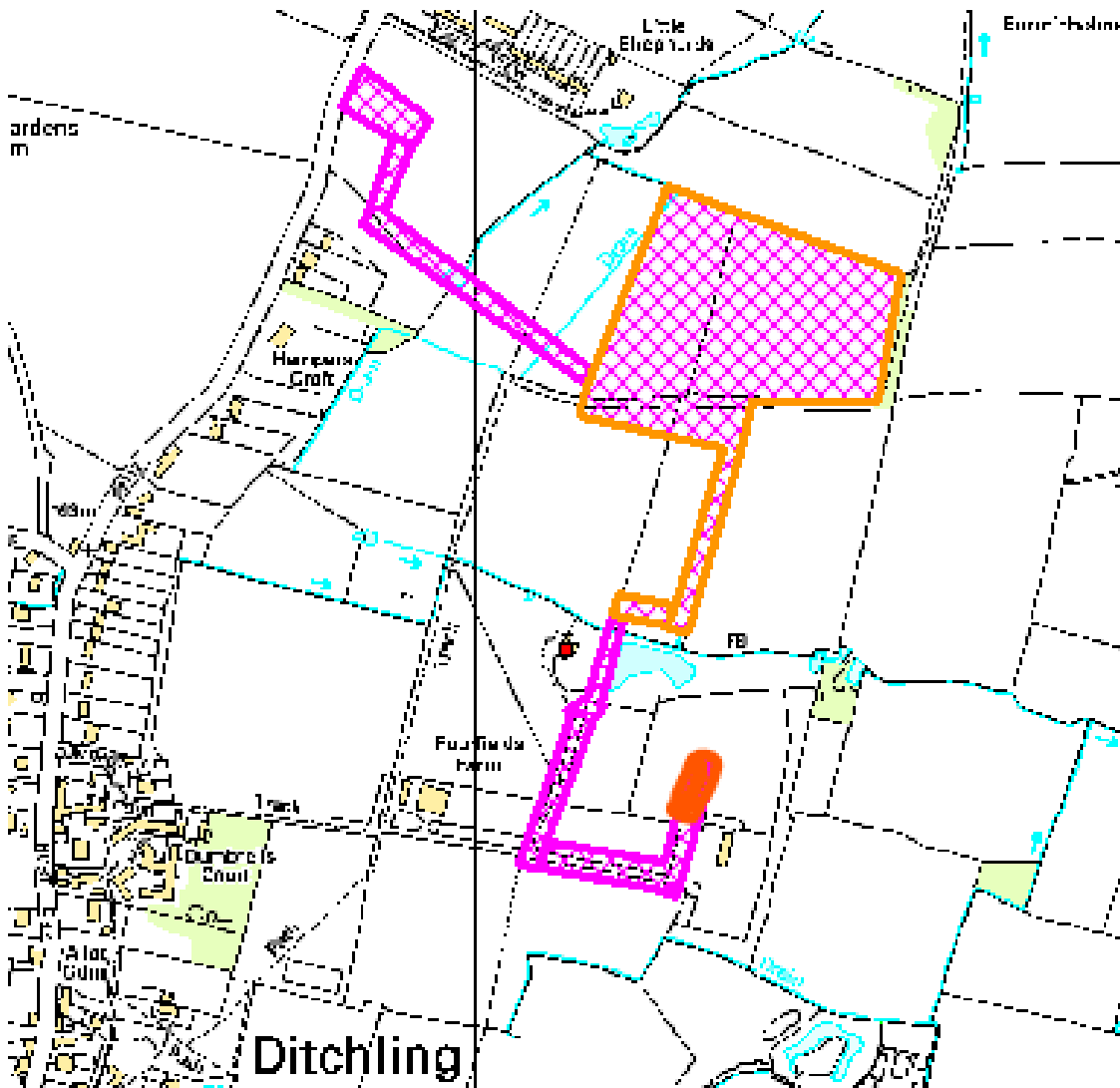


Report to: Planning Applications Committee
Date: 15th March 2023
Application No: SDNP/22/05011/CND
Location: The Macs Farm, Dumbrells Court Road, Ditchling, East Sussex, BN6 8GT
Proposal: Variation of condition 2 (use ancillary to campsite between May and September) related to Prior Notification SDNP/21/00865/PA3R.
Applicant: Mrs S MacMillen
Ward: Ditchling
Recommendation: Grant Permission subject to conditions.
Contact Officer: **Name:** Claire Tester
E-mail: Claire.Tester@lewes-eastbourne.gov.uk

Site Location Plan



1.	Executive Summary
1.1	The application building (known as The Nest Box) was granted consent under SDNP/21/00865/PA3R for the change of use under Permitted Development Rights for the northern 362 square metres of the barn to be used for Class A3 (restaurants and cafes) and Class D2 (assembly and leisure). This was subject to a condition that this use could only be carried out in the summer ancillary to the use of the adjacent campsite. The proposal now is to vary this condition so that the building can also be used in the winter independently from the campsite.
1.2	The main considerations for this application are whether the proposed variation to the use would result in adverse impacts on neighbouring amenity and tranquility by virtue of noise and disturbance and whether they would result in a highway safety issue.
1.3	Expert advice has been sought on these issues and the recommendation is that any impacts can be addressed through the imposition of conditions. The application is therefore recommended for approval.

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>9. Promoting sustainable transport</p> <p>12. Achieving well-designed places</p> <p>15. Conserving and enhancing the natural environment</p>
2.2	<p><u>South Downs Local Plan 2019</u></p> <p>Policy SD1 Sustainable Development</p> <p>Core Policy SD2: Ecosystem Services</p> <p>Strategic Policy SD5: Design</p> <p>Strategic Policy SD7: Relative Tranquillity</p> <p>Strategic Policy SD19: Transport and Accessibility</p> <p>Strategic Policy SD20: Walking, Cycling And Equestrian Routes</p> <p>Strategic Policy SD23: Sustainable Tourism</p> <p>Development Management Policy SD40: Farm And Forestry Diversification</p> <p>Development Management Policy SD41: Conversion of Redundant Agricultural or Forestry Buildings</p>

2.3	<p><u>Ditchling, Streat and Westmeston Neighbourhood Plan:</u></p> <p>DS1: Development strategy</p> <p>BIZ 2: Support appropriate rural enterprise diversification</p> <p>CONS 2 Set standards for design of new development</p>
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3.	Site Description
3.1	<p>The application site lies to the north of Ditchling village, outside the settlement boundary and the Ditchling Conservation Area. There is a private drive from North End/Common Lane/B2112 via Dumbrells Court Road to the west of the application building, known as The Nest Box. However, access to the building is conditioned to be via the new track to the north constructed to serve the campsite.</p>
3.2	<p>The Sussex Border Path (DIT/29/6) passes to the west of The Nest Box and footpath DIT/34/2 is adjacent to the building. The nearest dwellings are:</p> <ul style="list-style-type: none"> • Dumbrells Court Road approximately 400m to the west • Common Lane and South View approximately 500-600m to the north-west • East End Gardens and other developments off East End Lane approximately 450m to the south and south-west • Spatham Lane approximately 565m to the east. <p>It should also be noted that the access joins Common Lane approximately 25m south of South View.</p>
3.3	<p>The Nest Box is a large building originally erected in the late 1990s as a chicken shed. It has a pitched roof of green corrugated tin, wooden boarding on the gable end walls and a steel frame. On the long sides of the building there is a low brick plinth wall with open windows between that and the roof. These windows are currently unglazed and just covered with netting. The northern part of the building is used for a café and events ancillary to the campsite and the southern part is still used for agricultural storage. A full height internal brick wall separates the two areas. The main doors are at the north end of the building with a smaller door in the west elevation at the southern end of the café area.</p>

4.	Proposed Development
4.1	<p>The application as originally submitted proposed to remove Condition 2 of Prior Notification approval SDNP/21/00865/PA3R. This was changed in January 2023 to request a variation of Condition 2 to vary Condition No.2 to permit the use of the Nest Box during the winter period (from 1st October – 30th April in each calendar year). The agent has suggested</p>

	<p>that this would be for pre-booked recreation/leisure/entertainment, meetings, educational functions and pre-booked café and restaurant uses.</p> <p>Between 1st May – 30th September of each calendar year, the use of the Nest Box will not differ to the approved use for a café/restaurant and leisure and recreation ancillary to the approved campsite on the farm.</p> <p>The agent suggests that condition 2 be replaced by the following condition:</p> <p><i>“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), between 1st October – 30th September in any calendar year, the premises shall be used solely for purposes ancillary to the use of the campsite, including café/restaurant and meetings/lectures/education and between 1st October – 30th April in any calendar year shall be used without limitation to the ancillary use of the campsite for café/restaurant uses; meetings/educational uses including recreation, leisure and entertainment including pre booked functions and for no other purpose including any other purpose, including any purposes within in Classes E and F of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification”.</i></p>
4.2	<p>The proposed uses are for:</p> <ul style="list-style-type: none"> • Local food lunches/nights (for example supper evenings to include locally produced food with the story of the food and how it was grown and cooked etc.). These events will be pre-booked, to control number/covers (café/restaurant use class); • Meetings/training/education/recreation/leisure uses – pre-booked/private bookings; • Pop-up local shops/craft/farmers markets; • Evening private bookings – e.g supper and presentation events, live music evening nights.
4.3	<p>It is stated that all of the above proposed uses will take place inside the Nest Box, which has capacity for around 6 large craft stalls or in the event of a seated supper event, covers for around 32 people (around 8 large round tables). A Transport Statement and an Acoustic Assessment have also been submitted to support the proposal. The Transport Statement says at paragraph 6.10 that “The Nest Box could provide an occupancy of around 120 seated guests at any one time”.</p>
4.4	<p>It is proposed to install double-glazed windows in the building to conserve heat and reduce noise.</p>
5.	Relevant Planning History:
5.1	<p>SDNP/18/06057/FUL Proposed amendment to SDNP/17/01224/FUL, to provide new access and farm track and car park; erection of 4 washroom and toilet blocks and temporary marquee (25mts x 12mts) to serve existing</p>

	60 summer camping pitches (May - September); new treatment tank for toilet blocks; and landscaping; use of parcel of land for Outdoor Education project. Approved 29 Apr 2019
5.2	SDNP/21/00865/PA3R Change of use part of an agricultural building for Class A3 (restaurants and cafes) and Class D2 (assembly and leisure). Prior Approval Granted 03 Mar 2021.

6.	Consultations:
6.1	<p><u>Ditchling Parish Council</u></p> <p>The Parish Council objects to the removal of condition 2 related to prior notification SDNP/21/05011/CND on the basis that the condition was put on for a reason and there have been no change of circumstances since the original application. The Council is aware of noise and traffic issues to local residents, which have been reported to enforcement with the current operating usage; and allowing this amendment would create further issues during an extended period of opening.</p> <p>The Parish Council was reconsulted on the additional information submitted in January, and has provided the following additional comments:</p> <p>Ditchling Parish Council object to this application as they are concerned that there is not adequate information provided relating to noise management in respect of the 'Nest Box' building and how this would be monitored to avoid issues occurring. The Council consider the noise issues could be adequately dealt with so as to allow this further use but this evidence is not available within the application as to how this will be achieved. The Council would like to be reconsulted if any additional information regarding noise management is provided by the applicant.</p>
6.2	<p><u>ESCC Highways:</u></p> <p>This application is for variation of condition 2 for SDNP/21/00865 in relation to extending the use of the barn beyond the camping season to enable the A3 and D2 use to continue throughout the year.</p> <p>The existing permission allows the barn of 326sqm to be used for A3 cafe/restaurant and D2 in connection with the visitors to the campsite during 1st May till 30th September.</p> <p>The permissions under SDNP/21/00865 and 18/06057 include 65 parking spaces provided on site for the campsite/current permission on site. As these parking spaces will not be required outside the camping season these could be readily utilised by the proposed extended season for the existing uses in the 326sqm of barn.</p> <p>The Transport statement states that the barn could seat 120 people at anyone time, and it is assumed that this is also the maximum allowed for fire risk within this area of the barn. It is acknowledged that some car sharing would take place and it is not unreasonable for a car to hold on average 2 persons - whereby taking into account staff the existing 65 spaces is likely to be sufficient. This is on the assumption that the spaces are not required for any other use outside the camping season.</p>

Conclusion

Thus I do not object to this variation of the permission subject to conditions ensuring that:-

- only the uses proposed/already permitted under SDNP/21/00865 are to take place to prevent more general use under D2 and E class from taking place which would likely increase the parking need and traffic generation.
- this variation is only for the period outside the permitted camping season.
- All vehicular access is from the access direct onto the B2112 and not from Dumbrells Court. Details of means of preventing access via Dumbrells Court should be provided.

6.3

Environmental Health:

If the committee are minded to approve this application for a variation, then I would recommend the following conditions are applied to all events taking place in the Nest Box Barn during the time period from 1st October until 30th April:

Operational Controls

- All events to finish by 10pm.
- No amplified music or speech to be broadcast outside the building.
- Any live/amplified music to be sound checked and limited to be below 90 dBA (LAmax) at head height in the middle of the space.
- Doors and windows to be kept closed during live music or events requiring amplified speech.
- Patrons to be reminded to leave quietly following any evening events. Appropriate signage to be displayed in prominent areas
- Any complaints regarding noise levels should be logged and acted upon straight away. Details of the time and the action taken should be recorded and kept for reference purposes. . The LA EP team should be advised on the next working day, should any complaints of excessive noise be received.

Monitored controls

If amplified music is to be played for the purpose of anything other than background noise at an event, then the following monitoring should be carried out:

- Background noise levels (sound pressure levels LA90 15 min) to be monitored during the relevant time period on a day prior to the event at specified points (the locations to be agreed with the LA in advance) on the boundary of the Farm (measured over at least one 15 minute period at each location). The measured levels should be recorded for future reference.
- Noise levels (sound pressure levels, LAeq 15 min) measured over at least one 15 minute period at each location, and then at least once each hour throughout the event at the downwind locations).

	<p>They are to be monitored during each event at specified points on the boundary of the Farm (the locations to be agreed with the LA in advance). The measured levels should be recorded for future reference.</p> <ul style="list-style-type: none"> The noise levels measured at the pre-approved points on the boundary of the Farm during the event must not exceed 50dB(A) (LAmax) and must be no higher than 5 dB(A) above the previously measured background level. If noise levels approach these limits then appropriate action must be taken immediately. Details of the time and any action taken should be recorded and kept for reference purposes.
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7.	Other Representations:
7.1	<p>51 letters of support have been received on the following grounds:</p> <ul style="list-style-type: none"> Proposals are supported by Government as a diversification of agricultural business and it is a fundamental objective of the National Park to retain a viable and active farming community; The applicants have halved the amount of chickens kept from 21,000 to 12,000 and started running these great events; Proposals comply with policies SD39 and SD40, which support the long-term viability of the national park and forestry enterprises, SD34 seeking to promote jobs and sustain the local economy and SD43 to provide community facilities and services; Macs Farm make a huge contribution to ensuring our community is a sustainable one rather than a "Disney" Village; Proposals supported by the National Farmers Union; The farm faces enormous challenges due to the economy; the Covid Pandemic; the threat of the Avian Flu; Brexit; the predatory behaviour of large supermarket companies, and an increasing regulatory burden; Customers and staff appreciate the existing experiences provided at Macs Farm; The Nest Box is perfect for craft markets and the Christmas tree event etc.; The facilities would support the use of the site for educational respite and education services to children and young people including those who have education, health and care plans; The building is 500m away from any dwellings and has its own access and parking so will not disturb residents; Health and Safety guidelines are followed and hours restrictions complied with; All the facilities are there but unused for 7 months of the year by a Planning Restriction which is unreasonable;

	<ul style="list-style-type: none"> • The small but vocal group of Objectors have used every effort to malign and discredit this amazing local asset and should not be rewarded by refusing this reasonable and modest request; • The existing operation provides local jobs including for students, and year round use of the building would create additional jobs and support the local economy; • The proposals support local independent businesses, hiring local food vans for events and have local brewers and other vendors; • Ditchling has many facilities and traffic problems are mainly caused by HGV's. The new village carpark may alleviate some frustrations; • If the farm cannot continue a viable business the replacement use could be worse including housing; • The applicants are always fully respectful of their natural environment and take great efforts, to enhance and protect the biodiversity of their land; • Campers would not make return visits if it was too loud for children to sleep; • Mac's Farm provide essential local food and donate free eggs to charity; • All the proposed events are indoors which will help muffle any noise that will be produced and they are all quieter, family friendly events; • Some neighbours on Common Lane and Spatham Lane are happy with events and not impacted by any excessive or significant noise; • With the introduction of new measures under the Noise Management Plan, some neighbours experienced less disturbance, and the applicants advise neighbours of events and when there might be noise; • There are also other venues in the village which hold similar events which generate noise, such as the barn on the green.
7.2	<p>31 letters of objection have been received on the following grounds:</p> <ul style="list-style-type: none"> • Condition 2 was put there for a reason, and nothing has changed. Prior approval was previously refused on highway grounds; • Noise from existing events has a detrimental effect on the quality of life for the residents and can be heard in Ditchling, Ditchling Common, Streat, Keymer, Hassocks and Burgess Hill; • One house is only 500 metres away, others are even closer; • Whether the events are held inside or outside makes little difference as the inside events are run from agricultural buildings totally unsuited to containing noise of the level generated by the Applicant. The noise and disturbance from Macs Farm's operations is not limited to activities carried out within the Nest Box and varying the condition for the Nest Box and its curtilage would be irrational and legally flawed as an unenforceable condition;

- A Community Protection Warning has already been served on the property and local residents continue to record noise complaints arising from events at Macs Farm;
- Non-compliance with existing planning and licensing conditions is material to the NPA's determination of the application and include use of the Nest Box outside the seasonal restriction, beyond the 10pm curfew, and by members of the public not using the campsite. These breaches should be enforced;
- Despite the new access (which is often closed), most traffic uses the single track access road behind Dumbrells Court, there are frequent blockages, causing additional congestion and instances of visitors taking the wrong turning and ending up on adjacent properties;
- Impact on enjoyment of public footpath (application form incorrectly says it can't be seen from a public footpath);
- Impact on tranquillity of the National Park;
- Increased traffic – if only for purposes ancillary to the campsite, the campers would already be on site but if the condition were removed, potentially every person attending an event would be an additional vehicle trip, i.e. a significant increase in traffic. Ditchling has well documented traffic problems;
- Use of a temporary overflow car park in an arable field for 42 days in 2022;
- The Applicant already hosts a range of events outside the months of May to September, such as commercial clothing company photo shoots, Easter events and Christmas festive events selling trees and with crafts, market, food, drinks, music, photoshoots etc;
- Macs Farm is supposed to be a farm and should remain a farm, not a festival venue;
- Private Bookings will inevitably mean more weddings and parties which will mean more loud events involving amplified music;
- It is not clear which of the Crimsham Farm activities it is proposed will be carried out at the Macs Farm, nor how such activities correspond with those outlined in the Application documentation or the correspondence circulated by the Applicant;
- The application is made on the grounds of "viability" yet no financial information is offered. The claimed need for this particular business to achieve viability cannot be a reason to remove Condition 2 to the detriment of the neighbourhood.
- The further intensification of non-farming activities proposed by the application would be in breach of the South Downs National Park Local Plan Development Management Policies SD23 and DMP SD40 because (i) the farm's traditional farming operations are being over-balanced by non-farming activities in breach of DMP SD40, and (ii) harming local amenity in breach Strategic Policy SD 23

	<p>relating to sustainable tourism and Management Plan's Policy 3, Protect and enhance tranquillity and dark night skies.</p> <ul style="list-style-type: none"> • The Nest Box and its curtilage cannot be disassociated, as suggested by the applicant's January 2023 Planning Statement. • A detailed representation has been submitted by a solicitor on behalf of local residents which covers many of the same points summarised above but also critiques the Acoustic Report submitted with the application. The Environmental Health Officer's comments on this representation will be included in the supplementary report.
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8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>The site is located within the South Downs National Park which has the following purposes and duty:</p> <ul style="list-style-type: none"> • Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area. • Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. • Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.
8.2	<p><u>Background</u></p> <p>The Nest Box building has a total floorspace of approximately 820 square metres. In March 2021 prior approval was granted under SDNP/21/00865/PA3R for the change of use under Permitted Development Rights for the northern 362 square metres of this barn to be used for Class A3 (restaurants and cafes) and Class D2 (assembly and leisure). This was subject to the following conditions:</p> <p>1. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>2. The development hereby authorised shall be used for purposes ancillary to the use of the campsite, including café/restaurant and meetings/lectures</p>

	<p>attended by campers, between 1 May and 30 September in each calendar year.</p> <p>Reason: In order to mitigate the transport and highways impacts and the noise impacts of the development.</p> <p>3. Access to the development hereby authorised shall be from the access route used by the campsite only, and all motor vehicles shall use the existing parking facilities within the approved campsite.</p> <p>Reason: In order to mitigate the transport and highways impacts of the development.</p> <p>4. There shall be no amplified or percussive music of any form played within or adjacent to the building for which the change of use is hereby authorised, after 22:00 hours on any day within the calendar year.</p> <p>Reason: In order to mitigate the noise impacts of the development</p>
8.3	<p><u>Justification for Variation</u></p> <p>The justification given by the agent for the variation of the condition is as follows:</p> <ul style="list-style-type: none"> • The current economic and public policy framework for farming is very challenging. Increasing feed costs and the impacts of avian flu have decimated margins for egg producers and increased the financial risks associated with this activity. Government support schemes for farmers are in flux and all producers are faced with uncertainty as to the future role of public funds. • This business identified the need to diversify several years ago, and this resulted in the initial application for planning permission for camping, associated structures to support this (toilet blocks) and the new access, farm track and car park. • The seasonal income from camping is now part of the core income for the farm but there is a need for the business to buffer its cash flows and stabilize its income throughout the year where possible given the continued reduction of the income stream from egg production.
8.4	<p>The reasons given for the imposition of Condition 2 were to mitigate the transport and highways impacts and the noise impacts of the development, and these are the main considerations for the determination of this application to vary the condition.</p>
8.5	<p><u>Transport and Highways</u></p> <p>Condition 3 quoted above requires the use of the access to the camp site off Common Lane/B2112 and that all motor vehicles shall use the existing parking facilities within the approved campsite (65 parking spaces). The current use of the Nest Box was not objected to by County Highways because of Condition 2 which required use to be ancillary to the use of the campsite, which meant that users would already be on the site and limited additional traffic would be generated.</p> <p>The proposed use of The Nest Box in winter months would result in additional traffic because these would be new trips unconnected with the</p>

	<p>campsite. However, ESCC Highways is satisfied that these trips can be accommodated and the parking is adequate provided that the unassociated use is only in the winter and when the campsite is open in the summer the use remains ancillary. ESCC has also asked that details be provided of how access via Dumbrells Court will be prevented.</p>
<p>8.6</p>	<p><u>Neighbouring Amenity and Tranquillity of the National Park:</u></p> <p>NPPF paragraphs 174 and 185 identify the importance of protecting people and the natural environment from unacceptable levels of noise pollution and advises that developments should seek to mitigate and reduce to a minimum potential adverse impacts resulting from noise to avoid it giving rise to significant adverse impacts on health and the quality of life.</p> <p>Policy SD7 of the South Downs Local Plan says:</p> <p>1. Development proposals will only be permitted where they conserve and enhance relative tranquillity and should consider the following impacts:</p> <p>a) Direct impacts that the proposals are likely to cause by changes in the visual and aural environment in the immediate vicinity of the proposals;</p> <p>b) Indirect impacts that may be caused within the National Park that are remote from the location of the proposals themselves such as vehicular movements; and</p> <p>c) Experience of users of the PRoW network and other publicly accessible locations.</p> <p>Policy SD5k also says that developments should “Have regard to avoiding harmful impact upon, or from, any surrounding uses and amenities”.</p> <p>A number of representations have been received relating to the impact of noise from events held at Macs Farm. However, many of these concerns relate to the events that are held outside under the 28 day allowance for temporary uses.</p> <p>The comments from the Environmental Health Officer are included in full at paragraph 6.3, but in summary she is satisfied that the proposal will have an acceptable impact on noise and amenity subject to conditions. These conditions have been included in the recommendation.</p>
<p>8.7</p>	<p><u>Description of Development and Wording of Condition</u></p> <p>This is an application made under section 73 of the Town and Country Planning Act 1990 and there have been a number of court decisions which have defined how these applications work. In summary, it is an application for a fresh and independent planning permission without complying with conditions from a previous permission. If granted the two permissions sit alongside each other and the applicant can implement whichever one they choose. The decision for the Planning Authority is whether the development should be subject to different conditions, no conditions or the same conditions as previously.</p> <p>A section 73 application cannot amend the start date of the original permission or change the description of the development or add a</p>

condition that effectively changes that description (Finney 2019 EWCA Civ 1868 C1/2018/2922).

In this case the description of the original consent SDNP/21/00865/PA3R was 'Change of use part of an agricultural building for Class A3 (restaurants and cafes) and Class D2 (assembly and leisure)'. Whilst it may be appropriate to remove the references to Classes A3 and D2 which relate to out-of-date legislation, the substantive description for the current application decision should be the same on the previous decision notice.

Condition 2 of the original consent said that "The development hereby authorised shall be used for purposes ancillary to the use of the campsite, including café/restaurant and meetings/lectures attended by campers, between 1 May and 30 September in each calendar year". The agent's suggestion for the wording of the replacement condition is set out at paragraph 4.1. The following amendments are recommended by officers:

- A re-formatting of the condition to make it easier to understand and enforce;
- Re-wording of the permitted use to make sure that it is compatible with the original description of development. Whilst the existing condition says 'including café/restaurant and meetings/lectures' it is not limited to those uses which could encompass all of those previously under D2 and A3. However it is reasonable to control any uses which would now fall under Classes E and F;
- The reference to 'pre-booking' is not considered enforceable as this is a process handled by the applicant rather than the Planning Authority. The purpose of pre-booking is to control numbers so it would be better if the condition controlled the number of people on site. The Transport Statement is carried out on the basis of 120 people;
- The application suggests that the proposed uses will all take place within the building to control noise. It is therefore considered reasonable to require that any music or amplified announcements take place within the building with the doors and windows closed. It is also considered reasonable to require that the double glazed window units are fitted before the winter use of the building commences and thereafter maintained.

In response to the ESCC Highways comments it is also recommended that condition 3 be amended to:

"Access to the development hereby authorised shall be from the access route used by the campsite only, and all motor vehicles shall use the existing parking facilities within the approved campsite. Details of how access via Dumbrells Court Road will be prevented shall be submitted to and agreed in writing by the Planning Authority prior to 1st October 2023".

This additional variation is considered justified because customers in the winter months will not be associated with the campsite and are therefore more likely to use the wrong entrance to the site.

	A further condition 5 is recommended to incorporate the mitigation measures suggested by the Environmental Health Officer where these are not already covered by other conditions.
8.5	<u>Planning Obligations:</u> There are no S106 Planning obligations associated with this proposal.
8.6	<u>Human Rights Implications:</u> The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.
8.7	<u>Conclusions:</u> The proposed variation of condition is considered to be acceptable subject to the imposition of replacement conditions as set out in section 10 below.

9.	Recommendations
9.1	In view of the above the proposed development is considered to be acceptable and approval is recommended subject to amending the description of development to 'Change of use part of an agricultural building to a restaurant/café and assembly and leisure' and the following conditions:

10.	Conditions:
10.1	1. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application". Reason: For the avoidance of doubt and in the interests of proper planning.
10.2	2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the building shall be used for a restaurant/café and assembly and leisure and for no other purpose including any purposes within in Classes E and F of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory

	<p>instrument revoking and re-enacting that order with or without modification subject to the following:</p> <ul style="list-style-type: none"> • between 1st May – 30th September in any calendar year, the premises shall be used solely for purposes ancillary to the use of the campsite; • between 1st October – 30th April in any calendar year the premises shall be used without limitation to the ancillary use of the campsite; • The number of people within the building and its curtilage shall be limited to 120 at any one time; • The proposed double-glazed windows shall be fitted in the building prior to any use of the building after 1st October 2023 and thereafter maintained. All amplified music and speech shall be carried out within the building with the doors and windows closed. <p>Reason: In order to mitigate the transport and highways impacts and the noise impacts of the development.</p>
10.3	<p>3. Access to the development hereby authorised shall be from the access route used by the campsite only, and all motor vehicles shall use the existing parking facilities within the approved campsite. Details of how access via Dumbrells Court Road will be prevented between 1st October – 30th April in any calendar year shall be submitted to and agreed in writing by the Planning Authority prior to 1st October 2023.</p> <p>Reason: In order to mitigate the transport and highways impacts of the development and protect neighbouring amenity.</p>
10.4	<p>4. There shall be no amplified or percussive music of any form played within or adjacent to the building for which the change of use is hereby authorised, after 22:00 hours on any day within the calendar year.</p> <p>Reason: In order to mitigate the noise impacts of the development</p>
10.5	<p>5. A Noise Management Plan for the use of the application building and curtilage between 1st October – 30th April in any calendar year shall be submitted to and approved by the Planning Authority prior to 1st October 2023. This will include the following measures:</p> <ul style="list-style-type: none"> • Any live/amplified music to be sound checked and limited to be below 90 dBA (LAm_{max}) at head height in the middle of the space. • Patrons to be reminded to leave quietly following any evening events. Appropriate signage to be displayed in prominent areas • Any complaints regarding noise levels should be logged and acted upon straight away. Details of the time and the action taken should be recorded and kept for reference purposes. The LA EP team should be advised on the next working day, should any complaints of excessive noise be received. • Background noise levels (sound pressure levels LA₉₀ 15 min) to be monitored during the relevant time period on a day prior to the event at specified points (the locations to be agreed with the Planning Authority in advance) on the boundary of the Farm

	<p>(measured over at least one 15 minute period at each location). The measured levels should be recorded for future reference.</p> <ul style="list-style-type: none"> Noise levels (sound pressure levels, LAeq 15 min measured over at least one 15 minute period at each location, and then at least once each hour throughout the event at the downwind locations). They are to be monitored during each event at specified points on the boundary of the Farm (the locations to be agreed with the Planning Authority in advance). The measured levels should be recorded for future reference. The noise levels measured at the pre-approved points on the boundary of the Farm during the event must not exceed 50dB(A) (LAmax) and must be no higher than 5 dB(A) above the previously measured background level. If noise levels approach these limits then appropriate action must be taken immediately. Details of the time and any action taken should be recorded and kept for reference purposes. <p>The use of the application site shall thereafter accord with the measures set out in the approved Noise Management Plan.</p> <p>Reason: to protect the amenities of the area and neighbouring dwellings and the tranquility of the National Park.</p>
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11.	Plans:
11.1	This decision relates solely to the following plans:

	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Location and Site Plans	26.10.2022	2019/013/PL10
	Existing and Proposed Floor and Elevations	05.02.2021	2019/013/PL11
	Window details	tbc	

12.	Appendices
12.1	None.

13.	Background Papers
13.1	None.