural road network, has no adverse environmental impact and is not located within the Undeveloped Coast policy area.

8. Development proposals should:

i. Demonstrate safe access to the existing highway network.

ii. Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.

iii. Demonstrate how a positive relationship with existing buildings has been achieved, including scale, design, massing and orientation.

iv. Avoid incongruous or isolated new buildings. If there are unused existing buildings within the site, applicants are required to demonstrate why these cannot be used for the uses proposed before new buildings will be considered.'

As previously noted, the site is not in a location where development is typically directed. Guests are unlikely to live locally, resulting in an increase in private motor vehicles of those attending events at the site, contrary to the aims of the JLP and policy DEV15. The applicant has submitted a Sustainable Travel Plan to demonstrate how this has been considered and mitigated. It claims through 2022 they recorded an average of 31 cars per event (max 35) and that due to the desire to consume alcohol, and that guests are largely friends and family, guests often travel as a group and this is often pre-organised. It also details the public transport links and claims this is advertised in invitations to guests. The applicants have developed a Travel Plan with targets for 2024 and 2025 and seek for 50% of visitors to travel by sustainable methods. They have appointed a Travel Plan Coordinator to collect data to ensure these targets are met. The Sustainable Travel Plan also explains that catering, bar, furniture, décor, and floristry is typically provided by the applicants. For brevity, the external vehicular movements is calculated at 25 cars/transits/lorries (ranging from staff, deliveries, and waste) over the 3 days (before, the day and after). Officers acknowledge that it is difficult to enforce that visitors share transport. Given the distance (approximately 1km) from the A386 which connects Yelverton and Plymouth, and that Plymouth is a key train station (approximately 14.4km away) connecting to rail routes across the country, Officers consider that these aims are reasonable. DCC County Highways Authority have not raised concerns with the access.

The proposal seeks to reuse an existing curtilage listed barn and walled garden. The applicants have stated that the farm store (curtilage listed building immediately outside the NW corner of the walled garden cannot be reused as it has an existing function for storage. New buildings are proposed, including the regularisation of 3x unauthorised timber structures. Design and Heritage is critiqued in greater detail in the relevant section of this report, for brevity, whilst these are retrospective, they are of wood, locally sourced, and constructed on the site. They have a temporary, lightweight, and subservient character, and are easily reversible. The applicants also seek the erection of a glass house. Whilst there is no evidence for a glass house on this site and this is erroneously sited in the north-west corner, rather than orientated to the sun, this is generally consistent with contemporaneous working gardens. The proposal is considered to align with the provisions of DEV15, however Officers note that this support is generally caveated as requiring an acceptable impact on

neighbouring amenity. Amenity is discussed in the relevant section of this report, for brevity, the Environmental Health Team consider this to be controllable to an acceptable level, subject to conditions.

The applicant has claimed that the proposal would support the local rural economy through various sectors, giving a boost to the surrounding area, including, but not limited to, the employment of hospitality staff, entertainment, hair/make-up artists, photographer/videographer, and transport. The agent has also provided details of each of the suppliers that would benefit and these are largely local businesses. Officers note that the Supplementary Planning Document that accompanies the JLP expands on DEV15, explaining that such proposals are expected to '*provide decently paid employment opportunities*' noting that '*many [rural] job opportunities are poorly paid, seasonal and/or insecure*'. It is considered that the overall economic benefit of the proposal is difficult to quantify and subjective, to some extent, however, there would undoubtedly be some benefit to the local rural economy from the provision of this facility in this location.

On balance, Officers consider that whilst the proposal does not meet the planning policies completely, the proposal is considered to broadly align with JLP Policy DEV15. The proposal is for a limited number of events and is sufficiently located to be served by public transport with sustainable travel targets secured by condition. The proposal would provide some benefit to the local rural economy without undermining agricultural or other rural operations. Whilst partially retrospective, the proposed works are considered to be generally appropriate. Overall, the proposal is considered to be acceptable in principle, subject to other relevant considerations and policies in this sensitive location. Given the proposal is considered and deemed to be acceptable against the submitted information, it is considered necessary to condition the timber structures to be removed when they are no longer required.

Design and Heritage:

As the site is within the curtilage and setting of a Grade II* Listed Building and alteration to the curtilage listed barn, Officers must be mindful of the duty to pay '*special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses*' set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16 Paragraph 189 of the NPPF explains '*These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations*'. The Grade II* Listed status means that the site is of 'more than' special interest and sits within the top 7% of Listed Buildings across England. This means that greater weight should be given to its conservation to reflect the asset's importance, as set out in Section 16 Paragraph 199 of the NPPF. Any '*harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: (b) assets of the highest significance, notably ... grade II* listed buildings ... , should be wholly exceptional*' as set out in Section 16 Paragraph 200 of the NPPF.

Historic England's consultation response requests that this be applied not only to the current proposal but also '*in considering future planning risk, and mitigating that risk*'. In this case, the list description notes that '*Altogether the building has been little altered internally or externally since the 18th century*' which has led Historic England to note that as '*a building that has not been detrimentally affected by development or other changes to its immediate context, and this in itself contributes to its special interest*'. This places greater pressure on any proposed development (or works) to respect the sensitivity of the site.

JLP Policy DEV20 'Place shaping and the built environment' requires that development proposals '*meet good standards of design, contributing positively to both townscape and landscape, and protect and improve the quality of the built environment*'. This seeks to promote high standards of design and requires proposals to have regard to the range of factors which help achieve high quality places, with particular consideration of the local context, development pattern, and design elements.

JLP Policy DEV21 'Development affecting the historic environment' requires development proposals affecting heritage assets '*to sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing its historic environment, both designated and non-designated heritage assets and their settings, according to their national and local significance*'.

Historic England's consultation response notes that they have no objection in principle to the use of the walled garden for occasional light use with temporary structures for a limited number of events and guests.

Officers acknowledge that the timber structures are for commercial use and are retrospective. The design of the timber structures are largely utilitarian and sit below the height of the surrounding wall. They are constructed of wood that was locally sourced and constructed on the site. They have a temporary, lightweight, and subservient character, and are easily reversible. Whilst there is no evidence for a glass house on this site, the submitted Heritage Statement argues '*it would be normal for kitchen gardens to have sheds and glasshouses and for the character of these buildings to evolve through the working life of the space*'. This is generally consistent with contemporaneous working gardens although this is erroneously sited in the north-west corner, rather than orientated to the sun.

The significance of the walled garden is considered to be the historic fabric of the wall, the associated built structures immediately outside the NW corner of the walled garden and the enclosed cultivated space. The sheer scale of the walled garden exceeds what would be expected for a dwelling the size and status of Uphill. It is suggested that the walled garden may have supplied high value produce to markets in Plymouth and provision to the Navy. The walled garden is itself a valuable heritage asset but also forms part of a wider complex at Uphill. In this context, there is no doubt that this asset has a clear functional link to other buildings comprising the Uphill complex and reinforces the status and value of the house and barns. This is a working space that would have adapted to changing needs.

The impact on the significance of the walled garden is considered to be limited due to the temporary and reversible nature of the timber structures. The glass house is complementary to the walled garden, however this is not as easily reversed and is not authentic in its siting or design. The proposals do introduce built form into the site that are not authentic in siting and design. This would detract from the way the building is experienced and understood. In terms paragraphs 199-202 of the NPPF, this is considered to introduce constitute less than substantial harm because the special qualities of the asset as a whole would not be vitiated (as per caselaw in Bedford). However, less than substantial harm does not equate to less than significant planning objection. Any harm to a designated heritage asset should be afforded considerable importance and weight (as per caselaw in Barnwell Manor).

Having considered that the proposal is unacceptable, the officer is aware of Section 16 Paragraph 202 of the NPPF '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against*

the public benefits of the proposal including, where appropriate, securing its optimum viable'. In this case, the proposal would bring economic benefits to the wider area through employment and suppliers and the applicants have offered a phased schedule of repairs for the farm store (curtilage listed building immediately outside the NW corner of the walled garden) and walled garden to secure their built fabric. Given the temporary and reversible nature of much of the proposal, these measures are considered to constitute public benefits of sufficient weight to outweigh the harm identified. On balance, the proposal is considered to accord with the provisions of DEV20 and DEV21.

Landscape:

The site is located within a sensitive landscape setting within the Tamar Valley Area of Outstanding Natural Beauty (AONB) which is afforded the highest statutory landscape protection in relation to the conservation and enhancement of landscape and scenic beauty. JLP Policy DEV25 'Nationally protected landscapes' requires that proposals '*conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes*'. This is further reflected in JLP Policy DEV23 'Landscape Character' which sets out that development proposals must '*conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts*'. The site is also in proximity of the Dartmoor National Park boundary.

Following the lighting strategy and noise management plan, the Tamar Valley AONB Team have not objected provided that these are secured by condition to avoid detriment to the relative tranquillity of the designated landscape. No response has been received from Dartmoor National Park. Amenity is discussed in the relevant section of this report, for brevity, the Environmental Health Team consider this to be controllable to an acceptable level, subject to conditions. It is therefore considered that the impact on the levels of tranquillity could be managed.

The proposed structures are considered to be generally consistent with the current condition of the site and largely sit below the height of the wall. The proposed parking area in the adjoining field is to be an informal arrangement without demarcation of the field or permanent interventions. A planting scheme has also been submitted offering enhancement to the natural landscape through reinforcement of the existing hedges along the southern boundary with native species. Although there would be introduction of man-made structures and associated activity, given the current condition of the site, the limited physical impact, and the enhancements proposed, the proposal is considered to maintain and conserve the landscape, subject to conditions. The proposal is considered to accord with the provisions of DEV23 and DEV25.

Ecology:

JLP Policy DEV26 'Protecting and enhancing biodiversity and geological conservation' sets provisions to ensure development *proposals* '*support the protection, conservation, enhancement and restoration of biodiversity and geodiversity across the Plan Area*'.

DCC Ecology initially raised concerns about the full ecological impacts of the proposals and how wedding ceremonies could occur without avoid impacting the barn owls that occupy the barn and are a protected species of bird which are protected from disturbance during the nesting season. The applicant claimed this was relative to the existing level of disturbance. It was considered necessary to also consult the Barn Owl Trust. Following discussion between the ecological consultant, DCC Ecology, and the Barn Owl Trust, a revised ecological appraisal was submitted to provide clarity to the questions raised and reviewed. The Barn

Owl Trust felt that provided events were controlled and limited to daylight hours and the barn area avoided in the evening with a guest exclusion zone, the existing nesting area was sectioned off and sound proofed, music directed away from the barn, and additional alternative permanent nesting provision created elsewhere for a minimum of 3 months before the access to the existing nest removed, then the owls should be able to tolerate the level of noise and activity experienced as it *'shouldn't be too dissimilar from loud agricultural noises that commonly occur in close proximity to nest sites'*. Whilst the LPA is concerned that the guest exclusion zone does not meet the planning tests, DCC Ecology concluded that the proposal was acceptable subject to the sound proofing, new barn box and monitoring assessment detailed in the ecology report being secured via condition. The agent raised concerns about the barn owl being moved, however, the consent would not necessarily require the existing nesting site to be cut off and could operate in tandem with the new nesting site, giving the barn owl the option of where to nest. The new nest site would have to be additional and meet requirements of distance from the existing nesting site and height. It is therefore considered necessary to condition these measures and require details of the soundproofing and new nesting site to be submitted and approved in writing prior to the commencement. Subject to these conditions, the proposal is considered to accord with the provisions of DEV26.

Neighbour Amenity:

JLP Policy DEV1 'Protecting health and amenity' requires proposals to *'safeguard the health and the amenity of local communities'*. In relation to neighbouring amenity, DEV1.1 requires *'Ensuring that new development provides for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents, workers and visitors. Unacceptable impacts will be judged against the level of amenity generally in the locality'*.

Officers acknowledge the extent of responses received from local residents and the concerns raised and the comments from the Parish Council.

The Environmental Health Team reviewed the submitted lighting plan and noise management plan that explains noise is to be controlled using a digital signal processor, ceased by 23:59 with live music ceased by 23:00, limited at 5dBa above background noise at façade of any residential property and limited at 95Dbs(A) at the source and felt this was acceptable subject to being secured via condition.

Following the summer and feedback locally, the Environmental Health Team explained that they maintained their position that *'hearing noise is not a justification for refusing an application, as many activities in the countryside and elsewhere cause noise at times'* and that *'restriction on the number of events is an appropriate way to control the general noise levels'*, however as *'controls set out in the noise management plan were not implemented'* and *'amplified music has caused a problem'* whereby *'loud music noise was heard inside and outside nearby residences during some events'* with *'Residents report[ed] being able to hear the words of the songs and identify the tracks being played'*, the Environmental Health Team amended to conditions recommended to:

"No amplified music shall be played on the premises in such a way that it is audible at the boundary of any nearby residence. Reason: To protect the amenity of local residents from music noise. (Note: In this case "Inaudibility" is defined as the specific music noise level which does not exceed the typical background noise level, in this area taken as 25dBa, L90, 15min.)"

The previously suggested noise condition which refers to the Noise Management Plan should remain:

“The applicant shall ensure that the commitments included within the Noise Management Plan dated April 2023 (or succeeding revisions of this plan) shall be complied with at all times during events at which live or amplified music is played. Reason: to protect the amenity of residents in the vicinity from unacceptable noise levels.”

The difference being rather than noise limited at 5dBa above background noise at a façade, the noise would be limited to being inaudible at the boundary. The agent argued that this condition was not clear as background noise varies through the year, that this would not meet the tests for planning conditions, and that it would undermine the business. This was fed back to the Environmental Health Team who responded:

‘The comments I made on 17th October clearly set out the position with regards what noise and music could be heard at a residence which was around 500m away. The video sent was taken in the porch of the resident's home as is stated on it. This was not just distant music being heard, it was so loud that the track could be identified and words were clear.

Yes we agree that the background noise would vary, in fact in this very rural area it is likely to drop as low as 18-20dB at times. This is why I have stated a typical rural background level to work to. The boundary of a residence is the garden boundary, not a land ownership boundary.

The control set out by the applicant in the original noise management plan was : "The specific noise level from music at any event shall not exceed 5dBa above the prevailing background noise level at the facade of any residential property. The noise level shall be measured as a 15 min Laeq."

The noise reported over the summer suggests that this was exceeded and it would therefore be insufficient. Furthermore it would be better for the applicant to demonstrate compliance at a location he has access to, if he either receives a complaint or can hear the music himself whilst monitoring. The additional condition that I have suggested therefore does that. I have however amended the reference to background noise levels, and defined "audibility" instead of "inaudibility". In terms of noise management at source this won't make much difference - the applicant cannot turn the music volume up on nights when the background levels are higher so he needs to design the system and controls so that the music noise level never exceeds the lowest background levels. This condition fulfills the tests as it is necessary, relevant, precise, enforceable and reasonable.

“No amplified music shall be played on the premises in such a way that it is audible at the boundary of any nearby residence. Reason: To protect the amenity of local residents from music noise. (Note: In this case “audibility” is defined as the specific music noise level (measured as Laeq, 15 min) which exceeds the background noise level (measured as La90, 15 min) prevailing at the time.)”

The agent responded that the applicant would accept the updated noise condition. Ultimately the Environmental Health Team consider the disturbance associated with the proposal to be controllable to an acceptable level without detrimental impact to neighbour amenity and the tranquillity of the area, subject to conditions. The proposal is considered to accord with the provisions of DEV1. As Devon and Cornwall Police have noted, licensing related issues will be dealt with as a separate matter by licensing.

Highways and Access:

JLP Policy DEV29 'Specific provisions relating to transport' sets out provisions for development proposals *to 'contribute positively to the achievement of a high quality, effective and safe transport system in the Plan Area'*.

Officers acknowledge representations received that raise concerns that the existing highway network is limited with a winding, partially single, Class C Country Road with passing spaces given the rural context. The proposed arrangements provides off street parking with space to manoeuvre within the site and avoid causing detriment to the public highway and no related concerns have been received from DCC the County Highways Authority. Given the limited number of events and private motor vehicle numbers expected, it is considered that the increased volume of traffic attracted to the site would be sufficient to cause significant issues related to highway safety at the site access or on roads leading to the site. The proposal is considered to accord with the provisions of DEV29. Given the proposal is considered and deemed to be acceptable against the submitted information, it is considered necessary to condition the number of events and travel details.

Conclusion:

Overall the proposal is considered to result in generally consistent low level impact that is largely temporary and reversible when no longer necessary. The proposal offers some benefit to the local rural economy, with a schedule of repairs and enhancement to the native hedging. Disturbance of the barn owl is considered to be manageable through soundproofing and the creation of an additional nesting site. Through strict controls of events, travel plan, lighting and noise, the impact to the surrounding area and residents is considered to be manageable to maintain the tranquillity of the area. On balance, the proposal is considered to accord with the local plan policies and considerations, and the proposal is therefore recommended for approval, subject to conditions.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT11 Strategic approach to the Historic environment

SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Plymouth and South West Devon Supplementary Development Plan (SPD) (2020) Climate Emergency Planning Statement (2022) Tamar Valley AONB Management Plan (2019-2024)

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Recommended Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with the following documents and drawing number(s) received by the Local Planning Authority on 08.06.2023:

- 2207 P.01 P2 (Location/Block Plan)
- 2207 P.02 P2 (Site Plan Existing and Proposed)
- 2207 P.04 P2 (Proposed Parking Plan)
- 2207 P.06 P2 (Existing/Proposed Kitchen Plan and Elevations)
- 2207 P.05 P2 (Proposed Drainage Plan)
- 2207 P.08 P2 (Proposed Prep Kitchen Plan and Elevations)
- 2207 P.07 P2 (Existing/Proposed Toilet Block Plan and Elevations)
- 2207 P.10 P2 (Proposed Glass House Elevations)
- 2207 P.11 P2 (Proposed Glass House Elevations)
- 2207 P.09 P2 (Proposed Glass House Plan)
- 2207 P.12 P2 (Proposed Glass House Abutment Detail)
- 2207 P.13 P2 (Barn Plans and Elevations)

And the following documents and drawing number(s) received by the Local Planning Authority on 05.07.2023:

- 2207 P.12 01 (Proposed Glass House Abutment Detail)
- 2207 P.03 01 (Proposed Landscape Plan)

And the following documents and drawing number(s) received by the Local Planning Authority on 07.07.2023:

- 2207 P.12 01 (Barn Plans and Elevations)
- 1802 P.04 (Existing First Floor Plan)

And the following documents and drawing number(s) received by the Local Planning Authority on 05.10.2023:

- Schedule of Repairs

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. The proposed venue shall be used for weddings, workshops & food events and for no other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Amendment Order 2005 (or any Order revoking, re-enacting, or further amending that Order).

Reason: To ensure that the proposed use complies with the submitted details.

4. All catering on the site shall only take place within the commercial space wedding venue (the walled garden), as shown on the approved plan 2207 P.03 01 (Proposed Landscape Plan).

Reason: To ensure that the proposed use complies with the submitted details.

5. The use of the walled garden for the purposes identified in the description of the development shall be carried out in association with the occupation of Uphill and shall not be used, let, leased or otherwise disposed of for any other purpose as a separate unit or business.

Reason: To avoid the fragmentation of the listed farmstead in accordance with Historic England's consultation response and the provisions of Policy DEV21 of the Plymouth and South West Devon Joint Local Plan.

6. No more than 55 events are permitted to take place throughout any calendar year. Up to date records of events shall be kept and maintained and made available for inspection by the Local Planning Authority.

Note: In this case each "event" cannot exceed a 24 hour period, a multi-day wedding, workshop & food event would be considered as more than one 'event'.

Reason: To safeguard the amenities of nearby residents in accordance with the provisions of Policy TTV1, TTV26, DEV15, and DEV1 of the Plymouth and South West Devon Joint Local Plan.

7. No event shall take place outside the hours of 11:00 and 22:00 on Sundays, Tuesdays, Wednesdays and Thursdays and 9:00 and 23:59 on Fridays and Saturdays.

Reason: To protect the amenity of residents in the vicinity and the tranquillity of the rural landscape in accordance with the provisions of Policy TTV26, DEV1, DEV2, DEV23 and DEV25 of the Plymouth and South West Devon Joint Local Plan.

8. No more than 120 guests shall be present during any event. Up to date records of the covers paid for shall be kept and maintained and made available for inspection by the Local Planning Authority.

Reason: To protect the amenity of residents in the vicinity, the tranquillity of the rural landscape, and highway safety in accordance with the provisions of Policy TTV26, DEV1, DEV2, DEV23 and DEV25 of the Plymouth and South West Devon Joint Local Plan.

9. The measures of the Sustainable Travel Plan hereby approved shall be fully implemented and adhered to at all times. Annual monitoring of the Sustainable Travel Plan against the targets set out shall be undertaken by the Travel Plan Coordinator and submitted to the Local Planning Authority.

Reason: To record compliance with the sustainable travel plan in accordance with the provisions of Policy DEV15 of the Plymouth and South West Devon Joint Local Plan.

10. The commitments included in the Lighting Plan dated February 2023 (or succeeding revisions of this plan) shall be complied with at all times during any event.

Reason: To protect the rural landscape and residents living in the area from temporary light pollution in accordance with the provisions of Policy DEV1, DEV23, DEV25, and DEV26 of the Plymouth and South West Devon Joint Local Plan.

11. The commitments included within the Noise Management Plan dated April 2023 (or succeeding revisions of this plan) shall be complied with at all times during events at which live or amplified music is played.

Reason: To protect the amenity of residents in the vicinity from unacceptable noise levels in accordance with the provisions of Policy DEV1 of the Plymouth and South West Devon Joint Local Plan.

12. No amplified music shall be played on the premises in such a way that it is audible at the boundary of any nearby residence.

Reason: To protect the amenity of local residents from music noise in accordance with the provisions of Policy DEV1 of the Plymouth and South West Devon Joint Local Plan.

Note: In this case "audible" is defined as the specific music noise level (measured as Laeq, 15 min) which exceeds the background noise level (measured as La90,15 min) prevailing at the time.

13. Notwithstanding the details set out on the submitted drawings, the recommendations, mitigation and enhancement measures of the Ecological Appraisal Rev B, by Rachel Hacking Ecology, dated 3 November 2023, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the Local Planning Authority. Within 3 months of the completion of works, written confirmation that the enhancement measures have been correctly installed shall be submitted to the Local Planning Authority. The approved details shall hereafter be retained and maintained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation of Habitats and Species Regulations 2017, the 1981 Wildlife and Country Act (as amended), and in accordance with the provisions of Policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

14. Prior to the commencement of the use hereby permitted, the details of the sound proofing of the existing nesting site, shall be submitted in writing and agreed with the Local Planning Authority. The approved details shall hereafter be retained and maintained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the welfare of the barn owls as a protected species of wildlife, in the interests of the Conservation of Habitats and Species Regulations 2017, the 1981 Wildlife and Country Act (as amended), in accordance with the provisions of Policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

15. Prior to the commencement of the use hereby permitted, the details of the new nesting site, shall be submitted in writing and agreed with the Local Planning Authority. The approved details shall hereafter be implemented, maintained and retained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the welfare of the barn owls as a protected species of wildlife, in the interests of the Conservation of Habitats and Species Regulations 2017, the 1981

Wildlife and Country Act (as amended), in accordance with the provisions of Policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

16. Annual monitoring of the Barn Owl nesting area shall be undertaken by a licensed ecologist and submitted to the Local Planning Authority.

Reason: To safeguard the welfare of the barn owls as a protected species of wildlife, in the interests of the Conservation of Habitats and Species Regulations 2017, the 1981 Wildlife and Country Act (as amended), in accordance with the provisions of Policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

17. The timber structures hereby approved shall be removed from the site as soon as reasonably practicable when they are no longer required, or when they cease to function, whichever is soonest.

Reason: To protect the character and setting of the listed complex in accordance with the provisions of Policy DEV21 of the Plymouth and South West Devon Joint Local Plan.

Informatives

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.
3. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.