

Report of the Chief Executive

Appeal Decision

APPLICATION NUMBER:	24/00536/VOC
LOCATION:	Mill Farm 62 Mill Road Stapleford Nottinghamshire NG9 8GD
PROPOSAL:	Variation of condition 3 (changes to opening hours) of planning permission reference 23/00429/VOC

APPEAL DISMISSED**DELEGATED DECISION****RECOMMENDATION BY OFFICER – REFUSAL****REASON FOR REFUSAL**

The proposed opening hours would significantly increase the level of noise and disturbance to surrounding neighbours which would have a detrimental impact on their living conditions. The levels of noise and disturbance generated from the extended opening hours, including the increased comings and goings of cars and customers would result in an unacceptable standard of living for adjoining neighbours and those within close proximity to the site. Therefore, the proposal is contrary to Policies 17 & 19 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core strategy (2014).

LEVEL OF DECISION: WRITTEN REPRESENTATIONS

The inspector considered the main issues to consider were:

- Whether the variation of the opening hours would have an impact on the living conditions of neighbouring dwellings with regards to opening earlier and later than the approved hours.

Planning permission was granted, 23/00429/VOC refers, with the following condition:

The coffee/farm shop hereby approved shall not be open to customers except between the hours of 09:00 - 17:30 Monday to Friday, 09:00 - 17:00 on Saturday and 10:00 - 17:00 on Sunday.

To protect nearby residents from excessive operational noise and in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

The proposal sought to extend the opening hours to 6am to half past midnight every day, with additional extended opening hours on New Years Eve and 12 other days during the year.

The application was accompanied with a noise assessment and a copy of premises licence.

The Inspector acknowledged the site is on the edge of Stapleford and planning permission was granted for diversification of the site from agricultural to glamping and B & B accommodation, farm shop and café.

The Inspector commented that the barn granted planning permission for a farm shop and café has not been implemented but were in the process of being fitted out along with the B & B accommodation. The Inspector also raised the point that the site is being advertised as an event venue and described as a 'luxury glamping site with restaurant, bar and farm shop'.

The approved hours are consistent with the nature of a farm shop and cafe where business would be expected during daytime hours. The request for change of hours would allow the public to visit the site from early morning until late at night and the submission of the premises licence allowing late night refreshment and amplified music demonstrates how the site is proposed to operate.

As no work has been completed on the barn to create the farm shop and café, there is no evidence to demonstrate how the site is operating at the time of the site visit.

The Inspector noted the site is surrounded by dwellings within close proximity to the barn with rear gardens abutting the rear wall of the barn and open views over land towards the river. The site was described by the Inspector as tranquil and any noise from commercial activity would be clearly audible from neighbouring dwellings meaning residents would experience this activity at close range. Even if use into the evening is as a café in line with the approved use, the fact that alcohol could be consumed and music played means it would take on a different character to use during the day and increase the likelihood of disturbance to neighbouring occupants, including from disruptive behaviour such as patrons talking loudly, singing or shouting when outside the premises or departing it late at night.

Moreover, as the approved farm shop and café has not yet been brought into use, there is no evidence to indicate that the hours are restrictive to the successful operation of the business. It is clear from the earlier planning applications that the opening hours imposed were considered to strike an appropriate balance between the needs of the business and protecting neighbouring living conditions.

The Inspector has considered whether other opening hours or conditions could be imposed, but ultimately the Inspector was not satisfied that noise and disturbance arising from activity on the site, particularly in external areas, could be suitably controlled through planning conditions and considers the existing opening hours are appropriate and necessary to ensure the development preserves the living conditions

Conclusion

For the reasons given above the appeal was dismissed.