Statement of Case

Regarding the decision of Horsham District Council
to refuse to discharge condition 3 of permission DC/21/2599 for the
Change of use of agricultural building to an events venue
at
Eatons Farm, The Village, Ashurst,
Steyning, West Sussex, BN44 3AP
on behalf of
Mrs Crichton-Brown

LPA ref: DISC/25/0028

June 2025

Planning & Development

3 Massetts Road
Horley
Surrey RH6 7PR
planninganddevelopment@whiteandsons.co.uk
01293 824354

Prepared by:	Gillian Fensome MSc (TP), LLB (Hons), MA Planner
Checked by:	Julian Sharpe BSc(Hons) DipTP MRTPI Associate Partner

RTPI
Chartered Town Planners

1. Introduction

1.1. White & Sons have been instructed by Mrs Crichton-Brown to appeal the decision of Horsham District Council to refuse to discharge condition 3 of permission DC/21/2599 for the change of use of an agricultural building to an events venue at Eatons Farm, The Village, Ashurst, Steyning, West Sussex, BN44 3AP.

1.2. The condition requires that ***"No development shall commence until a scheme for sound attenuation against external noise has been submitted to and approved by the Local Planning Authority. The approved sound attenuation works shall be completed before the proposed use commences and be retained thereafter."*** The reason given for the imposition of the condition was that ***"this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development".*** It is considered that the condition added was in error as there are no proposed occupants as part of the approved development as it did not concern a conversion to residential use.

1.3. The appellant has interpreted this as a request for sound attenuation against noise from an external source, but since all the events will be contained within the barn (aside from comings and goings to and from the venue which are considered in the Noise Impact Assessment) no externally generated noise is envisaged. Nor would the users of the venue be affected by external noise such as roads, aircraft or railways.

1.4 Our understanding is that the real intention of the Council was for there to be for there to be sound attenuation for noise created internally within the barn, but audible externally by surrounding residential properties. The venue would not create externally arising noise, as any entertainment would be within the barn itself. This statement considers both external and internally generated noise for completeness.

1.5 The change of use was granted planning permission on 27 November 2023 under reference DC/21/2599, subject to conditions alongside a listed building

consent under reference DC/21/2600. A copy of the Planning Permission and Listed Building Consent are attached at **Appendix 1**. An application was made to discharge conditions 3, 4 and 7 of the planning permission on 26 June 2024 and a split decision issued on 20 September 2024. That decision discharged conditions 4 and 7 but stated the information submitted to discharge condition 3 was not acceptable for the following reason:

"The submitted details fail to provide the required information that is considered necessary and proportionate to enable an assessment to be carried out in relation to the potential noise impact generated by the site and the efficacy of any remediation measures that might be proposed, as required under Condition 3. The Local Planning Authority are therefore unable to discharge this condition at the present time."

1.6 The applicant was advised to provide the following information:

- A noise survey required for increased traffic arriving and departing the venue, which needs to consider the nearest habitable property and any properties that are near the exit of the venue onto the highway.
- A noise survey required for amplified and non-amplified music, this needs to include the noise levels at the nearest habitable property to the venue.

1.7 A second discharge of condition application was submitted on 30 January 2025, which attached a Noise Impact Assessment Technical Report RFE-0605-25-01-02 and Addendum. The application was refused on 11 April 2025, for the following reason:

"The proposed sound attenuation measures as identified within the Noise Impact Assessment reference RFE-0605-25-01-02 by RF Environmental Ltd dated January 2025 and Addendum Noise Report reference RFE-0605-25-02-02 by RF Environmental Ltd dated 19 March 2025 are not considered sufficient to mitigate external noise arising from the approved development. The requirements of condition 3 have not therefore been satisfied."

1.8 The crux of the case focuses on the Environmental Health consultation responses which established an in principle objection to the use, given the proximity to the appellant's house which is the main farmhouse at Eaton's Farm and the potential for an impact on the occupant from noise arising from events. The proximity of appellant's house was known from the outset when planning permission was granted, being clearly visible opposite the appeal site and referred to in the application documents (particularly with it being Grade II listed and rendering the appeal building curtilage listed). It is the appellant's case that the approved events venue would not impact on the occupants' amenities as the venue is fully within her control ensuring that any noise is kept to an acceptable level, alongside the regulatory measures to control noise set out within the planning conditions and Noise Impact Assessment. In any event this is not a relevant argument as any concern for noise impacting the main house is down to the appellant who is the person who would be affected.

1.9 In this Statement it will be demonstrated how the proposed sound attenuation measures which have been provided should be considered sufficient to discharge the condition and therefore that this appeal should be allowed.

2. Site Description

2.1. The site is located in an 'Area Outside Built Up Area Boundary' according to the Horsham District Planning Framework Proposals Map just east of the small village of Ashurst.

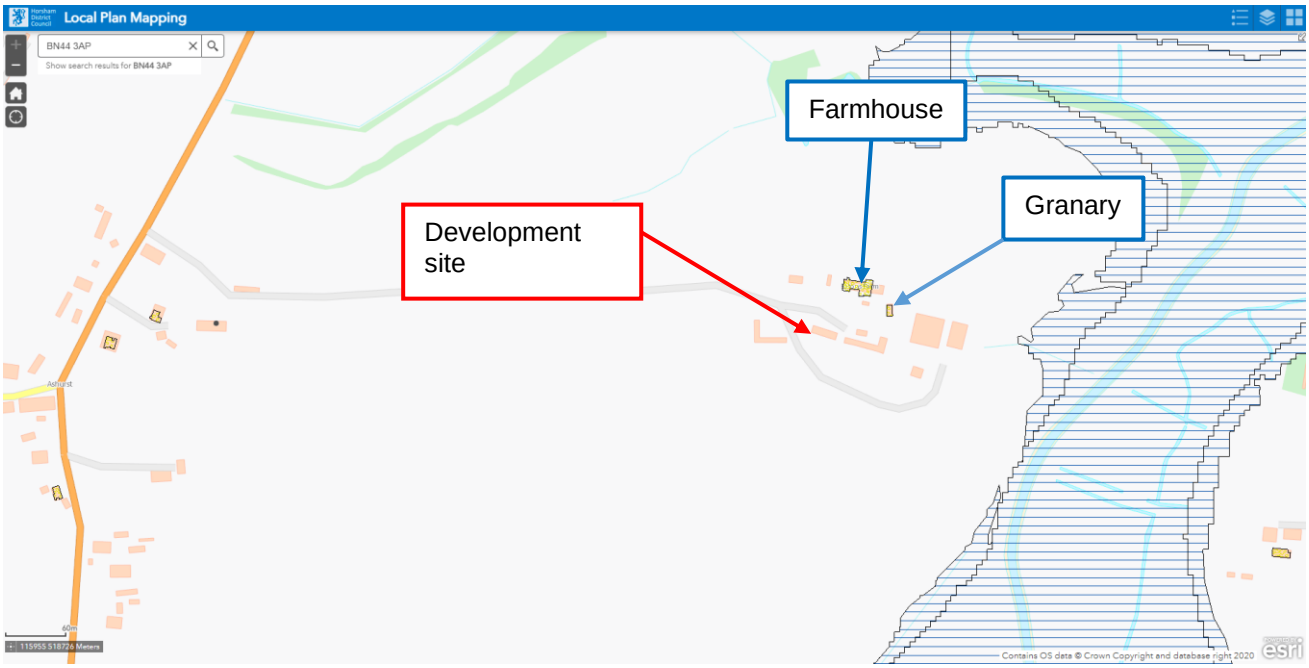
2.2. The development which has been approved concerns the change of use of a barn in a complex of agricultural buildings to an events venue at Eatons Farm, The Village, Ashurst.

2.3. The change of use approved is to facilitate private parties, wedding receptions, corporate meetings and family occasions, with no more than 10 events per year and limited to 75 people. The venue represents a farm diversification and will provide a source of income for the farm to assist with the general running costs of this grade II listed property and also provide employment for local catering staff, mini-bus drivers, musicians etc.

2.4. The site is in the centre of Eatons Farm and cannot be seen from any neighbouring houses or farms. The nearest residential property away from the farm is approximately 0.4km to the west at the end of the access drive.

2.5. There are two Grade II listed buildings at Eatons Farm, the Farmhouse itself and the Granary (which provides annexe accommodation), as shown on the plan below. The barn, for which change of use consent has been obtained, is curtilage listed and greatly enhances the setting of these listed buildings. The significance of the listed buildings and the barn is considered to derive from their architecture and rural setting. The Farmhouse was listed in the Domesday Book dating back to the medieval period as does the barn. The Granary is believed to date back to the 17th century. The barn is a rare example of an intact medieval structure of unusually large size with impressive timber framework, struts and rafters. Given the historic nature and curtilage listing of the barn, it would not be appropriate to insulate it as this would risk damage to the ancient structure and harm to significance. Nor were such works a condition of change of use being granted planning permission and listed building consent.

2.6. An extract from the Council's proposal map of the site is included overleaf:



Key:

Built Up Area Boundary (Policy 3)

Area Outside Built Up Area Boundary (Policy 3)

Listed Buildings (Policy 34)

Flood Zones (Policy 38)

Extract from Horsham District Planning Framework Proposals Map

3. Planning History

3.1. Records show the following planning applications listed on the Horsham District Council website:

Application Number:	Description:	Decision:
DISC/25/0028	Approval of details reserved by condition 3 to approved application DC/21/2599	Refused
DISC/24/0164	Approval of details reserved by condition 3, 4 and 7 to approved application DC/21/2599	Split decision
DC/21/2599	Change of use of agricultural building to an events venue (Full Application).	Permitted
DC/21/2600	Internal alterations to agricultural building (Listed Building Consent).	Permitted
DISC/18/0023	Approval of details reserved by condition 3 on DC/17/2415	Permitted 13/03/2018
DISC/18/0022	Approval of details reserved by condition 2 (materials) on DC/17/2414	Permitted 13/03/2018
DC/17/2414	Erection of open-sided porch (Full Planning)	Permitted 22/12/2017
DC/17/2415	Erection of open-sided side porch (Listed Building Consent)	Permitted 22/12/2017
DC/17/0705	Construction of porch (Listed Building Consent)	Permitted 09/05/2017
DC/17/0704	Construction of porch (Full Application)	Permitted 09/05/2017
DC/14/0897	Conversion of former agricultural barn, storage barn, calf pen and outbuilding to ancillary residential accommodation and demolition of flat roof garage. (Full Planning)	Withdrawn 24/10/2014
DC/14/0609	Landscaping including constructing stepped terrace to rear, inserting two steps to front driveway, installing seven new gates within grounds and rebuilding retaining wall adjacent to barn (Listed Building Consent)	Permitted 13/08/2014

DC/14/0608	Landscaping including constructing stepped terrace to rear, inserting two steps to front driveway, installing seven new gates within grounds and rebuilding retaining wall adjacent to barn (Development affects the setting of a Listed Building)	Permitted 13/08/2014
DC/13/1910	Alterations and extension of the farmhouse (Listed Building Consent)	Permitted 07/10/2013
DC/13/0852	Internal and external alterations, extension work and restoration (Listed Building Consent)	Permitted 02/08/2013
DC/09/1130	Internal alterations and restoration (Listed Building Consent)	Permitted 18/08/2009
AH/2/03	Change of use to independent unit of living accommodation	Refused 17/04/2003
AH/5/99	Retention of a mobile home for 6 months	Permitted 25/06/1999
AH/6/98	Siting of a mobile home for 6 months	Permitted 21/10/1998
AH/8/97	Conversion of barn to granny annexe	Permitted 22/10/1998
AH/5/91	Granny annexe & additional bedroom extension	Permitted 21/08/1991

4. Principal Issue: whether the proposed sound attenuation measures as identified within the Noise Impact Assessment reference RFE-0605-25-01-02 by RF Environmental Ltd dated January 2025 and Addendum Noise Report reference RFE-0605-25-02-02 by RF Environmental Ltd dated 19 March 2025 are considered sufficient to mitigate noise arising externally and internally and satisfy the requirements of condition.

4.1. As planning permission has been granted for the use it has already been determined that the use is acceptable in principle in this location. The appeal concerns only the measures for sound attenuation against external noise.

4.2. It is maintained that the use is far enough away from any houses neighbouring the farm to maintain residential amenities, particularly given the mitigation measures proposed in the noise report from internally arising noise. The Environmental Health Departments concerns relate to the residential accommodation at the farm itself and the proximity of this to the barn, with the appellant's house being the closest.

4.3. All of the buildings on the farm will remain within single ownership so the applicant who resides in the farmhouse will have full control over the events. It would be wholly improbable for the farm to be broken up and sold as separate constituent parts given the intimate relationship between them and the value of the farm being the collective sum of the buildings and farmland. However, any future purchasers would be aware of the other buildings and uses at the farm given the close relationship of the buildings and approved signage for the events venue.

4.4. The modern farm and associated storage buildings are fully operational over long hours during the day (particularly during harvest) with general traffic movement throughout, so the background noise levels are constant. Farm workers and residents alike are used to the levels of noise and activity which are accepted in the countryside on a working farm. The proposed use is likely to involve controlled internal noise compared to uncontrolled agricultural activities.

4.5 In the application to discharge condition 3 DISC/24/0164 it was stated by the applicant in the supporting letter that: *"Condition 3 appears to seek to protect those within the building from external noise and was presumably added in error as there are no significant external noise sources and the application does not concern a residential use. Presumably the intention of the condition was to protect those within the surrounding area from internally generated noise."*

4.6 The applicant sought advice on noise attenuation measures and due to the building being curtilage listed, it was not possible to provide sound insulation on heritage grounds as this would seriously affect the significance of the building. However, it was the advice of the noise consultant to install a noise limiter which the appellant is prepared to install as part of the condition discharge.

4.7 Horsham Council's report on their split decision in relation to DISC/24/0164 refused to discharge Condition 3, stating the following:

"The Council's Environmental Health Officer (EHO) has reviewed the submitted details and the following is noted: - -

The property has been used for events and noise complaints of statutory nuisance have been received from properties in the surrounding area. Concern is that there is no control for numbers attending. Noise surveys are also required for increased traffic and from amplified and non-amplified music."

4.8 To be clear the property has never been used for any events during the period which the appellant has owned the property from 2012. The complaints are likely to relate to noise from the Wharf Farm camp site and kayak school immediately bordering Eatons Farm to the south. This should have been properly investigated by the Council to ensure that the correct source was identified.

4.9 In addition, the noise level will be controlled by the numbers of people attending events which are limited by condition (**Appendix 1**) to no more than 75 (condition 14), although some family events such as birthdays may only have 10-15 people. In addition, the number of events per calendar year is limited to

10 (condition 12) and the hours of use to between 08:00 - 23:30 hours (condition 13). In addition, was the requirement for a traffic management plan (condition 4, now approved) and no fireworks (condition 15). Therefore there are significant controls over the extent, frequency and scale of the use which would consequently reduce noise as a potential nuisance.

4.10 Despite this, the Council refused to discharge the condition, stating that a noise survey was required for increased traffic arriving and departing the venue, which needed to consider the nearest habitable property and any properties that are near the exit of the venue onto the highway, together with a noise survey for amplified and non-amplified music, which needed to include the noise levels at the nearest habitable property to the venue. This appeared to the Applicant to be excessive, considering the significant distance to neighbouring properties, which are not in the Applicant's ownership.

4.11 The Applicant did however, in their second application to discharge the condition (which is the subject of this appeal), provide a Noise Impact Assessment reference RFE-0605-25-01-02 by RF Environmental Ltd dated January 2025 and an Addendum Noise Report reference RFE-0605-25-02-02 by RF Environmental Ltd dated 19 March 2025. These are included with the appeal documents. In these documents, a full assessment of sound from patrons speaking externally, vehicle movements and music sound breaking out of the proposed events venue facility was made.

4.12 In the report, the nearest neighbouring properties, not in the Applicant's ownership, were R1 and R2, situated 562 and 620 west/south west of the site. The report concludes that the noise impacts are considered to be low and suggests appropriate measures to control noise at the venue, such as limiting of amplified music noise levels (with a sound limiter as mentioned above) and signage requesting users to keep noise to a minimum.

4.13 The Environmental Health Officer's commented on the application that *"The provided Noise Impact Assessment does not include the nearest noise sensitive premises which are Eatons Farm's habitable buildings. The Applicant's premises does not exclude it from a Noise Impact Assessment or*

Noise Management Plan. Without this property included in the Assessment, the department cannot support the application."

4.14 Accordingly the appellant provided the Addendum report to consider the impacts on the main habitable buildings on the Eatons Farm estate and notes that music from some events may be audible within them, however as stated previously these properties are within the ownership of the applicant, who has a commercial interest in and is responsible for the events. This differs from the independent owners of properties R1 and R2, who do not have control over the events.

4.15 Further comments, received following receipt of the Addendum to the Noise Report, were also made that we *"cannot support this application as there is a likelihood of nuisance at the nearest residential premises as identified in the Noise Assessment. There will be a strong likelihood of statutory noise nuisance. There is no allowance for exemption that the occupants of the residential property maybe owners and organisers at the proposed change of use building."* A copy of the consultation responses and emails are attached at **Appendix 2**.

4.16 The appellant wishes to reiterate that the house which the Council is referring to is the farmhouse which she herself resides in. She and her family are the sole occupants of the house and she is also the only person who will be booking, organising and hosting the events which will be held at the events venue. She is therefore in full control of events in the building. Clearly if any user generated a level of noise or disturbance which was disruptive (and not addressed by the noise limiter) she would intervene and ensure that it stopped and if necessary ask them to leave.

4.17 Furthermore, it is important to recognise that the Noise Impact Assessment and Addendum are based on the worst case scenario and that the level of noise generated will not always be the same. Many events will not generate any significant noise levels and far below those factored into the assessment. The assessment also assumes that windows will be open for ventilation. Whilst this would be reasonably expected in a house, given the low frequency of events it is not unreasonable for them to be closed for the residential properties on the

farm for short periods if required whilst events take place. Overall the Addendum considers that *"the risk of an adverse noise impact from the operation of a limited number of events, on the dwellings within the Eatons Farm Estate, is low."*

4.18 The Noise Impact Assessment sets out reasonable and practical measures to control the break out of noise within the building, manage external areas including guests' vehicular movements and servicing vehicles. When coupled with the limited number of events (just 10 per annum), the limited hours of use (8am to 11.30pm with amplified music ceasing at 11pm) and maximum attendees (75) the potential for an adverse impact has a very low frequency of occurring which further restricts the risk of harm arising.

4.19 The Appellant therefore submits that the condition should be discharged with immediate effect, based on the management and mitigation measures set out in the planning permission, Noise Impact Assessment and Addendum.

5. Conclusion

5.1. It is our view that the Council has mistakenly applied the wrong condition relating to externally arising noise when the intention was to safeguard against noise arising internally from the venue affecting the external environment. Therefore the application not given fair consideration and the Council have acted unreasonably by refusing to discharge the condition, when all possible noise mitigation measures have been proposed to address both externally arising noise and internally generated noise.

5.2. The potential noise impacts on residential properties neighbouring the farm will be low. Assessment of the noise impacts on those residing within the farm complex will also be low given the proposed noise control measures, low frequency of events, their variable nature and the ability for the applicant to have direct oversight of these.

5.3. For the above reasons, it is respectfully requested that the Inspector allows this appeal to discharge condition 3 with immediate effect.





3 Massetts Road
Horley
Surrey RH6 7PR
planninganddevelopment@whiteandsons.co.uk
01293 824354