

**P/16/1192/VC**

TITCHFIELD FESTIVAL  
THEATRE

**TITCHFIELD**

AGENT: BRYAN JEZEPH  
CONSULTANCY

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.

THE TITHE BARN MILL LANE TITCHFIELD FAREHAM PO15 5RB

***Report By***

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***Site Description***

The Tithe Barn or Great Barn as it is also known, to which this application relates is a Grade I Listed Building. It is approximately 11 metres deep east to west and 45 metres wide north to south with a high vaulted roof across this large floor space. The application also includes land surrounding the barn.

The Barn is situated on rising ground to the west of Mill Lane and is approached by a long straight tarmac drive from Mill Lane. It is set in the countryside as defined in the Fareham Borough Core Strategy and is within the Titchfield Abbey Conservation Area and Meon Strategic Gap.

***Description of Proposal***

Planning permission was granted in July 2013 (P/13/0265/CU refers) for the change of use of the barn to theatrical performance use, educational field centre, craft and farmer markets, museum and exhibition suite, corporate, charity, wedding and community events, subject to a number of restrictive conditions.

A planning application (P/15/0786/VC refers) was received in August 2015 seeking relief or variation of a number of conditions including relief of Condition 16 which restricted the number of weddings and/or functions at the barn to 14 in any one calendar year. The application was refused in October 2015 for the following reason:

'The proposed additional external activity and the resultant noise that would be generated (both outside and emitted from within the barn), additional structures/ furniture and the intensification of the wedding use would materially harm the living conditions of the occupiers of neighbouring residential properties and erode the existing rural character of the landscape and impact on the immediate setting of the Grade I Listed Barn and the character of the Titchfield Abbey Conservation Area.'

An appeal was lodged against this Council's refusal to vary the conditions. Whilst the Planning Inspector subsequently allowed the appeal insofar as it related to the removal of Condition 13 (visibility splays at the entrance to the site), the Inspector re-imposed all the other planning conditions again, including the restriction on the number of weddings which can be held at the site. More specifically, Condition 15 of P/15/0786/VC imposed by the Planning Inspector states:

'No more than 14 weddings ceremonies and/or functions shall be held at the application site

in any one calendar year.'

This current application is seeking a variation to Condition 15 to increase the number of wedding ceremonies and/or wedding functions from 14 to 28 to be held at the application site in any one calendar year.

### ***Policies***

The following policies apply to this application:

#### **Approved Fareham Borough Core Strategy**

CS14 - Development Outside Settlements

CS17 - High Quality Design

CS22 - Development in Strategic Gaps

#### **Development Sites and Policies**

DSP2 - Environmental Impact

DSP5 - Protecting and enhancing the historic environment

### ***Relevant Planning History***

The following planning history is relevant:

P/02/0059/CU - Titchfield Abbey, Mill Lane Use of land for musical functions, plays, school parties and erection of marquees and other structures associated with events - Temporary permission for two years granted May 2002.

P/12/0362/CU - Change of use of the Grade 1 listed barn from agricultural to theatrical performance use, including bar/cafe, toilet facilities, ancillary educational field centre, craft and farmers markets and use of former office/store for cast facilities/security office - Permission 8 October 2012

P/13/0265/CU - 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 and exhibition suite, corporate, charity, wedding and community events and use of former office/store for cast facilities/security office (Alternative to P/12/0362/CU) - Permission 2 July 2013

P/15/0786/VC - 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 - Refused 15 October 2015 - PART ALLOWED ON APPEAL (removal of Condition 13 only; all other conditions imposed again) - 27 June 2016

### ***Representations***

Two letters of objection have been received from the owner/occupier of Fernhill Farmhouse and Abbey House, raising the following concerns:

The application relates to one of 17 conditions, imposed in order to protect the amenities of the occupiers of nearby residential properties;

Planning have failed to provide answers to our fears and interpretation of the conditions, however Environmental Health have assisted with the problems relating to noise and nuisance;

This application has been submitted despite the Planning Inspector not allowing the relief of the condition restricting the number of weddings;

A Noise Abatement Notice has been served and is still in effect;

The barn is unsuited to any kind of nightclub activity. Some success has been achieved in attenuating the level of music noise but fails to control singing, public address systems and inebriated crowd noise;

The condition is flawed resulting in 26 evening wedding type functions this year;

There are a number of conditions which are regularly ignored;

The conditions imposed are incoherent, ambiguous and unenforceable;

If it were not for the noise and nuisance we would not be objecting to unlimited wedding type functions in the barn. After 3 years of experience and genuine attempts at soundproofing the barn all that has been proved is that the building itself is fundamentally unsuited to noisy events, specifically to any that utilise electronic amplification. Even the noise of theatrical productions and rehearsal intrudes on our privacy. However this is generally only momentarily and not usually late into the evening so it is a reasonable price to pay for at last putting the barn into useful service after decades of neglect;

Most of the things the applicant states they intended to do in the original application have never been done, such as the Shakespeare Heritage Trail, craft fairs and farmers markets;

The previous application to increase the number of weddings was rightly refused by the Council and also by the appeal Inspector;

All of the people who supported the previous application were not local to the Barn, but most likely friends and supporters of the theatre;

There is a clear conflict between the use of the barn as part of a tranquil environment as opposed to an intense commercial use.

The Fareham Society has commented on the application and has raised the following concerns:

It has not yet been satisfactorily demonstrated that a season of weddings has taken place with adherence to all conditions set out at the time of the planning permission. This should happen before there is any question of extending the number of weddings taking place each calendar year;

The Society did not oppose the principle of weddings taking place at the Barn on the assumption that conditions would be imposed, and adhered to, to protect the amenity of the neighbours and the character of the grade I listed building and its rural setting;

It should be noted that the recent appeal Inspector re-affirmed the conditions that limited the number of weddings to 14 per year.

One hundred and twenty two comments have been received supporting the application. Of this number, 36 were from residents living outside of the Borough of Fareham. The comments included the following points:

Increase in the number of weddings will benefit many people;  
Fantastic venue for such a memorable start to married life;  
Please allow in order barn to thrive for the residents of Fareham to use and enjoy;  
The use prevents the barn falling into disrepair;  
TFT are striving to keep the building alive and thriving;  
Having permitted 14 days; it would be unreasonable to refuse;  
Weddings are a source of income to local businesses;  
The increased use will enable more people to appreciate the beauty of the barn;  
Against public interest not to allow;  
Council should show more support to local organisations and business;  
The bar is on the outskirts of the village causing minimum inconvenience;  
Extra funding raised through commercial ventures seems sensible;  
The theatre needs to grow - so extra weddings will assist;  
Asset to the community;  
Good parking facilities;  
There are sufficient facilities to support weddings;  
Nature of the barn means most weddings held during the summer when trees are in full leaf which dampens noise;  
Theatre provides community hub for all ages;  
Historical links should be recognized;  
Difficulty booking with limited number of weddings allowed;  
This fantastic asset should be used to the full within the 11.00 pm guidelines for noise nuisance.

One comment was received from a resident outside of the Borough stating that the TFT website should clearly show when the barn is being used for wedding events to enable users of the theatre to plan ahead better.

### ***Consultations***

INTERNAL

Conservation -

The barn is a grade I listed building and lies within the Titchfield Abbey Conservation Area. This application seeks to vary a planning condition increasing the number of weddings to be held at the barn.

The application does not show alteration to the historic building's fabric and retains the important open character of its interior.

The setting of the barn, the nearby scheduled ancient monuments and the character and appearance of the conservation area derives from the predominantly rural landscape character of the valley. The historic buildings are experienced as part of the quiet rural

landscape particularly by users of the adjacent public footpaths. The established character of the valley has been identified as important in the Titchfield Abbey Conservation Area Character Appraisal.

It is important that this established character is not eroded and harmed. There is some concern that together the intensity and frequency of the wedding use particularly outside of the barn and the associated proliferation of 'furniture' outside of the barn is cumulatively likely to result in change to the established rural character of the valley and harm to the setting of the barn, the other historic buildings and the character and appearance of the conservation area.

External activity including noise (both outside and emitted from within the barn) and pressure for additional structures/ furniture all have the potential to erode the existing rural character of the landscape and impact on the immediate setting of the barn and the character of the conservation area.

#### Environmental Health (Noise) -

Whilst Environmental Health acknowledges the recent efforts of the Titchfield Festival Theatre (TFT) to reduce noise disturbance to neighbouring residences from events held at the barn, it is unable to support this application.

It is worth noting the comments of the Planning Inspector who decided the recent appeal application, as quoted in the applicants' design and access statement: "A noise limiter and sound ceiling may partly mitigate noise levels, but the unlimited use of the site for weddings would cause noise disturbance on a much more frequent basis, with the consequential erosion of the tranquil rural character of the area."

With an additional 14 wedding ceremonies and/ or functions a year held between the months of March to October, as indicated by the applicant, that would mean almost a function a week during this period. There is no doubting the sound ceiling installed within the barn (and further sound mitigation measures employed by the TFT) has made a significant difference to the noise levels heard outside the barn. This was necessary to prevent the current permitted number of functions (associated music) amounting to a statutory nuisance. However, it is not just the noise levels that are important but also the frequency of occurrences, therefore the current restriction of 14 is as important a control as the reduction in noise levels heard outside the barn as a result of the sound ceiling installation, etc. The sound ceiling cannot control noise from persons singing along to music for example; and the noise from the barn remains audible at a level that could be considered unreasonable were it to be heard on a more frequent basis.

Environmental Health remains concerned that without further noise mitigation an increase in the number of wedding ceremonies and/ or functions at the barn as proposed will cause a nuisance. Environmental Health is continuing to work with the applicant to resolve ongoing noise related issues and would be pleased to consider other measures that could be employed to reduce noise levels still further.

#### ***Planning Considerations - Key Issues***

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 1 Listed Barn and Titchfield Abbey Conservation Area.

When considering the previous appeal (P/15/0786/VC refers) the Planning Inspector commented that the use of the barn has to take account of the special interest of the listed building and its rural setting and the contribution it makes to the historic monastic landscape. As a result it is important to concentrate activities within the barn and to control the outside use.

Furthermore the Inspector considered additional weddings held at the barn would result in further presence of tables and chairs and other such paraphernalia, including marquees around the barn unacceptably eroding the rural monastic landscape of the buildings setting.

The previous application sought relief of the planning condition restricting the number of weddings to be held at the site. The applicant considered the upper limit of such events would be around 40 a year. The Inspector concluded that:

'the increased use of the premises for weddings would erode the tranquil rural character of the area. A noise limiter and sound ceiling may partly mitigate noise levels, but the unlimited use of the site for weddings would cause noise and disturbance on a much more frequent basis, with the consequential erosion of the tranquil rural character of the area'.

When allowing the appeal in part it was within the Inspectors remit to revisit the planning conditions. The Inspector chose not to increase the number of weddings to be held at the barn and as a result the conditions imposed on the P/13/0265/CU permission were imposed again, including the condition subject of this application.

The supporting statement, submitted in relation to the current application states that the position taken by the Planning Inspector was grossly unfair not to increase the number of weddings to be held at the barn and as a subsequence this is causing the applicant severe prejudice.

The applicant advises there is a demand for an increased number of weddings during 2017 and beyond, with a limit of 28 being sought. Weddings typically take place between March and October, but are not limited to this period, and take place on Saturdays only. This will continue should the Council vary the condition to allow up to 28 weddings and/ or weddings functions in any one calendar. It should be noted that weddings held at the barn previously have not all taken place on Saturdays only.

The applicant has prepared an Event Management Plan specific for weddings, giving detailed instructions on how wedding events will be carried out. A copy of the Event Management Plan was submitted in support of the application.

As an example, part of the Event Management Plan encourages drinks and canapes to be set up outside on a fine day on the western green to the rear of the barn between the hours of 2 - 4 pm. The green to the rear of the barn is adjacent to the neighbouring property, Fernhill Farmhouse and this conflicts with an agreement between officers and the applicant, that the western green would not be used at all during wedding events. The use of this area has caused noise and disturbance related complaints.

In addition to this the Event Management Plan states that the last dance shall be announced at 2250 hours and the bar will shut at 2300 hours. Condition 5 of the planning permission states that no functions shall take place inside or outside of the barn after 2300 hours. If the music is still being played at 2250 and the bar does not close until 2300 hours, it is highly unlikely, or not possible for guests to have left by 2300 hours.

Officers appreciate the applicant is trying to minimise disturbance to the neighbouring properties by producing an Event Management Plan, however officers are not satisfied that the restrictions would resolve the problems experienced to date.

A sound ceiling has been installed within the barn to mitigate noise generated from music during wedding functions. The Council's Environmental Health Officer has confirmed that the sound ceiling and further sound mitigation measures employed by the TFT has made a significant difference to the noise levels outside of the barn however the sound ceiling does not control noise from people singing and the noise from the barn remains audible at a level that could be considered unreasonable if heard on a more frequent basis. Furthermore the sound ceiling does not control noise from outside of the barn.

The neighbour has raised concerns relating to the nature of the events and functions restricted by Condition 15. Officers have clarified the wording with the Council's Solicitor who has confirmed the condition specifically relates to 'wedding ceremonies and/ or functions' . Other functions such as charity and corporate events are controlled by other conditions.

### Conclusion

Weddings have been held at the site over the last three summers. Noisy activities, including music from outside and within the barn have caused problems for local residents resulting in complaints to the Council. As a result of these complaints a Noise Abatement Notice has been served and a Breach of Condition Notice served in relation to the continued siting of tables outside of the barn when no events are taking place. No complaints were received associated with theatre productions, indicating that such activities are sufficiently controlled to limit their impact on nearby neighbours.

Furthermore, the increase in the number of weddings from 14 to 28 a year and the resultant additional external activity, including noise (both outside and emitted from within the barn) and the potential increase in the number and duration of temporary structures erected close to the barn would erode the existing rural character of the landscape.

As explained by Environmental Health above a number of mitigation measures have been put in place to mitigate the noise nuisance; however these works are limited due to the construction of the barn. Notwithstanding the Events Management Plan proposed by the applicant, officers remain concerned that the intensification of the wedding use would be harmful to the living conditions of the occupiers of the neighbouring residential properties.

Furthermore great weight should be given to the designated heritage asset and there is a statutory requirement to preserve the Grade 1 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.

### ***Recommendation***

REFUSE:

The proposal would be contrary to Policy CS17 of the Fareham Borough Core Strategy and Policies DSP2 and DSP5 of the Local Plan Part 2: Development Sites and Policies and is unacceptable that:

(i) the intensification of the wedding use and the resultant additional external activity and noise that would be generated (both outside and emitted from within the barn), plus additional structures/ furniture would materially harm the living conditions of the occupiers of neighbouring residential properties and erode the existing rural character of the landscape. The proposal fails to preserve the immediate setting of the Grade I Listed Barn and the character of the Titchfield Abbey Conservation Area.

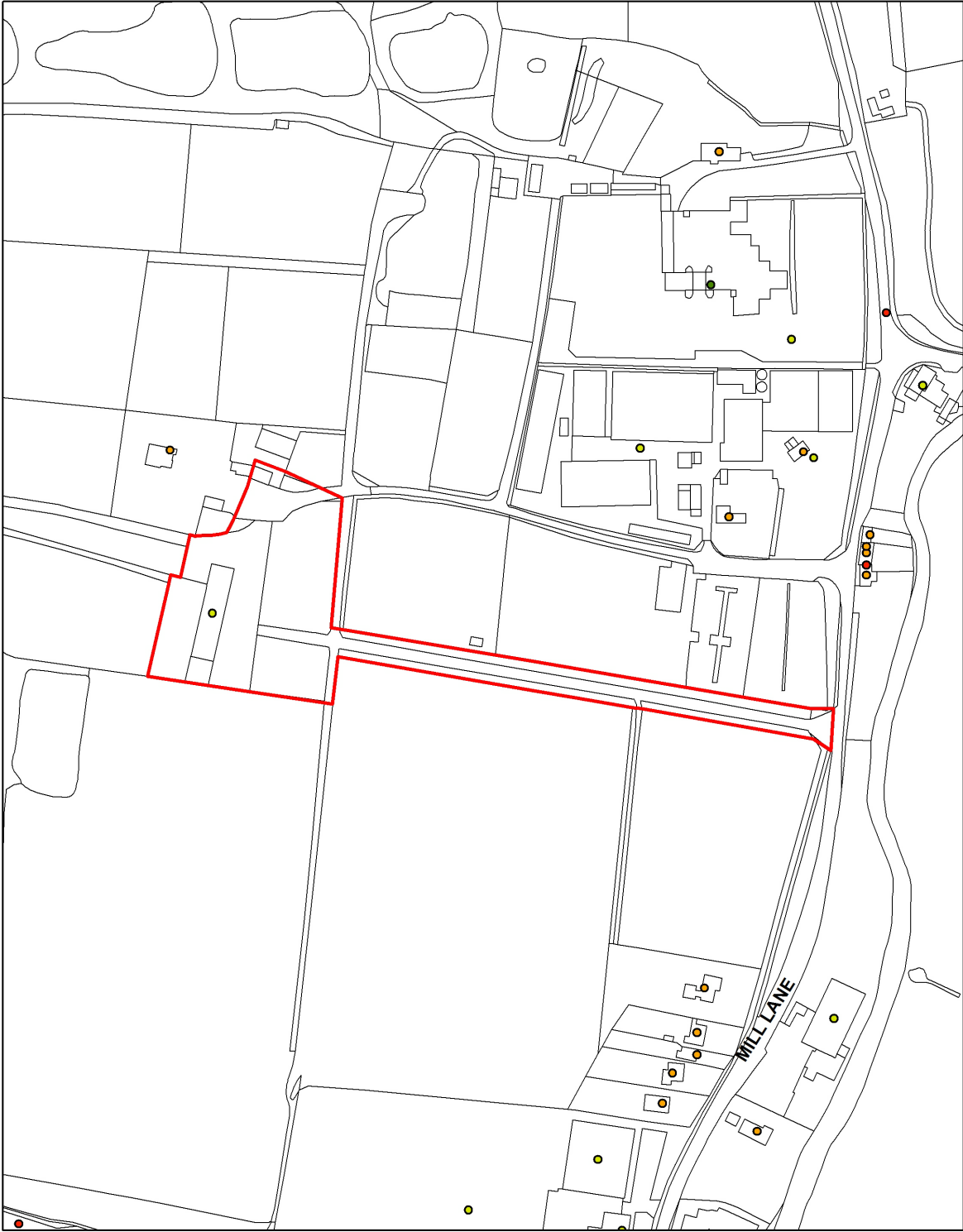
***Background Papers***

See planning history above.



# FAREHAM

BOROUGH COUNCIL



The Tithe Barn  
Scale 1 : 2,500



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