

## **OFFICER REPORT FOR COMMITTEE**

**DATE: 9<sup>th</sup> October 2024**

**P/24/0115/VC  
MR K FRASER**

**TITCHFIELD COMMON WARD  
AGENT: SOUTHERN PLANNING  
PRACTICE**

VARIATION OF CONDITION 14 OF P/17/0755/VC TO INCREASE THE NUMBER OF WEDDING CEREMONIES AND/OR FUNCTIONS HELD AT THE SITE FROM 14 TO 30 IN ANY ONE CALENDAR YEAR.

THE GREAT BARN, MILL LANE, TITCHFIELD, FAREHAM, PO15 5RB

### ***Report By***

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#### **1.0 Introduction**

- 1.1 This application is being brought before the planning committee due to the number of third-party representations received.
- 1.2 Member of the Planning Committee will be aware of ongoing prosecutions by the Council against Titchfield Festival Theatre Limited with regards to the use of The Great Barn for wedding events during 2022 and 2023. It is alleged that the Titchfield Festival Theatre Limited has repeatedly breached a planning condition by holding in excess of the permitted fourteen wedding ceremonies/events permitted each year. The case relating to weddings held in 2022 was heard in East Hampshire Magistrates Court in September 2023 and the case relating to the 2023 weddings is due to be heard by the District Judge later this year.
- 1.3 However, Members are advised that the failure to comply with the condition in previous years is not a material planning consideration and neither is the ongoing legal proceedings against the owners and this planning application should be assessed on its own merits.

#### **2.0 Site Description**

- 2.1 The application site consists of the Great Barn which is a Grade I Listed Building and the land surrounding the barn. The application site is located on the western side of Mill Lane and is accessed via a long, straight hard surfaced driveway.
- 2.2 The application site is recognised within the Council's Local Plan as being located within countryside, Titchfield Abbey Conservation Area, the Meon

Strategic Gap and the Meon Valley Area of Special Landscape Quality. The application site is predominantly surrounded by open fields with fishing lakes and the Abbey Meadows Country Park located to the west of the site. However, there is one dwelling, Fern Hill Farmhouse located directly to the northwest of the application site.

- 2.3 There is a public right of way along the eastern boundary of the site behind a mature hedgerow and another which passes through the car park to the northern side of the barn.
- 2.4 The Great Barn which is owned and operated by Titchfield Festival Theatre Limited has planning permission to be used for theatrical performances, as an education centre, for craft and farmers markets, as a museum and exhibition suite and for corporate, charity, wedding and community events.

### **3.0 Description of Proposal**

- 3.1 The application site currently has planning permission to be used for 14 weddings and/or wedding functions a year which is secured by the following condition (condition 14) attached to planning permission reference: P/17/0755/VC;

*'No more than 14 wedding ceremonies and / or functions shall be held at the application site in any one calendar year'.*

- 3.2 Weddings have regularly been held at the site since planning permission was granted for the use of the site for functions, events and weddings in 2013. The applicant explains in their planning statement there has been an increased demand for weddings since 2017. Therefore, permission is being sought to vary condition 14 to allow an increase in the number of weddings ceremonies and/or functions.
- 3.3 The proposed variation is intended to increase the number of wedding ceremonies and/or functions to be increased from 14 to 30 in any one calendar year. The planning statement states the weddings would take place between February and November and would take place on Saturdays only.
- 3.4 The applicant has provided a Noise Report and Events Management Plan in support of their planning application and submitted a heritage rebuttal during the course of the application.

### **4.0 Policies**

- 4.1 The following policies apply to this application:

#### **Adopted Fareham Local Plan 2037**

DS1: Development in the Countryside  
DS3: Development in Strategic Gaps  
DS3: Landscape  
D2: Ensuring Good Environmental Conditions  
HE2: Conservation Areas  
HE3: Listed Buildings and Structures and/or their Settings

**Other Documents:**

National Planning Policy Framework (NPPF) 2023

**5.0 Relevant Planning History**

5.1 The following planning history is relevant:

<b>P/13/0265/CU</b>	Change of Use of The Great Barn To Theatrical Performance Use, Including Bar/Cafe, Toilet Facilities, Ancillary Educational Field Centre, Craft And Farmers Markets, Museum & Exhibition Suite, Corporate, Charity, Wedding And Community Events & Use Of Former Office/Store For Cast Facilities/Security Office.  <b>Approved</b> 2 <sup>nd</sup> July 2013
<b>P/15/0786/VC</b>	Remove Condition 2 Allowing Outside Of Barn To Be Used; Vary Condition 8 To Allow Removable/Temporary Structures Under 9M X 9M Within The Grounds Of The Barn To Be Erected For Up To 72 Hours; Remove Condition 13 Requiring Need For Visibility Splays; Remove Condition 16 Allowing Unrestricted Number Of Weddings Subject To Recorded Amplified Music (Djs) Or Non Amplified Acoustic Music (Bands) & Installation Of A Noise Limiter; Vary Condition 17 To Allow Garden Benches & Tables To Be Left In The Grounds On A Permanent Basis.  <b>Refused</b> 15 <sup>th</sup> October 2015 <b>Appeal Part Allowed</b> 27 <sup>th</sup> June 2016
<b>P/16/1192/VC</b>	Vary Condition 15 Of P/15/0786/VC To Increase the Number Of Wedding Ceremonies and/or Wedding Functions From 14 To 28 To Be Held On The Application Site In Any One Calendar Year - Development Affecting The Setting Of The Grade 1 Listed Barn.

**Refused** 14<sup>th</sup> December 2016  
**Appeal Dismissed** 28<sup>th</sup> November 2017

**P/17/0755/VC** Variation of Condition 2 Of P/15/0786/VC To Allow Use Of Outside Area On East Side Of Barn For Wedding Events.  
**Approved** 14<sup>th</sup> September 2017

- 5.2 Planning permission was granted in 2013 (application reference: P/13/0265/CU) for the use of the Great Barn (also occasionally referred to by some as the Tithe Barn) and surrounding land. The approved use allowed the barn to be used for theatrical performances, as an educational centre, for craft and farmers markets, as a museum and exhibition suite and for corporate, charity, wedding and community events. Condition 2 of the permission stipulated these authorised uses and added that the following uses shall only be held inside the barn: educational uses, craft and farmers markets, museum and exhibition suite, and wedding and corporate events. In total there were 17 planning conditions imposed on the permission. Condition 16 states;

*No more than 14 Wedding ceremonies and/or functions shall be held at the application site in any one calendar year.*

*REASON: To protect the amenities of the occupiers of nearby residential properties; in the interests of the visual amenities of the area and the Titchfield Abbey Conservation Area, in accordance with Policy CS17 of the Fareham Core Strategy.*

- 5.3 In 2015, Titchfield Festival Theatre applied (application reference: P/15/0786/VC) for relief of various conditions imposed on the original planning permission, including the removal of condition 16 to allow an unrestricted number of weddings to be carried out. The Council refused planning permission for the removal/ variation of these conditions and an appeal was lodged against the decision. The Planning Inspectorate determined the appeal (appeal reference: APP/A1720/W/16/314264) in June 2016 and with the exception of one condition relation to visibility splays, reimposed all of the planning conditions (including condition 16) attached to the original 2013 planning permission.
- 5.4 In 2016, a further planning application (application reference: P/16/1192/VC) was submitted seeking to increase the number of wedding ceremonies and/or functions which could take place each calendar year from 14 to 28. The application was refused on the grounds the resultant additional activity and noise that would be generated would be materially harmful to the living conditions of the neighbouring residential property and the rural character of the landscape. Furthermore, the proposal failed to preserve the immediate

setting of the Grade I Listed Barn and the character of the Titchfield Abbey Conservation Area. An appeal was lodged against the decision which was later dismissed by the Planning Inspectorate (appeal reference: APP/A1720/W/17/3175629).

- 5.5 A planning application was later submitted in 2017 (reference: P/17/0755/VC) to vary condition 2 of planning permission P/15/0786/VC to allow the use of an outside area on the east side of the barn for wedding events. This application was permitted, subject to a number of conditions, one of which (condition 14) restricts the number of wedding ceremonies and/or function to be held at the site in one calendar year to 14 which is identical in wording to condition 16, attached to the original planning permission reference: P/13/0265/CU.

## **6.0 Representations**

- 6.1 The application has received 115 letters from 103 households in support of Titchfield Festival Theatre Limited as a whole and the proposal for the following reasons:

- Proposal would increase footfall in the area and support local businesses;
- Appropriate use of the historic building;
- Income would help support the running of Titchfield Festival Theatre.

- 6.2 In addition, the application has received two letters of objection raising the following concerns;

- Application to increase number of weddings has previously been dismissed by the Planning Inspectorate;
- Noise and disturbance caused to neighbouring residential property;
- Site not considered to be a suitable venue for this many outside events in the evening.

## **7.0 Consultations**

EXTERNAL

### **Historic England**

- 7.1 Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice.

## INTERNAL

### **Environmental Health Officer (Noise and Pollution)**

- 7.2 Objection to this application in its current form, as we have insufficient information to reassure us that an increase in events will not further adversely impact the neighbouring residential premises.

### **Conservation Planner**

- 7.3 As per the previous applications, both the physical and visual impact on the setting of the Grade I listed building and the potential impact and increased level of disturbance caused to the tranquil rural character of the Conservation Area are both material planning considerations. The arguments that have been put forward for increasing the number weddings at the venue mainly seem to centre on the current demand for weddings not being commensurate with the permitted number of annual events. Looking at the comments submitted on the previous applications both by my predecessors and the Planning Inspectorate, the harm caused to the character and rural tranquillity of the Conservation Area is not outweighed by the public benefit of increasing the permitted number of annual weddings. Consequently, the current application cannot be supported in Historic Environment terms.

## **8.0 *Planning Considerations***

- 8.1 The two main issues for consideration in this case relate to protecting the living conditions of the occupiers of neighbouring residential properties and preserving the historic character and setting of the Grade I Listed Barn and Titchfield Abbey Conservation Area.

### Impact on the amenity of neighbouring residential properties

- 8.2 Policy D2 of the Fareham Local Plan 2037 concerns the impact of development on environmental conditions. The policy states that development proposals should ensure that there will be no unacceptable adverse impact upon the environmental conditions of future users or on adjacent/ nearby occupants, by way of the loss of sunlight, daylight, outlook and/or privacy.
- 8.3 The closest residential property to the application site is Fern Hill Farmhouse located to the northwest of the application site.
- 8.4 Planning permission was previously sought in 2015 to remove the restriction on the number of weddings and a further application was submitted in 2016 to vary the condition to allow up to 28 weddings a year as opposed to 14. Both of

those applications were refused and dismissed at appeal by the Planning Inspectorate. In the most recent appeal (reference: APP/A1720/W/17/3175629) the Planning Inspector recognised the impact the number of weddings at The Great Barn was having on neighbouring properties stating;

*'It appears that the living conditions of nearby residents are affected at the moment by the number of weddings that can take place at the barn. Allowing further wedding related ceremonies and functions at the property would, from the evidence provided, appear likely to result in greater adverse environmental impacts than the alternative scenarios suggested by the appellant.'*

- 8.5 Submitted with the current application is a Noise Report to assess the impact on neighbouring properties which explains that spot check levels have been taken inside and outside of the venue with music both in operation and not in operation. The assessment concludes that music levels are audible at the façade of the building and outside the building. A number of existing noise mitigation measures are in place and further measures are proposed to ensure a suitable environment.
- 8.6 Existing noise mitigation measures in the barn include a directional music speaker which broadcasts music in a straight beam and prevents sound from bouncing within the barn, a volume limit to the speaker, stopping music prior to 11pm, the creation of a break out area at the rear of the stage and prohibiting external music. In the Noise Report, further mitigation measures are proposed including installing mineral wool insulation between the roof joists in the barn, installing absorptive/ sound attenuation curtains and implementing a noise management plan.
- 8.7 The Council's Environmental Health Officer has been consulted on the application and based on the information provided has raised an objection to the proposal. The Council's Environmental Health Officer has raised concern regarding inaccuracies in the noise survey. Firstly, the noise report does not clarify when the noise measurements were taken and what has been measured over what period, for example recorded music, live music etc. Secondly, the survey does not include any measurements at the façade of the neighbouring dwelling. It is therefore unclear as to whether the report represents a worst-case scenario in respect of noise levels experienced and related impacts.
- 8.8 While the Environmental Health Officer acknowledges the proposed mitigation measures have the potential to improve the current situation, no information has been presented to enable an understanding of what the noise

improvements measures will achieve. Furthermore, some of the mitigation measures proposed, for example installation of mineral wool insulation, are not feasible due to the unacceptable impact on the grade I listed building.

- 8.9 In addition to the above physical mitigation measures, the proposed noise management plan includes a number of measures to control noise which include but are not limited to, ensuring all windows and doors are kept closed during entertainment, controlling hours of music and signs asking patrons to respect the neighbours. While these measures are generally encouraged, the Local Planning Authority has concerns regarding the effectiveness of such a plan. In this instance, weddings have been taking place at this venue for over ten years. Despite some of the measures set out in the noise management plan already being in place, the Council has received a number of noise complaints from neighbours over the years with the first investigation being carried out in 2016. It is therefore not clear what noise management measures could be employed which have not already been tried, and which appear to have failed to address the problem given the complaints about noise from the venue over a number of years.
- 8.10 Having regard to the above, based on the information provided, inadequate survey information has been submitted in order for the Local Planning Authority to conclude that the intensification of the wedding use and the resultant external activity and noise that would be generated (both outside and emitted from within the barn) would not be materially harmful to the living conditions of the occupiers of neighbouring residential properties.
- 8.11 The applicant makes the argument that while there is a restriction on the number of weddings which can take place at the barn, there is no limit on the number of other events which can take place. However, as recognised by the Planning Inspectorate in their most recent appeal decision, it is unlikely these events will need to be concentrated during the summer which is considered to be the most sensitive time of the year and the set-up procedures would not be as complex as with weddings.
- 8.12 Officers have met with the applicant to discuss the above concerns and clarify what information is required. However, despite this, no additional information has been submitted. Therefore, it is considered the previous reasons for refusal have not been addressed and the proposed intensification of the wedding use for an even greater number of weddings than previously proposed, would have an unacceptable adverse impact on the environmental conditions of the neighbouring properties in terms of noise and disturbance, contrary to policy D2 of the Fareham Local Plan 2037.



Impact on the setting of the Grade I Listed Barn and Titchfield Abbey Conservation Area

- 8.13 Particular obligations fall upon the Council in determining any application which might affect a listed building or its setting or a conservation area. The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, at section 72 it is required that Local Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.14 Paragraph 205 of the National Planning Policy Framework states;
- ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’.*
- 8.15 Policy HE2 of the Fareham Local Plan 2037 relates to the preservation and enhancement of the conservation areas within the Borough and requires new development to respond appropriately to the conservation and the special architectural, historic character and appearance of the area.
- 8.16 Policy HE3 of the Fareham Local Plan 2037 seeks to preserve listed buildings and their settings. The Policy states where a development would affect a listed building/structure and/or its setting, proposals should preserve or enhance any features of special architectural or historic interest they possess.
- 8.17 The application site consists of a Grade I listed Monastic Barn (the Great Barn) located within the Titchfield Abbey conservation area. The Council’s Conservation Area Character Appraisal recognises the landscape, topography and tranquillity of the valley is important to the character and appearance of the conservation area. The tranquil character of the rural landscape is experienced and appreciated throughout the network of public footpaths.
- 8.18 Previous planning applications seeking to increase the intensification of the wedding use on the site were refused on the grounds the resultant additional external activity and noise generated from both inside and outside the barn would fail to preserve the immediate setting of the Grade I Listed Barn and the character of the Titchfield Abbey conservation area. These concerns were

reiterated by the Planning Inspectorate in appeal decision APP/A1720/W/17/3175629 who stated;

*'This rural setting is part of the historic significance of the grade I listed Tithe barn as well as to the character and appearance of the CA. Increasing activity within the barn will have little additional impact upon its significance, but the increased external activity including the setting up of additional weddings, increased external paraphernalia on the days before the events and during the event will have an impact upon the tranquil setting of the building and therefore the significance of these designated heritage assets. These impacts would be harmful and it is not clear from the submitted evidence that other events have as much of an obvious, harmful influence'.*

- 8.19 Therefore, as stated in the appeal decision, it was considered increasing the number of weddings/functions held on the site would not preserve or enhance the character or appearance of the conservation area of the Grade I listed barn.
- 8.20 During the course of the current application, the applicant has provided a statement to try and address previous concerns raised by the Local Planning Authority and Planning Inspectorate. The applicant makes the argument that the increase in wedding events is no different from any other activity or event that can take place on the site. The applicant goes on to explain in the statement that weddings are only a small proportion of the events that take place at the barn. While it is acknowledged a range of functions take place at the barn, the barn is predominantly used as a wedding venue. As recognised by the Planning Inspectorate in previous appeal decisions (appeal reference: APP/A1720/W/17/3175629), the increased external activity and paraphernalia specifically associated with weddings in the lead up to, on the day of the wedding and after, is considered to have an impact upon the tranquil setting of the building and therefore the significance of the designated heritage assets.
- 8.21 The Council's Conservation Planner has been consulted on the application and the applicant's Rebuttal Statement, and is of the opinion there has been no significant change to the relationship between the application site and heritage assets since the previous planning applications were considered. The harm to the heritage assets previously identified by the Council and supported by the Planning Inspectorate remains the same.
- 8.22 Having regard to paragraph 205 of the National Planning Policy Framework, the harm to the significance of the listed building and conservation area is considered to be less than substantial. Paragraph 208 of the NPPF goes on to explain 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.

- 8.23 In this instance, it has not been demonstrated that there would be sufficient public benefits from the proposal to outweigh the harm, contrary to the aims and objectives of the NPPF and policies HE2 and HE3 of the Fareham Local Plan 2037.

#### Conclusion

- 8.24 This application is seeking to increase the number of wedding and/or functions held at the site from 14 to 30 in any one calendar year. The two main issues relate to protecting the living conditions of the occupiers of neighbouring residential properties and preserving the historic character and setting of the Grade I Listed Barn and Titchfield Abbey Conservation Area.
- 8.25 Officers are aware that noise from weddings being held on the site is an ongoing issue due to consistent complaints being received since 2016. The proposed increase of the number of weddings at the site and the resultant external activity and noise is considered to be materially harmful to the environmental conditions of occupiers of neighbouring residential properties, contrary to policy D2 of the Fareham Local Plan 2037.
- 8.26 Furthermore, consideration has been given to the designated heritage asset as there is a statutory requirement to have regard to preserving the Grade I listed barn, its setting and preserving and enhancing the character and appearance of the Titchfield Abbey Conservation Area. To increase the number of weddings held at the barn would impact upon the tranquil rural character of the area and fail to preserve the setting of the listed building and fail to preserve the setting of the Conservation Area. The proposal would therefore be contrary to the aims and objectives of the NPPF and policies HE2 and HE3 of the Fareham Local Plan 2037.

### **9.0 Recommendation**

- 9.1 REFUSE PLANNING PERMISSION for the following reasons:

The proposal would be contrary to policies D2, HE2 and HE3 of the Fareham Local Plan 2037 and is unacceptable for the following reasons:

- i) The proposal, by virtue of the intensification of the wedding use and the resultant external activity and noise that would be generated (both outside and emitted from within the barn) would have an unacceptable adverse impact on the environmental conditions of neighbouring residential properties

- ii) The intensification of the wedding use and the resultant additional external activity and noise, plus additional structures/ furniture would erode the harmful character of the landscape and would fail to preserve the immediate setting of the Grade I Listed Barn and the character of the Titchfield Abbey Conservation Area.

**10.0 Notes for Information**

None.

**11.0 Background Papers**

- 11.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

# The Great Barn, Mill Lane Titchfield

