

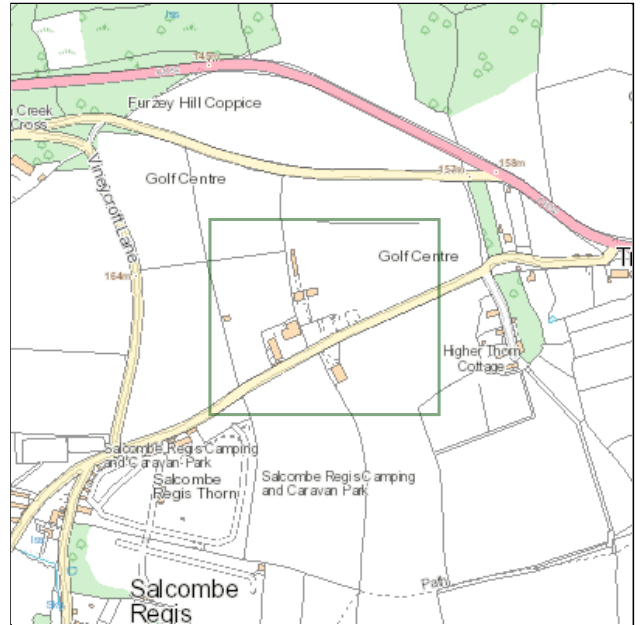
**Ward** Sidmouth Rural

**Reference** 22/1315/FUL

**Applicant** Mr Malcolm Burrough

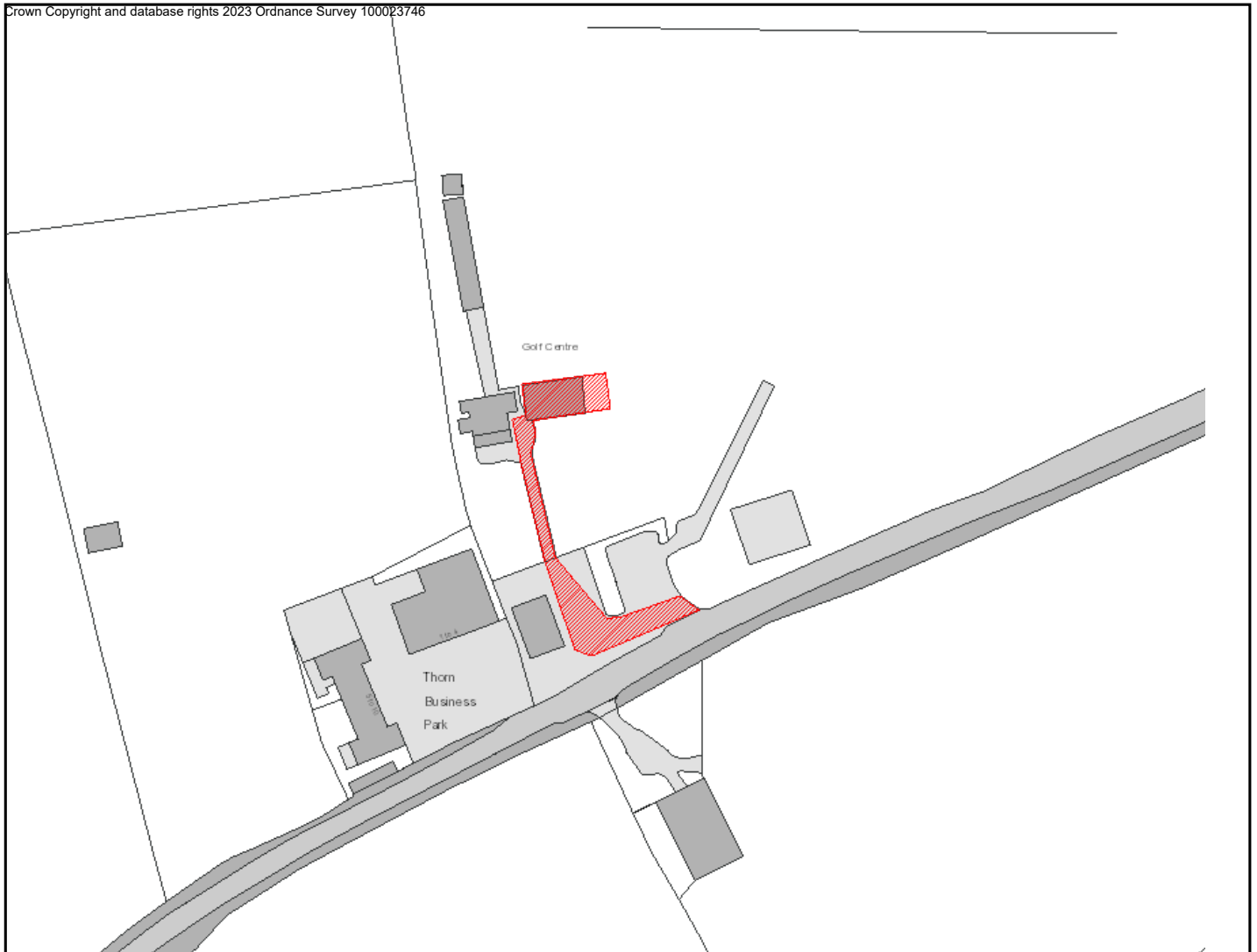
**Location** Thorn Park Family Golf Centre Salcombe Regis  
Devon EX10 0JH

**Proposal** Construction of tithe barn to be used as multi-functional building for events and weddings, including hard standing for removeable stage.



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 28.03.23</b>
<b>Sidmouth Rural (Sidmouth)</b>	<b>22/1315/FUL</b>	<b>Target Date: 09.08.2022</b>
<b>Applicant:</b>	<b>Mr Malcolm Burrough</b>	
<b>Location:</b>	<b>Thorn Park Family Golf Centre Salcombe Regis</b>	
<b>Proposal:</b>	<b>Construction of tithe barn to be used as multi-functional building for events and weddings, including hard standing for removeable stage.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before members as the officer recommendation differs from the view of a Local Ward Member.**

**Thorn Park Family Golf Centre has historically been operated as a golf course and hosts the Fringe Festival during Folk Week. A new workshop was granted consent in 2021 through approval of 20/1631/FUL, which has been constructed in full.**

**The existing entrance to the golf centre opens onto a parking area which leads to the club house. There is another entrance at the junction with Vineycroft Lane but otherwise the boundaries of the site consist of mature hedgerow. The site is essentially divided into two parts: the eastern part being the driving range and pitch and putt; and the western part being the golf course.**

**The application seeks permission to replace an existing marquee with a tithe barn of similar proportions to be used as a 'multi-functional building for events and weddings'. The Planning Statement goes further to state that the building shall be used for larger golfing events, weddings and smaller 'one off events' to supplement the income of the applicants primary golf business.**

**The application has prompted objections from third parties, the Parish Council and a Local Ward Member. Comments have expressed concerns over the developments potential impact on the local highway network, adjacent residential properties (including a nearby caravan park) and upon the East Devon Area of Outstanding Natural Beauty.**

**Use of the tithe barn to host weddings and other events would lead to a spike in the footfall of traffic to the site. It is therefore necessary to consider whether the**

transport network can accommodate this. There are however realistic opportunities for individuals to access the site without the need to travel by private modes of transport. Additionally, in the absence of any objections from the County Highway Authority it would be unreasonable to oppose the application on highway grounds.

In response to concerns regarding the impact on the amenity of adjacent neighbours, the Local Authority's Environmental Health Team have proposed conditions to ensure that any noise emitted from the site during events and weddings taking place is maintained below a certain level. Separate limitations would be applied to daytime hours (07:00 – 23:00) and night (23:00 – 07:00).

Paragraph 176 of the NPPF and Strategy 46 of the Local Plan set a high bar in order for development to be deemed acceptable within designated landscapes and that great weight is afforded to conserving and enhancing landscape character. In particular, with regards to the test set by Strategy 46, paragraph 1), it is accepted that despite the sympathetic design of the structure, the nature of the proposed uses cannot be said to 'enhance' landscape character.

Notwithstanding the absence of any demonstrable enhancement to landscape character of the AONB, it is considered material to factor in the economic benefits of the scheme. The submission details that development would result in two full time positions being created in the form of an Events Organiser and Marketing Manager. There is also considered a real prospect for events to utilise local catering businesses, service staff, photographers and other businesses that maybe enlisted to assist in the running of weddings or other events. The Innovation Resilience Fund application also details intentions to liaise with local colleges to provide work experience and work placements for those wishing to pursue a career in hospitality or tourism.

After reviewing all the material planning issues highlighted above, acceptability of the proposal is dependent on whether the identified conflict with paragraph 1 of Strategy 46 is outweighed by any material benefits in the overall planning balance. In this case, it is considered that on balance, the lack of enhancement to landscape character of the AONB is outweighed by the cultural and economic benefits of the scheme. The application is therefore recommended for approval.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

#### **UNABLE TO SUPPORT**

' Members considered that this would lead to an intensification of use of the site and would conflict with the AONB. They also had concerns about the adequacy of the highway access to the site.

Councillor John Loudon

I share the Town Council, and other respondents, concerns about the growing and creeping intensification of this site which is situated within the AONB. I appreciate that the site is already used for a discrete similar purpose but as has been pointed out within the responses this has been accepted locally as in effect a set of "one off" events related to the much wider and established Sidmouth Folk Festival.

To now broaden the times that the site would be used for public functions would bring unacceptable noise, light pollution and traffic disturbance to local residents and the established caravan and camping park across the road.

I find myself fully in support of the reasons put forward by those who have submitted comments opposing this application. I do not recall why I did not express these concerns and opposition to this application last summer and apologise for only now expressing them.

Councillor John Loudon – 8<sup>th</sup> March 2023

Thank you for the draft report.

Unfortunately, I still find myself in the position of objecting to this application. I appreciate the point made in the report about the difficulties in not agreeing to the application due to the impact that the extension of the on-site activities that this additional development would have on the local road network due to the Highway's Authority not having submitted any objections. I reiterate my concerns about the lane where this site is located.

There is already a well used camping and caravan opposite the site and that brings a significant level of traffic already. The additional traffic on this lane due to these attending events at the site will place an unacceptable extra level of traffic on it and the potential for accidents at its junction with the A3052 will be much increased. This stretch of the A3052 is already notorious for accidents and it has had a couple of fatalities in (I believe) the past 6 months.

The report highlights that this site could in future attract up to 500 attendees for events. If one assumes that attendees will car share, and say each vehicle ferries either 3 or 4 people to an event, this would mean that an extra 166 or 125 vehicles respectively would use the lane and junction twice for each event, to arrive and leave. This is without taking account of the additional personnel and vehicles required to set up an event, run it and close it down. This would all be a significant increase in traffic volume and potential hazards along a country lane and a junction onto a fast, winding and busy "A" road, potentially late into the night.

This additional traffic would also affect neighbouring residential properties as vehicles, even electric ones, emit noise as they travel. This would be unacceptable, especially in the evening, as the report seems to indicate events could continue up to and even beyond 11.00 pm. The sound of perhaps up to 166 guest vehicles, as well as those of servicing personnel, starting up, with the associated human chatter, late into the evening, would cause undue additional nuisance to neighbouring residents.

The report acknowledges that already the site has been subject to complaints of excessive noise. I believe that the frequency over which excessive noise is likely to emanate from the site should this application be approved is more than likely to increase adding to neighbouring residents disquiet and upset.

For all of the points that I and others have previously submitted, and given all of the above, I remain opposed to this application. However, should the recommendation continue to be that approval for this application be given, I would want to see some additional restrictions applied. These would include -

1. A restriction put on the total number of attendees on site for each event. This would cover not only guests attending an event, but also those providing services for it;
2. A restriction placed on the total number of vehicles able to be on site at any one time;
3. A restriction on the number of events that could be held in any 12 month period, and during each month, to be proscribed;
4. The hours allowed for an event to operate within to be proscribed, with a complete end time of no later 10.30 pm;
5. The hours during which the A-weighted equivalent continuous noise level (LAeq15min) emanating from the premises should be 8.00 am until 10.30 pm;
6. The hours during which the A-weighted equivalent continuous noise level (LAeq5min) emanating from the premises should be 10.30 pm until 8.00 am;
7. Prior to use of the building being approved, details of any external lighting required in connection for the hosting of all events shall be submitted to and approved in writing by the Local Planning Authority, and that this should also include that being sited to illuminate the car parking spaces required to be used.

Should my arguments against approval of this application not be accepted, and/or my proposed restrictions not be accepted, then I would wish to make representations directly to the Planning Committee.

## **Technical Consultations**

### Environmental Health

23.01.2023

Due to a number of historical noise complaints, an increase events, the close proximity of noise sensitive receptors and the lack of any sound mitigation with this proposed development I do have concerns in relation to noise. Taking these points into consideration I cannot support this application and I would recommend that the application is refused.

However, if the applicant was to submit details of noise insulation measures sufficient to provide effective resistance to the transmission of airborne sound between the uses proposed and the neighbouring noise sensitive properties then I would re-consider my recommendation.

Reason: To protect the amenity of local residents from noise

## Environmental Health

12.07.2022

### Additional Comments

Environmental health's aim is to ensure that the music noise levels from events and weddings taking place in this new building should not be deemed to be excessively noisy to local residents whilst at the same time giving event organisers the opportunity to run successful events. In order to ensure that the noise climate of the surrounding area will be protected the following noise conditions are recommended:

1. At least two months prior to the development being used to hold events and weddings, the applicant will undertake a noise assessment in order to obtain the typical daytime and night-time noise levels for the event location. Once submitted to and agreed by Environmental Health, these noise levels expressed as LAeq15min (daytime) and LAeq5min (night-time) will be used as the agreed noise levels for future events.
2. Between the hours of 07:00 and 23:00 the A-weighted equivalent continuous noise level (LAeq15min) emanating from the premises, when measured at the boundary of any noise sensitive property over any 15 minute period with entertainment taking place, must not exceed the agreed A-weighted equivalent continuous noise level (LAeq15min) by more than 5 dB(A).
3. Between the hours of 23:00 and 07:00 the A-weighted equivalent continuous noise level (LAeq5min) emanating from the premises, when measured at the boundary of any noise sensitive property over any 5 minute period with entertainment taking place, must not exceed the agreed A-weighted equivalent continuous noise level (LAeq5min).

Reason: To protect the amenity of local residents from noise.

### Other Representations

19 third party comments have been received. 18 objections and 1 in support.

This objection raise concerns over the following:

- Poor access
- Impact on neighbouring businesses and residential properties.
- Visual impact/not in character with the local area.
- Increase in traffic.
- Negative impact on the AONB.
- Impact on highway safety.
- Loss of sports facility.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
02/P0133	9 hole pitch and putt course	Approved	29.04.2002
05/1745/FUL	New club house/golf shop and tea room	Approved	28.10.2005
08/1978/FUL	Retention of new access for golf range to include existing signage	Approved	12.09.2008
11/0997/FUL	New access to field	Refused	08.06.2011
12/1243/FUL	New access to field	Refused	19.07.2012
20/1631/FUL	Change of use of former 9 hole golf course to area associated with the drying and storing of bell tents and the erection of storage and workshop building	Approved	15.01.2021

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D8 (Re-use of Rural Buildings Outside of Settlements)

EN14 (Control of Pollution)

E4 (Rural Diversification)

E5 (Small Scale Economic Development in Rural Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Sid Valley Neighbourhood Plan (Made)

Policy 1 – Sid Valley Development Principles

Policy 7 – Local Distinctiveness

### **Site Location and Description**

Thorn Park Family Golf Centre is situated in a rural location served by an unclassified road. The existing entrance to the golf centre opens onto a parking area which leads to the club house. There is another entrance at the junction with Vineycroft Lane. The boundaries of the site consist largely of mature hedgerow and trees. The site is essentially divided into two parts: the eastern part being the driving range and pitch and putt; and the western part being the golf course. On the boundary between the two parts at the southern edge of the site is Thorn Coachworks.

The application site is currently occupied by a marquee that has been present at the site prior to 2005. The structure is steel framed and bolted to the ground. During an officer's visit to the site on 17/08/22 a timber stage was also present at the eastern end of the marquee. A number of occupied yurts were also present at the site for the upcoming 'Fringe Festival' that is held annually from the site.

### **Proposed Development**

The application seeks permission to replace the existing marquee with a tithe barn of similar proportions to be used as a 'multi-functional building for events and weddings'. The Planning Statement goes further to state that the building would be used for larger golfing events, weddings and smaller 'one off events' to supplement the income of the applicant's primary golf business.

The applicant has already secured funding through the Local Authority's Innovation and Resilience fund (IRF) albeit needs to secure planning permission to host weddings from the site.

The structure would be constructed of Douglas Fir or oak timber. An area of hardstanding would also be constructed at the eastern end of the structure where a temporary stage would be placed when required.

### **Analysis**

The site is located within open countryside and the East Devon Area of Outstanding Natural Beauty (AONB). The development shall be assessed against policies contained within the East Devon Local Plan and the Sid-Valley Neighbourhood Plan. As such the primary issues for consideration are;

- The principle of development.
- Impact upon the East Devon AONB.
- Impact upon the amenity of neighbours.
- Impact on the local highway network.



## ***Principle of Development***

The spatial strategy for development is focused around the seven main towns and larger villages with built up area boundaries as described by Strategy 27. These areas will form focal points for development. Therefore, for planning purposes, the proposal takes place within the open countryside and therefore subject to restrictive rural policies.

Strategy 7 (Development in the Countryside) states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan Policy. In this instance Policy E5 (Small Scale Economic Development in Rural Areas) supports development in rural areas designed to provide jobs to local people where various criteria are met. In particular Policy E5 specifies that, for such uses, the conversion of existing buildings are explored prior to considering the construction of new buildings. If new buildings are considered then development should be steered towards previously developed land or if a Greenfield site, the building and its use shall be related in scale and form in sustainability terms to the village and surrounding areas.

The application proposes the replacement of the existing structure with a tithe barn being located marginally to the south-east. Aerial imagery and enforcement records available to the LPA indicate that the existing structure is approximately 7 years old. The marquee is steel framed and bolted to the ground. The area that the marquee encloses has been excavated and flattened. During an officer site visit a temporary stage had also been erected at the north eastern end of the marquee.

Whilst some third party comments received have contested the permanence of the existing structure and the grounds that the applicant claims that the application site is Previously Developed Land (PDL). The applicant's submission refers to *Skerrits of Nottingham Limited V SSETR [2000]* which identified three factors when establishing what a 'building' is. The *Skerritts* case also related to a marquee, albeit in the grounds of a hotel, which was erected for 8 months of the year and taken down during the winter months. The local planning authority had served an enforcement notice in relation to the carrying out of development without planning permission. The issue at dispute was whether the erection of the marquee amounted to development or not and, consequently, the case specifically related to a marquee which had been taken down at times.

At paragraph 41 of the judgement Lord Justice Schiemann concluded that:

*"Not only did the inspector, in my judgment, apply the correct test with respect to permanence, but he reached a conclusion which he was entitled to reach. The annual removal of the marquee did not derive it of the quality of permanence, The inspector was entitled to reach the conclusion that the item was a building and hence there had been a building operation which was in breach of planning control. I can find no error either in the conclusion of the inspector or the reasonably by which it was reached. I, too, would allow this appeal".*

There is no evidence before the LPA to suggest that the marquee at Thorn Park has been moved or intermittently removed from the site. In light of the above, the LPA

acknowledges the findings of *Skerrits of Nottingham Limited V SSETR [2000]* and the Town and Country Planning Act and concludes that the marquee is a building.

As such, the area of land upon which the existing marquee is sited, is classified as Previously Developed Land (PDL). The definition for what is deemed PDL is given within the East Devon Local Plan which itself has been extracted from the National Planning Policy Framework (NPPF). This is worded as follows;

*“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time”.*

Notwithstanding the lack of planning permission for the marquee, evidence available to the Local Planning Authority indicate that the structure has been in-situ for in excess of 7 years. Section 171B of the T & CP Act sets out the time limits under which local planning authorities are able to take planning enforcement action:

*‘(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed’.*

The existing structure is deemed to be outside of enforcement action and, for the purposes of classifying the land in the assessment of the application against Policy E5 of the Local Plan, is considered PDL. Sub paragraphs 1, 2 and 3 of Policy E5 requires a sequential approach as to where development is considered to be supported. As the land is considered PDL paragraph 2 is met. As such, notwithstanding the site’s rural location, the redevelopment of the site is considered acceptable in principle.

### ***Impact on the East Devon Area of Outstanding Natural Beauty***

Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issue. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. The weight attributed to conserving and enhancing AONBs as required by the NPPF is reflected within the provisions of Strategy 46 (Land Conservation and Enhancement and AONBs) of the Local Plan and Policy 1 of the Sid Valley Neighbourhood Plan.

Strategy 46 - Landscape Conservation and Enhancement of AONBs states that development must be undertaken in a manner that is sympathetic to and helps conserve and enhance the quality and local distinctiveness of the natural and historic character of East Devon, in particular Areas of Outstanding Natural Beauty. Development will only be permitted where it:

1. Conserves and enhances the natural landscape
2. Does not undermine landscape quality
3. Is appropriate to the economic, social and wellbeing of the area.

The application site is located upon a high, open plateau and benefits from dense hedgerow that borders the golf course. The application building would be largely screened from views to the north by the mature tree line that borders Vinecroft Lane. Public views of the tithe barn along the adjacent highway to the south would be screened by existing hedgerow and a number of trees that are set back from the site's access.

The existing marquee structure has no architectural merit whereas the replacement tithe barn seeks to acknowledge its rural context and is therefore sympathetic to the immediate area. As such, the development would not harm the aesthetic qualities of the AONB and arguably, owing to the removal of the existing structure and replacement with a more sympathetic build, has some benefits.

Despite this, it is acknowledged that the special characteristics that underpin the AONB designation go beyond just landscape character and that any development would need to minimise impacts upon the tranquillity, geology, landform, climate, wildlife and ecology of the area. In respect of the areas tranquillity, the potential for amplified music or general noise to be audible outside of the site during weddings or events shall need to be controlled. This is considered further on within the report.

Overall, it is acknowledged that paragraph 176 of the NPPF and Strategy 46 of the Local Plan set a high bar in order for development to be deemed acceptable within AONBs and other designated landscapes. With regards to the tests set by Strategy 46, 1), it is accepted that despite the sympathetic design of the structure, the nature of the uses proposed cannot be said to 'enhance' landscape character.

Notwithstanding this, owing to limited public views of the barn, the visual impact of development would not undermine landscape quality as required by criterion 2. Concerns relating to potential light spill during dark hours are noted. Whilst the submitted drawings do not indicate the provision of any external lighting, it is deemed reasonable to seek further details regarding location, number and type of any external lighting via condition prior to first use of the building.

Regarding criterion 3., development will need to be appropriate to the economic, social and wellbeing of the area. The East Devon AONB Management Plan acknowledges the AONB's beauty and international appeal and as a result, the area offers opportunities for tourism related businesses. It is considered that the proposed diversification of the existing golf business and seasonal nature of hosting weddings and events would result in minor, localised and short term impacts whilst providing

economic benefits by way of local employment and supporting the local tourism industry. As a result, it is not felt that development would erode the AONB's sense of place or local identity and would not harm opportunities or experiences for local communities or individuals to engage in outdoor recreation, exercise or to relax.

### ***Impact on Neighbouring Amenity***

The application site is located adjacent to a number of commercial units to the west in addition to Salcombe Regis Camping and Caravan Park which is slightly further afield to the south west. A small cluster of residential properties are also located 240 metres to the west.

The applicant is aware that use of the building for events could result in music being audible outside of the site and contends that the impact of any disturbance on adjacent neighbours would be considered under Environmental Health legislation or when applying for Temporary Events License.

The issue over the potential for amplified music to be heard at nearby accommodation has also prompted comments from the Local Authority's Environmental Health Team who have proposed conditions to ensure that any noise emitted from the site during events and weddings taking place is maintained below a certain level. Separate limitations would be applied to daytime hours (07:00 – 23:00) and night (23:00 – 07:00).

In this case, despite the ongoing responsibility for the applicant to apply for the relevant licences whilst abiding by statutory nuisance law, it is felt reasonable to apply conditions to restrict noise levels which ensure that when events occur these are not excessively noisy to local residents whilst at the same time protecting the tranquillity of the AONB whilst giving event organisers the opportunity to run successful events.

### ***Accessibility of the Site and Impact on the Local Highway Network***

The application site benefits from ample room for parking on the existing hardstanding by the entrance. Any overspill can be catered for next to the former petanque court. Concerns have been raised by third parties and the Town Council regarding the safety of the existing access and the anticipated increase in footfall of traffic along the adjacent highway. Information submitted in support of the applicant's IRF bid states that a maximum number of 14 weddings could be held a year and the proposal building could attract up to 500 attendees at any given event. So it is inevitable that days prior to and on the day of an event or wedding that a spike in the footfall of traffic to and from the site is to be expected.

The existing access is relatively wide and provides good visibility in a westerly and easterly direction. The stretch of road between the site and the A3052 is a typical rural lane but is fairly wide and provides opportunities for vehicles to pass one another or pedestrians if needed. The lane does slightly narrow and bend between Sunnylands and the rear of Trow Orchard. Despite this, there is considered ample opportunities for vehicular traffic to again pass at an adjacent field access to the north east and the access to Sunnylands.

The site is located a short distance off of the A3052 where there are also bus stops just east of the junction by Dunscombe Lane which provide a week long service between Sidmouth to Exeter and Seaton to Lyme Regis. The Site is also located on the Sustrans National Cycle Network that runs from Axminster to Exmouth through all major settlements along the coast. As such, there are realistic opportunities for individuals to access the site without the need to travel by private modes of transport.

Furthermore, as the site provides an acceptable level of parking and in the absence of any objection from the Local Highway the Local Planning Authority cannot sustain a refusal on highway safety or parking provision.

## **Conclusion**

Whilst concerns expressed by the Town Council and third parties are duly acknowledged, the development is not considered to pose significant harm to the amenity of local residents, adjacent businesses or safety of the local highway network.

It is also acknowledged that paragraph 176 of the NPPF and Strategy 46 of the Local Plan set a high bar in order for development be deemed acceptable within designated landscapes. With regards to the tests set by Strategy 46, 1), it is accepted that despite the sympathetic design of the structure, the nature of the uses proposed cannot be said to 'enhance' landscape character.

However, it is also considered material to factor in the economic benefits of the scheme which shall result in two full time positions being created in the form of an Events Organiser and Marketing Manager. There is also considered a real prospect for events to utilise local catering businesses, service staff, photographers and other businesses that maybe enlisted to assist in the running of weddings or other events. The Innovation Resilience Fund application also details intentions to liaise with local colleges to provide work experience and work placements for those wishing to pursue a career in hospitality or tourism.

The Tourism Strategy for East Devon was approved 7<sup>th</sup> September 2022 by the cabinet. The document identifies key aspects of the Tourism Strategy that seek to support the tourism sector to achieve sustainable growth and deliver economic benefits to the district. Tourism plays an integral part of this vision and brings many economic and social benefits, helping support local cultural activities within the districts towns, villages and hamlets. Paragraph 5 of the Strategy identifies the importance of summer events and the need to grow shoulder season trade. Whilst the document has limited weight within the planning balance, the development is considered in accordance with the aims of the Strategy which are clear in highlighting the importance of the economic and cultural benefits that the tourism industry provides to the district. Both of which are material planning considerations and partly underpin the economic and social objective of sustainable development at paragraph 8 of the NPPF.

In conclusion, having regard to the balance of the above material considerations it is recommended that permission be granted subject to conditions along the lines of those recommended by the Council's Environmental Health officers in relation to noise

generated at the premises, both between the hours of 7am and 11pm and 11pm and 7am.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(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 permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Prior to first use of the building hereby approved, the applicant is required to undertake a noise assessment in order to obtain the typical daytime and night-time noise levels for the event location. Once submitted to the Local Planning Authority, these noise levels expressed as LAeq15min (daytime) and LAeq5min (night-time) will be used as the agreed noise levels for future events.

Between the hours of 07:00 and 23:00 the A-weighted equivalent continuous noise level (LAeq15min) emanating from the premises, when measured at the boundary of any noise sensitive property over any 15 minute period with entertainment taking place, must not exceed the agreed A-weighted equivalent continuous noise level (LAeq15min) by more than 5 dB(A).

Between the hours of 23:00 and 07:00 the A-weighted equivalent continuous noise level (LAeq5min) emanating from the premises, when measured at the boundary of any noise sensitive property over any 5 minute period with entertainment taking place, must not exceed the agreed A-weighted equivalent continuous noise level (LAeq5min).

(Reason: To protect the tranquillity of the East Devon Area of Outstanding Beauty and the amenity of local residents from noise in accordance with Strategy 46 – Landscape Conservation and Enhancement and AONBs and EN14 – Control of Pollution of the East Devon Local Plan).

4. The tithe barn shall be constructed in timber unless agreed otherwise in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Strategy 46 - Landscape

Conservation and AONB's and Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

5. Prior to use of the building hereby approved, details of any external lighting required in connection for the hosting of weddings and events shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

(Reason - To minimise the impacts of light pollution on the East Devon Area of Outstanding Natural Beauty in accordance with Strategy 46 - Landscape Conservation and Enhancement and AONBs of the East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email [cil@eastdevon.gov.uk](mailto:cil@eastdevon.gov.uk).

#### Plans relating to this application:

	Location Plan	14.06.22
TGC.PROE Rev 1.0	Proposed Elevation	14.06.22
TGC.PROFP Rev 1.0	Proposed Floor Plans	14.06.22
	Proposed Site Plan	14.06.22

#### List of Background Papers

Application file, consultations and policy documents referred to in the report.