



PLANNING, DESIGN AND ACCESS STATEMENT

The Macs Farm (The Nest Box)
Dumbrells Court Road
Ditchling
East Sussex
BN6 8GT

Variation of Conditions 4 and 5 on Application
SDNP/22/05011/CND to extend the hours music can be played
indoors from 22:00 hours to 23:00 hours inline with the premises
licence and to install a noise limiter to reduce sound levels to
Leq, T 86 dBA within the building.

Client: Macs Farm Limited

March 2024

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APPENDICES

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1.0 Introduction

- 1.1 Sadler Planning is instructed by Mrs Susie Macmillan of The Macs Farm to submit a variation of Conditions 4 and 5 on application SDNP/22/05011/CND to extend the hours music can be played indoors from 22:00 hours to 23:00 hours inline with the premises licence issued by Lewes District Council and to install a noise limiter to reduce sound pressure levels to Leq, T 86 dBA within the building.
- 1.2 This Planning, Design and Access Statement has been written by Kathryn Sadler BA (Hons) Dip TP MRTPI who has over 20 years experience of working as a Town Planner within local authorities and private practices within the southeast.
- 1.3 The Statement should be read in conjunction with:

The plans provided by 3D Architecture,
The Noise Impact Assessment and Noise Management Plan prepared by Anderson Acoustics .

2.0 The Proposal & Background

2.1 The application seeks to vary Conditions 4 and 5 on SDNP/22/05011/CND to extend the hours music can be played indoors from 22:00 hours to 23:00 hours inline with the premises licence issued by Lewes District Council which allows live and recorded music to be played between 8am and 11pm. The proposal also seeks to install a noise limiter to reduce sound pressure levels to Leq, T 86 dBA within the building. Please refer to **Appendix A** for Premises Licence.

2.2 Application SDNP/21/00865/PA3R granted a change of use of part of an agricultural building for Class A3 (restaurant / café) and Class D2 (assembly and leisure). Condition 4 on this application stated:

“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.”

2.3 Application SDNP/22/05011/CND then sought to vary Condition 2 of SDNP/21/00865/PA3R so that the Class A3 and Class D2 building could be used during the winter months without limitation to the ancillary campsite, that the building would be fitted with double glazed windows and that amplified music and speech would be carried out within the building with doors and windows closed. Condition 4 was re-applied to this consent.

2.4 Condition 4 on application SDNP/22/05011/CND states:

“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.

Reason: In order to mitigate the noise impacts of the development.”

2.5 It is requested that Condition 4 be varied to read:

“There shall be no amplified or percussive music of any form played within the building for which the change of use is hereby authorised, after 23:00 hours on any day or adjacent to the building after 22:00 hours on any day within the calendar year.

Reason: In order to mitigate the noise impacts of the development.”

2.6 Condition 5 also needs to be varied as the level that live / amplified music can be played needs to be reduced from below 90dBA (L_{Amax}) to below 86dBA (L_{Amax}) as recommended by Anderson Acoustics to account for the additional hour in the evening. A cut off noise limiter will be installed to prevent sound pressure levels exceeding Leq, T 86 dBA within the building.

2.7 It is requested that Condition 5 be varied to read:

“The use of the building between 1st October – 30th April in any calendar year shall be carried out in accordance with the Noise Impact Assessment and Noise Management Plan hereby approved. The document includes the following measures:

Any live/amplified music to be sound checked and limited to be below 86 dBA (LAmax) at head height in the middle of the space through the installation of a cut off noise limiter.

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 (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) 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.

The use of the application site shall thereafter accord with the measures set out in the approved Noise Management Plan.

Reason: To protect the amenities of the area and neighbouring dwellings and the tranquility of the National Park.”

3.0 The Site and Surrounding Area

- 3.1 The site is located within a countryside location and within the South Downs National Park. The site is located on the northern edge of Ditchling Village and on the eastern side of Common Lane. Vehicular access to the farm is achieved either via Dumbrells Court Road or via the campsite access which is further north along Common Lane (B2112).
- 3.2 The application site consists of an agricultural barn that has changed use to Class A3 (restaurant and café) and Class D2 (assembly and leisure). The barn is known as 'The Nest Box' and is used to host talks, local food lunches, meetings, training, education, pop-up local crafts / farmers markets and live music / events. The wider site is used as a chicken farm for egg production and in the summer months some of the fields are used for camping.
- 3.3 The barn was originally erected in the late 1990's 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 there is a low brick wall with open windows which will be fully double glazed.



Photo Above: The Application Barn

- 3.4 There is a thick tree belt to the north of the barn, to the east of the barn there is a field, thick hedge and tree line. To the south there is a large car park, chicken sheds, buildings, hedges and mature trees and to the west are fields with hedges, mature trees and the farm house occupied by the Applicants.
- 3.5 There are no close residential properties to the barn as it is sited centrally within the farm land. The nearest residential properties are sited over 460 metres to the west and south west, over 500 metres to the south, over 570 metres to the east and over 600 metres to the north of the application barn.



Photo Above: The Application Barn and adjacent grounds

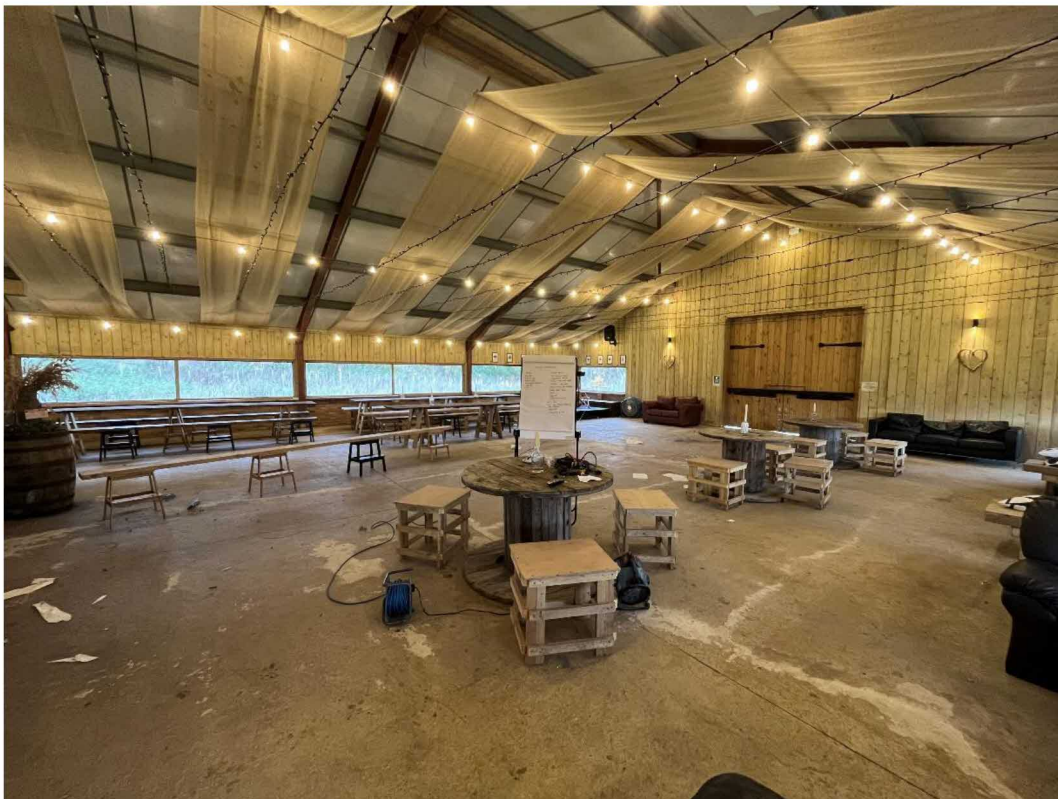


Photo Above: Inside the Barn

- 3.6 The site is located just outside the built up area of Ditchling and Ditchling Conservation Area. The village has several shops, a village post office and newsagents, a school, doctors surgery, village hall, village barn and green which are event spaces, The White Horse Inn, The Bull Pub which serves award winning food and there are good public transport links through a bus service. Hassocks is just one mile away and has a direct train line from London to Brighton and also has two supermarkets, other shops, schools, doctors and post office. The village also has bus connections to Brighton, Burgess Hill and Haywards Heath.
- 3.7 The site is also located within the South Downs National Park which offers walking, cycling, horse riding, paragliding and other recreational activities.
- 3.8 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.

4.0 Planning History

4.1 The farm's planning history is set out below.

SDNP/23/03098/DCOND	Discharge of Condition 3 and 5 in relation to application SDNP/22/05011/CND – Application Approved on 16 th November 2023.
SDNP/23/02783/MPO	Discharge of Section 106 Agreement related to LW/00/1959 – Application in Progress.
SDNP/22/05011/CND	Change of use of an agricultural building for restaurant / café and assembly and leisure (Variation of Condition 2 of SDNP/21/00865/PA3R) – Application Approved on 17 th March 2023.
SDNP/22/02237/FUL	Proposed pole barn to replace temporary marquee – Approved on 27 th July 2022.
SDNP/22/02130/DCOND	Discharge of Condition 5, 6, 7, 8, 9, 10 ad 11 of Planning Approval SDNP/19/03677/FUL – Application Approved on 30 th January 2023.
SDNP/21/00865/PA3R	Change of use of part of agricultural building for Class A3 (Restaurant and Café) and Class D2 (Assembly and Leisure) – Application Approved on 28 th January 2021.
SDNP/20/05699/PA3R	Change of use part of an agricultural building for Class A3 (restaurants and cafes) and Class D2 (assembly and leisure) – Prior Approval Required and Refused.
SDNP/20/00501/ADJAUT	Adjacent Local Authority consultation – Environmental Permit Application Campsite for 60 Pitches – Decided on 6 th February 2020.
SDNP/19/03677/FUL	Agricultural Dwelling – Application Approved on 5 th February 2020.
SDNP/19/03644/DCOND	Discharge of Conditions 9, 10, 11, 13, 14, 15, 16, 18, 19, 23 on Application SDNP/18/06057/FUL – Conditions Discharged.
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 60 summer camping pitches (May - September); new treatment tank for toilet blocks; and landscaping; use of parcel of land for Outdoor Education project – Application Approved on 29 th April 2019.
SDNP/17/01224/FUL	Proposed campsite for 30 tent pitches for use between April - September each year, Erection of 20 log cabins for camping 11 months of the year, erection of Farm Shop/Cafe, erection of 4

	washroom and toilet blocks, creation of a Car Park, formation of a New Access and Track, use of a Parcel of land by the Outdoors Project and a Proposed Soft Landscaping Scheme – Application Approved on 13 th November 2017.
SDNP/16/05738/HOUS	Erection of detached four bay garage / storage and office building – Application Approved on 9 th January 2017.
SDNP/15/01660/FUL	Erection of an implement shed (Amendment to LW/09/0075) – Application Approved on 3 rd June 2015.
LW/09/0075	Erection of two poultry barns and one implement shed and road access from existing farm roads – Application Approved on 8 th May 2009.
LW/04/0882	Approval of reserved Matters (LW/00/1959) for the erection of a permanent dwelling for an agricultural manager – Approved on 15 th June 2004.
LW/00/1959	Outline application for the erection of a permanent dwelling for an agricultural worker – Application Approved 12 th June 2001.
LW/98/0670	Agricultural determination for the formation of a farm track in grey brick hardcore – Withdrawn.
LW/97/1738	Erection of barn to house organic free range hens, a new access and hardstanding – Approved on 12 th February 1998.

5.0 Planning Policy

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the policies in the Development Plan, unless other material considerations indicate otherwise.

5.2 The documents that comprises the Development Plan are:

South Downs Local Plan, adopted July 2019;

5.3 Ditchling, Streat and Westmeston Neighbourhood Development Plan, 2017 - 2032 (Referendum Version) was made in April 2018.

5.4 On 20th December 2023, the revised National Planning Policy Framework (NPPF) was published and sets out the governments planning policies for England and how these are expected to be applied.

[National Planning Policy Framework \(NPPF\) December 2023](#)

5.5 Paragraph 8 indicates that there are three elements to sustainable development, economic, social and environmental.

5.6 Paragraph 11 confirms that at the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, the NPPF states that this means:

“Approving development proposals that accord with an up-to-date development plan without delay; or

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

5.7 Paragraph 88 states “Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed beautiful new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”

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- 5.8 Paragraph 89 states “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”
- 5.9 Paragraph 115 states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 5.10 Paragraph 182 states “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 issues.”
- 5.11 Paragraph 191 states “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

South Downs Local Plan

- 5.12 Policy SD1 (Sustainable Development) states:
- 1. “When considering development proposals that accord with relevant policies in this Local Plan and with National Park purposes, the Authority will take a positive approach that reflects the presumption in favour of sustainable development. It will work with applicants to find solutions to ensure that those development proposals can be approved without delay, unless material planning considerations indicate otherwise.
 - 2. The National Park purposes are i) to conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and ii) to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Where it appears that there is a conflict between the National Park purposes, greater weight will be attached to the first of those purposes. In pursuit of the purposes, the National Park Authority will pay due regard to its duty to seek to foster the economic and social wellbeing of the local communities within the National Park.
 - 3. When determining any planning application, the Authority will consider the cumulative impacts of development.
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4. Planning permission will be refused where development proposals fail to conserve the landscape, natural beauty, wildlife and cultural heritage of the National Park unless, exceptionally:
- a) The benefits of the proposals demonstrably outweigh the great weight to be attached to those interests; and
 - b) There is substantial compliance with other relevant policies in the development plan.”
- 5.13 Policy SD2 (Ecosystems Services) states “Development proposals will be permitted where they have an overall positive impact on the ability of the natural environment to contribute goods and services.”
- 5.14 Policy SD5 (Design) states:
- “1. Development proposals will only be permitted where they adopt a landscape led approach and respect the local character, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of the area. The following design principles should be adopted as appropriate:
- a) Integrate with, respect and sympathetically complement the landscape character by ensuring development proposals are demonstrably informed by an assessment of the landscape context;
 - b) Achieve effective and high quality routes for people and wildlife, taking opportunities to connect GI;
 - c) Contribute to local distinctiveness and sense of place through its relationship to adjoining buildings, spaces and landscape features, including historic settlement pattern;
 - d) Create high-quality, clearly defined public and private spaces within the public realm;
 - e) Incorporate hard and soft landscape treatment which takes opportunities to connect to the wider landscape, enhances GI, and is consistent with local character;
 - f) Utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials, night and day visibility, elevational and, where relevant, vernacular detailing;
 - g) Provide high quality, secure, accessible, and where possible, integrated storage for general and recycling waste, heating fuel, and transport related equipment;
 - h) Provide high quality outdoor amenity space appropriate to the needs of its occupiers or users;
 - i) Ensure development proposals are durable, sustainable and adaptable over time, and provide sufficient internal space to meet the needs of a range of users;
 - j) Give regard to improving safety and perceptions of safety, and be inclusive and accessible for all; and
 - k) Have regard to avoiding harmful impact upon, or from, any surrounding uses and amenities.”
- 5.15 Policy SD7 (Relative Tranquillity) states:
- “1. Development proposals will only be permitted where they conserve and enhance relative tranquillity and should consider the following impacts:
- 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;

- 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
 - c) Experience of users of the PRow network and other publicly accessible locations.
2. Development proposals in highly tranquil and intermediate tranquillity areas should conserve and enhance, and not cause harm to, relative tranquillity.
 3. Development proposals in poor tranquillity areas should take opportunities to enhance relative tranquillity where these exist.”

5.16 Policy SD19 (Transport and Accessibility) states:

- “1. Development proposals will be permitted provided that they are located and designed to minimise the need to travel and promote the use of sustainable modes of transport.
2. Development proposals that are likely to generate a significant number of journeys must be located near existing town and village centres, public transport routes, main roads and, where relevant, the cycle network. Such developments will be required to provide a transport assessment or transport statement.
3. Development proposals must demonstrate the continued safe and efficient operation of the strategic and local road networks.
4. The following improvements to transport infrastructure will be supported:
 - a) Public transport waiting facilities, particularly those with reliable and accessible information;
 - b) Infrastructure supporting the transfer of freight from road to rail and water;
 - c) Improvements to walking, cycling and bus connectivity at all transport interchanges; and
 - d) Improvements to the quality and provision of cycle parking at railway stations and key bus stops.
5. In town and village centres, development will be permitted which appropriately provides for improved footways and cycle routes, cycle parking, and measures to restrict the impact of heavy goods vehicles and other traffic on historic streets.”

5.17 Policy SD23 (Sustainable Tourism) states:

- “1. Development proposals for visitor accommodation, visitor attractions and recreation facilities will be permitted where it is demonstrated that:
 - a) The proposals will provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities;
 - b) The design and location of the development minimises the need for travel by private car and encourages access and/or subsequent travel by sustainable means, including public transport, walking, cycling or horse riding;
 - c) Development proposals will not detract from the experience of visitors or adversely affect the character, historical significance, appearance or amenity of the area;

- d) Development proposals make use of existing buildings, and, if no suitable existing buildings are available, the design of any new buildings are sensitive to the character and setting;
 - e) Ancillary facilities are not disproportionately large in relation to the rest of the visitor facilities;
 - f) Any proposal does not have an adverse impact on the vitality and viability of town or village centres or assets of community value; and
 - g) Where proposals are located outside settlement policy boundaries as defined on the Policies Map, they:
 - i. Positively contribute to the natural beauty, wildlife and cultural heritage of the National Park; and
 - ii. Are closely associated with other attractions/established tourism uses, including the public rights of way network; or iii. Are part of farm diversification schemes or endorsed Whole Estate Plans.
2. Development proposals that would result in the loss of visitor accommodation, visitor attractions and recreation facilities will not be permitted unless :
- a) Evidence is provided that the current use is financially unviable and a robust marketing campaign of at least 12 months has been carried out that clearly demonstrates there is no market demand for the existing use or an equivalent tourism use; or
 - b) The current use or related development harms the special qualities.
3. The Authority will support a year-round visitor economy, while ensuring the facility remains for visitor use only.
4. Development proposals, on their own or cumulatively with other development uses, must not prejudice or disadvantage people's enjoyment of other existing and appropriate tourism and recreation activities. Development proposals that generate significant additional pressure upon the surrounding rights of way network will be required to mitigate these impacts. Details of the marketing requirements are set out in Appendix 3."

5.18 Policy SD40 (Farm and Forestry Diversification) states:

- "1. Development proposals relating to farm and forestry diversification will be permitted where:
- a) A diversification plan is submitted, which demonstrates that:
 - i. The proposed development(s) would contribute to the first purpose of the National Park by providing long-term benefit to the farming or forestry business as an agricultural/forestry operation;
 - ii. Diversification activities remain subsidiary to the agricultural or forestry operation, in terms of physical scale and environmental impact; and
 - iii. The proposed development does not cause severance or disruption to the agricultural holding. and
 - b) The development re-uses or replaces existing buildings where feasible. Where this is not feasible, the development should be related physically and functionally to existing buildings, be of an appropriate scale, and retain agricultural character; and

- c) Any outdoor storage is provided as a minor ancillary element of other uses.”

Ditchling, Streat and Westmeston Neighbourhood Plan

5.19 Policy DS1 (Development Strategy) states:

“2. Exceptionally, development will be permitted outside of the settlement boundary where it complies with relevant policies in the development plan, and:

- (a) it is allocated for development or safeguarded for the use proposed as part of the development plan; or
- (b) it is for the provision of affordable housing meeting local needs on rural exception sites; or
- (c) it is for the replacement or extension of existing dwellings providing the resulting floorspace is not increased by more than 30% of the existing dwellings; or
- (d) it is small-scale development which supports an existing rural business; or
- (e) it is for facilities for low-key countryside recreation and tourism, particularly those promoting use of the National Park; or
- (f) in the case of community infrastructure, there is a proven need for the development that demonstrably cannot be met elsewhere; or
- (g) it is an appropriate re-use of a previously developed site, excepting residential gardens.”

5.20 Policy BIZ 2 (Support Appropriate Rural Enterprise Diversification) states:

- “1. Development proposals for farm diversification which are in line with national sustainability policies for rural development and are of an appropriate scale and in an appropriate location, will be supported.
- 2. Existing farm buildings should be re-used wherever possible and diversification proposals will be supported where they are ancillary to farming operations.”

5.21 Policy CONS 2 (Sets standards for design of new development) states:

- “1. New development, extensions, alterations and replacements should be to a high standard of design in harmony with the distinctive character of the area, where:
 - a. careful consideration has been given to the height (not normally exceeding two storeys), massing, scale, layout, appearance and landscaping of proposals;
 - b. natural and local landscape features are protected and sensitively incorporated; planting schemes should incorporate appropriate native species avoiding invasive non-native planting;
 - c. it incorporates measures to protect and enhance wildlife;
 - d. it is sympathetic to the character of established conservation areas and heritage assets;
 - e. it is accessible and links with established rights of way where practicable, and enhances access to the countryside;
 - f. it does not adversely intrude into important views (see CONS 8);
 - g. it incorporates sustainable urban drainage principles where possible and adequate flood protection and mitigation measures;
 - h. it adopts sustainable construction methods and measures to enhance energy efficiency;
 - i. it does not result in unacceptable levels of light, noise, air or water pollution.”

2. Development which reflects local building styles and detailing, and which uses traditional materials such as brick, tile and flint, will be given particular encouragement, especially within and adjoining conservation areas. Proposals involving the removal, replacement or unsympathetic alteration of old flint or brick and flint walls will not be supported.

3. Modern design of high quality and the use of contemporary materials, will also be supported where this complements and enhances the character and context of adjoining development and surrounding areas.”

6.0 Planning Appraisal

6.1 The application seeks to vary Condition 4 on SDNP/22/05011/CND to extend the hours music can be played indoors from 22:00 hours to 23:00 hours inline with the premises licence issued by Lewes District Council which allows live and recorded music to be played between 8am and 11pm everyday. Please refer to **Appendix A** for Premises Licence.

6.2 Application SDNP/21/00865/PA3R granted a change of use of part of an agricultural building for Class A3 (restaurant / café) and Class D2 (assembly and leisure). Condition 4 on this application stated:

“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.”

6.3 Application SDNP/22/05011/CND then sought to vary Condition 2 of SDNP/21/00865/PA3R so that the Class A3 and Class D2 building could be used during the winter months without limitation to the ancillary campsite, that the building would be fitted with double glazed windows and that amplified music and speech would be carried out within the building with doors and windows closed. Condition 4 was re-applied to this consent.

6.4 Condition 4 on application SDNP/22/05011/CND states:

“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.”

6.5 It is requested that Condition 4 be varied to read:

“There shall be no amplified or percussive music of any form played within the building for which the change of use is hereby authorised, after 23:00 hours on any day or adjacent to the building after 22:00 hours on any day within the calendar year.”

6.6 Condition 5 also needs to be varied as the level that live / amplified music can be played needs to be reduced from below 90dBA (L_{Amax}) to below 86dBA (L_{Amax}) as recommended by Anderson Acoustics, to account for the additional hour in the evening. A cut off noise limiter will also be installed to ensure sound pressure levels do not exceed Leq, T 86 dBA within the building. The variation of condition 5 will ensure that these matters are complied with.

6.7 It is requested that Condition 5 be varied to read:

“The use of the building between 1st October – 30th April in any calendar year shall be carried out in accordance with the Noise Impact Assessment and Noise Management Plan hereby approved.

The document includes the following measures:

Any live/amplified music to be sound checked and limited to be below 86 dBA (LAmax) at head height in the middle of the space through the installation of a cut off noise limiter.

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 (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) 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.

The use of the application site shall thereafter accord with the measures set out in the approved Noise Management Plan.

Reason: to protect the amenities of the area and neighbouring dwellings and the tranquility of the National Park.”

Expansion and growth of rural businesses

- 6.8 Paragraph 88 of the NPPF supports the sustainable growth and expansion of all types of business in rural areas. Policy SD40 of the Local Plan and policies DS1 and Biz 2 of the Neighbourhood Plan support farm diversification projects which this proposal is part of.
- 6.9 Policy SD23 of the Local Plan also supports sustainable tourism which this proposal is also linked to via The Macs Farm campsite.

Noise Impact Assessment

- 6.10 Under planning, amplified music is allowed to be played inside and outside the building until 10pm (22:00 hours) everyday. The premises licence issued by Lewes District Council allows live and recorded music to be played between 8am and 11pm everyday. This application seeks to allow music to be played inside the building until 11pm (23:00 hours) inline with the premises licence and other function venues within Ditchling. Any music played outside the building would still finish at 10pm (22:00 hours).
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- 6.11 Numerous mitigation measures under application SDNP/22/05011/CND were agreed in order to mitigate any potential noise impacts on neighbouring occupiers amenities. These are controlled by Condition 2 on application SDNP/22/05011/CND and consist of:

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.

- 6.12 Condition 3 on SDNP/22/05011/CND restricts access to the barn via the access route used by the campsite only, and vehicles must park within the existing campsite carpark.

- 6.13 A Noise Management Plan was submitted to the Local Planning Authority as part of the discharge of Condition 5 on application SDNP/22/05011/CND and agreed by the Local Planning Authority. This will be replaced by the current Noise Impact Assessment and Noise Management Plan submitted through this variation. The only differences within the Noise Management Plan is that the level that live / amplified music can be played needs to be reduced from below 90dBA (LAmax) to below 86dBA (LAmax) and a noise limiter fitted as advised by Anderson Acoustics to account for the additional hour in the evening.

- 6.14 A Noise Impact Assessment has been undertaken by Anderson Acoustics where continuous unattended sound level measurements were obtained over a period of seven days at two positions around the periphery of the farm. Position 1 was located at 16 Common Lane and Position 2 was located at Stoneywish.

- 6.15 The sound level meters were set to record the 15-minute LAeq (ambient) and LAF90 (background) levels, together with the highest LAFmax levels every 15-minute period, for the duration of the survey.

- 6.16 For the ambient levels, the results showed that

The levels and patterns are reasonably similar between the two positions.
Daytime ambient levels (midday-7pm) ranged from 40 to 47 dB LAeq,T.
Evening ambient levels (7-11pm) ranged from 33 to 40 dB LAeq,T.
The overall average for the period midday to 11pm for both positions is 42 dB.

- 6.17 For the background noise levels, the results showed that:

As with the ambient (LAeq,T) levels, the levels and patterns are reasonably similar between the two positions.
Daytime background levels (midday-7pm) ranged from 35 to 39 dB LAF90,T (some 5 to 8 dB lower than the ambient levels).

Evening ambient levels (7-11pm) ranged from 26 to 35 dB LAF90,T (some 5 to 7 dB lower than the ambient levels).

The overall average for the period midday to 11pm is 34 dB for position 1 and 36 dB for position 2 (9 and 7 dB lower than the equivalent ambient levels, respectively).

- 6.18 The calculated sound levels for Scenario 1 (raised voices inside and outside the building) range from 17 to 21 dB (LAeq,T). Since these are well below the ambient and background sound levels presented, it can be concluded that there is a very low risk of adverse noise impact since they are unlikely to be discernible.
- 6.19 The calculated levels for scenario 2 (live / amplified music inside the building plus raised voices inside and outside the building) range from 25 to 30dB (LAeq,T).
- 6.20 Based on the guidance in BS 4142 for an “initial estimate of impact”, a rating level the same as the background sound level is an indication of a low impact, depending on the context, whilst the Pop Code indicates a MNL (equivalent to the specific sound level) 5 dB above the background sound level could be acceptable.
- 6.21 The hourly averages of the background sound levels between 12 and 11pm range from 26 to 39 dB at Position 1 (i.e. 16 Common Lane), with an overall average of 34 dB. Whereas, between the hours of 12 and 10pm, background sound levels ranged between 28 to 39dB in the same position.
- 6.22 Therefore, the specific sound levels could be above the background sound levels at times when doors are open for ingress and egress, particularly between 10pm and 11pm, by 4dB. This falls within the IOA Pop Code guidance and specific sound levels would be below the background sound levels.
- 6.23 It is important to note that these calculations present a worst case scenario with doors open which is unlikely to represent the typical situation as Condition 2 on SDNP/22/05011/CND requires the doors and windows of the barn to be kept closed while amplified music is being played.
- 6.24 The specific LAeq,T sound levels would also fall comfortably below the BS 8233 criteria range (50-55 dB LAeq,16hours) for external amenity areas.
- 6.25 Strictly, the BS 4142 assessment requires consideration of the need for a character correction to determine the rating level from the specific sound level; and since scenario 2 sound levels are close to the background levels at times, it’s likely a correction could apply. However, the fact remains that the Pop Code guidance should be met and that sound levels would be well below both the ambient levels and BS 8233 criteria.
- 6.26 However, in order to ensure that there is no noise impact, a noise limiter will be installed for amplified music events.
- 6.27 Therefore, it is considered that the extended hour from 22:00 to 23:00 hours will not result in an adverse noise impact, providing the ‘cut-off type’ noise limiter is installed to prevent

levels exceeding a sound pressure of Leq,T 86 dBA when assessed at head height in the middle of the room.

Neighbour Amenity and Tranquillity of National Park

- 6.28 Paragraph 191 of the NPPF seeks to protect people and the natural environment from unacceptable levels of noise pollution and advises that developments should mitigate impacts resulting from noise.
- 6.29 Policy SD7 of the South Downs Local Plan seeks to conserve relative tranquillity through direct and indirect impacts.
- 6.30 As part of application SDNP/22/05011/CND, numerous measures were agreed and conditioned as part of the consent. These conditions require double glazed windows to be fitted to the barn and doors and windows to be kept shut while music is playing. These mitigation measures will still stand to ensure that the additional hour of music in the evening will not have an adverse impact on neighbouring occupiers amenities.
- 6.31 The Environmental Health Officer was previously satisfied that music played until 10pm both inside and outside the building would have an acceptable impact subject to the imposition of the above conditions. Therefore, it is considered that providing these conditions are reimposed then amplified music played between 10pm and 11pm within the building with doors and windows shut will not have an adverse impact on neighbouring occupiers amenities in accordance with paragraph 191 of the NPPF and Policy SD7 of the Local Plan.

Transport / Highway Impacts

- 6.32 This application purely seeks to extend the time amplified music can be played from 10pm until 11pm (1 extra hour) so should not effect the number of traffic movements to and from the site.
- 6.33 The original planning consents for the campsite at the farm (SDNP/21/00865 and SDNP/18/06057) included 65 parking spaces. These parking spaces are not required outside the camping season and are therefore utilised for events held in the Nest Box.
- 6.34 East Sussex Highway Authority had no objection to the previous application (SDNP/22/05011/CND) and considered that there is enough parking on site for the use. All vehicular access is to be via the campsite access onto Common Lane (B2112) and not via Dumbrells Court Road as previously conditioned.
- 6.35 Therefore, it is considered that the proposal is in accordance with paragraph 115 of the NPPF and Policy SD19 of the Local Plan.

Landscape

- 6.36 Paragraph 182 of the NPPF gives great weight to conserving and enhancing the landscape within national parks. This proposal to allow amplified music to be played within a building with doors and windows shut for an additional hour from 10pm – 11pm will not have an adverse impact on the landscape setting and will preserve the scenic beauty of the park.

7.0 Conclusion

- 7.1 The application seeks to vary Condition 4 on SDNP/22/05011/CND to extend the hours music can be played indoors from 22:00 hours to 23:00 hours inline with the premises licence issued by Lewes District Council which allows live and recorded music to be played between 8am and 11pm everyday.
- 7.2 It is requested that Condition 4 be varied to read:
- “There shall be no amplified or percussive music of any form played within the building for which the change of use is hereby authorised, after 23:00 hours on any day or adjacent to the building after 22:00 hours on any day within the calendar year.”
- 7.3 Under planning, amplified music is allowed to be played inside and outside the building until 10pm (22:00 hours) everyday. Any music played outside the building would still finish at 10pm (22:00 hours).
- 7.4 Numerous measures under application SDNP/22/05011/CND were agreed in order to mitigate any potential noise impacts on neighbouring occupiers amenities.
- 7.5 A Noise Management Plan was submitted to the Local Planning Authority as part of the discharge of Condition 5 on application SDNP/22/05011/CND and agreed by the Local Planning Authority.
- 7.6 Condition 5 also needs to be varied as the level that live / amplified music can be played needs to be reduced from below 90dBA (LAmax) to below 86dBA (LAmax) as recommended by Anderson Acoustics to account for the additional hour in the evening. A noise limiter will also be installed to ensure that sound pressure levels are below Leq, T 86 dBA within the building.
- 7.7 A Noise Impact Assessment has been undertaken by Anderson Acoustics where continuous unattended sound level measurements were obtained over a period of seven days at two positions around the periphery of the farm. Position 1 was located at 16 Common Lane and Position 2 was located at Stoneywish.
- 7.8 The calculated sound levels for Scenario 1 (raised voices inside and outside the building) range from 17 to 21 dB (LAeq,T). Since these are well below the ambient and background sound levels presented, it can be concluded that there is a very low risk of adverse noise impact since they are unlikely to be discernible.
- 7.9 The calculated levels for scenario 2 (live / amplified music inside the building plus raised voices inside and outside the building) range from 25 to 30dB (LAeq,T).
- 7.10 Based on the guidance in BS 4142 for an “initial estimate of impact”, a rating level the same as the background sound level is an indication of a low impact, depending on the context, whilst the Pop Code indicates a MNL (equivalent to the specific sound level) 5 dB above the background sound level could be acceptable.

- 7.11 The hourly averages of the background sound levels between 12 and 11pm range from 26 to 39 dB at Position 1 (i.e. 16 Common Lane), with an overall average of 34 dB. Whereas, between the hours of 12 and 10pm, background sound levels ranged between 28 to 39dB in the same position.
- 7.12 Therefore, the specific sound levels could be above the background sound levels at times when doors are open for ingress and egress, particularly between 10pm and 11pm, by 4dB. This falls within the IOA Pop Code guidance and specific sound levels would be below the background sound levels.
- 7.13 It is important to note that these calculations present a worst case scenario with doors open which is unlikely to represent the typical situation as Condition 2 on SDNP/22/05011/CND requires the doors and windows of the barn to be kept closed while amplified music is being played.
- 7.14 The specific LAeq,T sound levels would also fall comfortably below the BS 8233 criteria range (50-55 dB LAeq,16hours) for external amenity areas. Strictly, the BS 4142 assessment requires consideration of the need for a character correction to determine the rating level from the specific sound level; and since scenario 2 sound levels are close to the background levels at times, it's likely a correction could apply. However, the fact remains that the Pop Code guidance should be met and that sound levels would be well below both the ambient levels and BS 8233 criteria.
- 7.15 In order to ensure that there is no noise impact, a noise limiter will be installed for amplified music events. It is considered that the extended hour from 22:00 to 23:00 hours will not result in an adverse noise impact, providing the 'cut-off type' noise limiter is installed to prevent levels exceeding a sound pressure of Leq,T 86 dBA when assessed at head height in the middle of the room in accordance with paragraph 191 of the NPPF and policy SD7 of the Local Plan.
- 7.16 Mitigation measures previously agreed will still stand to ensure that the additional hour of music in the evening will not have an adverse impact on neighbouring occupiers amenities.
- 7.17 This application purely seeks to extend the time amplified music can be played from 10pm until 11pm (1 extra hour) so should not effect the number of traffic movements to and from the site.
- 7.18 The original planning consents for the campsite at the farm (SDNP/21/00865 an SDNP/18/06057) included 65 parking spaces. These parking spaces are not required outside the camping season and are therefore utilised for events held in the Nest Box. All vehicular access is to be via the campsite access onto Common Lane (B2112) and not via Dumbrells Court Road. Therefore, it is considered that the proposal is in accordance with paragraph 115 of the NPPF and Policy SD19 of the Local Plan.
- 7.19 Therefore, this application is submitted to you for your favourable consideration.

APPENDIX A

**LEWES DISTRICT COUNCIL
PREMISES LICENCE**

Premises Licence No: LN/2017/00167

Postal address of premises, or if none, ordnance survey map reference or description:

**Fourfields Farm, Dumbrells Court Road, Ditchling, East Sussex
BN6 8GT**

Telephone number

Licensable activities authorised by the licence:

- (i) **Sale by retail of alcohol**
- (ii) **Films**

Times authorised for the carrying out of licensable activities:

Opening Hours

Monday to Sunday

8am to 11pm

Sale by retail of alcohol

Monday to Sunday

10am to 11pm

Films (indoors and outdoors)

Monday to Sunday

10am to 11pm

Authorised supplies of alcohol: **On and Off the Premises**

Holder of Premises Licence:

Name: Grassington Rangers Ltd

Registered address: Fourfields Farm, Dumbrells Court Road, Ditchling, East Sussex BN6 8GT

Registered number of holder: 1971362

Designated Premises Supervisor:

Name: Kelly Stoner

Address: 33 Central Avenue, Telscombe Cliffs, Peacehaven, East Sussex
BN10 7LY

Telephone Number [REDACTED]

Personal licence number: LN/2017/00068

Issuing authority: Lewes District Council

Signed [REDACTED]

Ian Fitz [REDACTED]

Director of Service Delivery

Lewes District Council and Eastbourne Borough Council

Southover House, Southover Road

Lewes, East Sussex BN7 1AB

Date: [REDACTED]

MANDATORY CONDITIONS

- (1) No supply of alcohol may be made under the premises licence –
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (3) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

- games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (a) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (b) drink as much alcohol as possible (whether within a time limit or otherwise).
- provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries significant risk of undermining a licensing objective.
- provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.
- selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

- dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
- (4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonable available.
 - (5) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a) a holographic mark, or
- (b) an ultraviolet feature.

- (6) The responsible person must ensure that:
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml, and
 - (iii) still wine in a glass: 125 ml, and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises, and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- (7) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (8) For the purposes of the condition set on in (7):
 - (a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) 'permitted price' is the price found by applying the formula:

$$P=D+(D \times V)$$

where:

- (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol
- (c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence:
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
- (d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question, and
- (e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.
- (9) Where the permitted price given by Paragraph (b) of paragraph 8 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (10) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 8 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

(11) Exhibition of films

- (a) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (b) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (c) Where-
 - (i) the film classification body is not specified in the licence, or
 - (ii) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (d) In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

CONDITIONS CONSISTENT WITH OPERATING SCHEDULE

(12) General

- (a) The reason for this application is to provide a mobile food and drink unit to service customers using our camping facilities and ad-hoc visitors to the farm. We are proposing to extend the use of our facilities to incorporate private functions and other larger events in the future.
- (b) For any events involving more than 500 people, an event plan will be submitted to the responsible authorities 3 months prior to the event taking place.
- (c) Staff will be equipped with adequate training to deal and manage risks associated with licensed premises. Training will be updated regularly/when necessary.
- (d) Staff will have a good knowledge of the licensing law and have it in writing before they can serve alcohol. (d) Training/advice records which state the name, date and signature or both the trainee and trainer will be kept. These records will be made available for inspection by the licensing authority and/or police. The documentation relating to training should extend back to a period of three years.

(13) **The prevention of crime and disorder**

- (a) Staff members will record full details of any incidents in a log book. Details required will include names of persons involved, a brief description, time, date, the actions taken and the outcome of the situation. The logbook will be available on the premises always and will be available to licensing officers and/or police when required.
- (b) The premises supervisor or a competent member of staff shall manage the site to ensure no rowdy, noisy or offensive behaviour.

(14) **Public safety**

- (a) Regular risk assessments are undertaken and written records will be kept.
- (b) First aid kits will be kept at the premises and will be maintained with sufficient stock that is in date.

(15) **The prevention of public nuisance**

- (a) A draft Noise Management Plan (NMP) will be submitted to Lewes District Council Environmental Health no later than 3 months prior to any events involving more than 500 people.
- (b) Music will not be played at a level that will be unreasonably disturbing to nearby properties. Prominent notices shall be displayed close to the main exit and at various positions around the site reminding customers to respect neighbouring properties and to keep noise levels to a minimum.

(16) **The protection of children from harm**

- (a) A written refusals register will be kept at the premises for inspection by the police or local authority. All entries will include the date, the type of drink refused, the time, the name or description of the customer, the reason for refusal and the name of the staff member who refused the sale.
- (b) Adequate training will be issued to staff to prevent underage sales. Training will be recorded, signed and dated by both the trainer and trainee. The documentation relating to training should extend back to a period of three years. These records will be made available for inspection by the licensing authority and the police.
- (c) A proof of age scheme will be carried out and advertised within the premises. The premises will adopt a 'Challenge 25' procedure. Accepted forms of photographic identification (ID) are passport, drivers licence or a PASS approved proof of age card.

PLANS: As approved and attached.



N End

B2116

n Ln

Spatham Ln

Mid Sussex Golf C

Lower District Council