



Appeal Decisions

Inquiry held on 23, 24 and 30 April 2024; 1 May 2024; 25, 26 and 28 November 2024; and 19 to 21 March 2025.

Site visits made on 30 April 2024 and 20 March 2025

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal A Ref: APP/Y3940/C/22/3306233

Land at Euridge Manor Farm, Euridge, Colerne, Wiltshire SN14 8BJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr John Robinson against an enforcement notice issued by Wiltshire Council.
- The notice was issued on 3 August 2022.
- The breach of planning control as alleged in the notice is:
 - Without planning permission, the material change of use of the Land from a mixed use of agriculture, three dwelling houses and one holiday let to a mixed use of agriculture, three dwelling houses, one holiday let, the stationing of a caravan for residential occupation and events (including wedding events). The caravan is shown in the attached photograph entitled "Notice Photograph 1"¹.
 - Without planning permission, operational development integral to the use of the Land for events (including wedding events) comprising the erection of a building in the approximate location within the Land annotated with a blue circle on the attached plan entitled "Notice Plan" and shown in the attached photograph entitled "Notice Photograph 2".
- The requirements of the notice are to:
 - 1) Cease the use of the Land for the stationing of a caravan for residential occupation and remove the caravan from the Land.
 - 2) Cease the use of the Land for events (including wedding events).
 - 3) Demolish the building and remove all resultant material from the Land.
- The periods for compliance with the requirements are nine months from the date the notice takes effect for requirement 1) and four months from the date the notice takes effect for steps 2) and 3).
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal succeeds in part, planning permission is granted and the notice is upheld with corrections and variations in the terms set out in the formal decision.

Appeal B Ref: APP/Y3940/W/23/3323464

Land at Euridge Manor, Euridge, Colerne, Wiltshire SN14 8BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr John Robinson against Wiltshire Council.
- The application Ref is PL/2022/07202.
- The development proposed is described in the application form as the 'use of land and buildings for events, retention of caravan as accommodation for event guests, formation of new access track for agricultural and events use, formation of new passing place, together with associated landscaping – part retrospective'.

Summary Decision: The appeal is allowed.

¹ Reference here and elsewhere in the header to attached photographs is to photographs attached to the enforcement notice.

Applications for costs

1. An application for costs was made by Wiltshire Council against Mr John Robinson. An application was also made by Mr John Robinson against Wiltshire Council. These applications are the subject of separate decisions.

General Preliminary Matters

2. There was a third appeal (reference APP/Y3940/W/22/3310513) linked to the appeals referred to in the header above, which was initially referred to as 'Appeal B'. This appeal was, however, withdrawn. Accordingly, what I referred to as 'Appeal C' in my notes to the parties and at the inquiry, is now referred to in these decisions as 'Appeal B'.

The Notice – Appeal A

3. Before considering the grounds of appeal on Appeal A, I have a duty to put the notice in order, if necessary. I have a number of concerns regarding the notice that were discussed in detail with the parties at the inquiry. Notwithstanding this, a ground (b) appeal has been made, which is that the matters alleged in the enforcement notice, which appears to the Council to constitute the breach of planning control, have not occurred.
4. The appellant's case on ground (b) is, simply put, that the allegation is wrong with regard to the use of the site both prior to and after the alleged material change of use had occurred. As my concerns are the same, but for different reasons, it is logical to consider these and the ground (b) appeal together. In doing so, I have had regard to both the written submissions and the representations made at the inquiry regarding the notice, in addition to the parties' respective cases on ground (b).
5. I have also had regard to the parties' response to a proposed amendment to the notice, which I included within a note² to the parties before the final session of the inquiry. Whilst their respective responses to this were positive, it is still necessary to set out my reasons for any corrections to the notice, as well as to deal with the ground (b) appeal.

Ground (b) – Appeal A

6. The powers transferred to Inspectors under section 176(1)(a) of The Town and Country Planning Act 1990 as amended (the 1990 Act) include to correct any defect, error or misdescription in the enforcement notice or, under section 176(1)(b), to vary the terms of the enforcement notice. In each case, the only test is whether the correction or variation would not cause any injustice to the appellant or the local planning authority.
7. My duty to put the notice in order, if necessary, includes to ensure that the allegation correctly describes the breach of planning control that has occurred. This is, in essence, the basis of the appellant's ground (b) appeal. As such, I deal first with the allegation of operational development, before moving on to consider the alleged change of use.

² Inspector's note dated 18 March 2025.

Operational Development

8. The second allegation in the notice is of 'operational development integral to the use of the Land for events (including wedding events) comprising the erection of a building' in the location specified. This is referred to by the parties as 'the iglu pod'.
9. The appellant says that the unit complies with the definition of a caravan set out in section 29(1) of the Caravan Sites and Control of Development Act 1960 as amended and The Caravan Sites Act 1968 as amended (the 1968 Act), which is 'any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer)...'³. In law, a caravan is only a caravan if it meets that description.
10. Also important is assistance in defining what is a building. The 1990 Act provides some definition of a building, which includes 'any structure or erection'. Also of relevance is the caselaw referred to by the parties. This includes *Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Co Ltd* [1949] 1QB 385, which was endorsed by the Court of Appeal in *Skerritts of Nottingham Ltd v SSETR* (No.2) [2000] 2 PLR 102. These identify three primary factors as decisive of what is a building. These factors are size, permanence, and physical attachment.
11. Although it has clearly been subject to some refurbishment, there is no dispute that the unit was designed for human habitation. Furthermore, the Council does not suggest that the unit exceeds the dimensions of a 'caravan', set out in paragraph 13(2) of the 1968 Act. Rather than being constructed on site, the appellant says that the unit was brought on to the site as 'a single, prefabricated, unit' in 2020 and that in 2022 it was relocated to its current location. The photographs provided by the appellant showing its relocation in 2022⁴, show its exterior in the condition as I observed it on site.
12. Whilst the Council disputes the time of the unit's relocation, it does not dispute what the appellant says about how the unit was brought onto the site. Neither does it suggest that the unit is not capable at present of being moved as a single unit from one place to another, in the manner shown in the appellant's photographs. Indeed, at the site visit I looked under the unit and could see a complete and substantial frame supporting the underside of the unit as one complete structure. This indicates that the unit is still capable of being moved in one piece.
13. In view of the above, I find as a matter of fact and degree that the unit is a caravan within the definition of the relevant caravan legislation. Notwithstanding this, I note the Council's position with regard to the size of the unit, its attachment to the ground and its degree of permanence.
14. Whilst I acknowledge that the unit is larger than an average garden shed, I do not consider it to be substantial in its size. Its size is comparable to that of a large mobile caravan.
15. I note the works undertaken to prepare the ground in the location of the unit. The site surrounding the unit is sloping, but the ground has been levelled to a degree.

³ It lists exclusions to this, but these are not relevant to this appeal.

⁴ Mr Pearce's Appendix 10.

As I observed it, the unit was mainly resting on timber sleepers that have been laid on the ground, as well as a stack of concrete blocks. None of this appeared to be fixed to the ground and the unit itself did not appear to be attached to the sleepers and concrete blocks. Indeed, the Council say that the unit is 'attached to the land by its own weight'.

16. Although I observed the water, electricity and sewerage connections, these were above ground. It appeared that these services could be easily disconnected. As could the timber steps up to the entrance door of the unit.
17. As for the degree of permanence, I acknowledge that at the time the notice was issued, the unit might have been on the land for at least several months (in the Council's view), although it is clearly the appellant's intention to retain the unit in this location for some time to come. However, the unit has the appearance of a transient, rather than permanent structure. It has the character of a complete and compact unit, that could easily be moved, as demonstrated in the appellant's photographs. The vegetation growing from beneath and around the unit adds to its transient appearance.

Summary - Operational Development

18. I have concluded that, as a matter of fact and degree, the unit is a caravan within the definition of the relevant caravan legislation. Furthermore, the size of the unit does not persuade me that it is a building. The degree of physical attachment to the ground is minimal, and the unit and its setting means that it has the character of a temporary, rather than permanent structure. Accordingly, I find as a matter of fact and degree that the unit is not a building. This element of the appellant's ground (b) appeal must, therefore, succeed.
19. Notwithstanding the above, the unit is used for a particular purpose, to provide living accommodation. I have, therefore, considered its use and the implications of this for the material change of use element of the notice in the following section of this decision.

Change of Use

20. The first allegation in the notice is of a material change of use of the land from a mixed use for the purposes of agriculture, three dwelling houses and one holiday let to a mixed use comprising:
 - agriculture;
 - three dwelling houses;
 - one holiday let;
 - the stationing of a caravan for residential occupation; and
 - events.
21. The appellant suggests that the use of the land cited in the notice both prior to and after the alleged breach is not correct. I share these concerns.
22. Although a notice need not recite the use of the land prior to the stated breach of planning control, in this case it is important to consider what was the former and/or lawful use of the site in order to establish whether a change of use has occurred and whether the change of use alleged is correct (both ground (b)

matters). It is also important for the ground (c) appeal, where I will consider whether the change of use has resulted in a breach of planning control.

23. It is clear from the planning history and the chronology of the appellant's works and development at Euridge Manor (EM) that the use of this land and buildings on it has evolved since the appellant took ownership in 1980. With regard to the use of the land and buildings, the main target of the enforcement notice is the commencement of the use for the holding of events and the siting and use of a caravan. There is no dispute that large events are held at the site and that there has been a caravan sited on the land and used to provide residential accommodation. In view of my findings with regard to the operational development alleged, I must also add to this the siting and use of the iglu pod.
24. In view of the above, the following section of my decision considers the use of the site prior to the introduction of these three elements. I will then move on to consider the effect of these elements on the use of the site.
25. In determining the former and existing use or uses of the land to which the notice relates, I have had regard to the case of *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207, which is a leading case for the determination of the planning unit.

The Former Use

26. The notice relates to a wide parcel of land. As put in the allegation, the indication is that this was previously used for a mixed use comprising a use for agriculture, three dwelling houses and one holiday let. The land subject of the notice includes a large manor house with extensive wings, including an orangery, gardens and a series of associated buildings. The land also includes a large modern barn to the north east of the main house (close to the orangery), open field parcels to the south east and east of the main house, and a large modern barn and associated yard areas to the far east of the appeal site.
27. Applying the approach in *Burdle*, whilst there may have been (and continue to be) a number of occupiers of the appeal site⁵, including the appellant, the land that is the subject of the notice is entirely owned by the appellant. For the purposes of my consideration of the planning unit, I am satisfied that the enforcement notice land has been occupied by the appellant since before and after the change of use occurred.
28. As for the activities that took place on the land prior to the breach, at the site visit I noted the layout and extent of the accommodation comprised in the main house. The appellant says that this is his family home and that since his purchase of EM, he has continued to live within the main house with his family. I also note the planning permissions that have been granted for extensions and alterations to the main house (including N/94/01091/FUL, N/99/01121/FUL, N/00/00771/FUL, N/01/00326/FUL and N/03/00078/FUL) and for development within the gardens of the main house (including N/05/00416/FUL and N/05/00417/FUL).
29. The notice also refers to 'one holiday let'. It was clarified that this is provided within the northern wing of the main house. In this part of the property there is a large room at first floor referred to as the orangery, which is above the ballroom

⁵ Here I note the reference to the accommodation on site for the appellant's staff.

and corridors linking this wing of the main house to the main kitchen and living rooms. Off the orangery room I saw two bedrooms, and a kitchen. Although combined these rooms could be regarded as providing facilities required for day to day domestic existence, these rooms were not physically separate from the remainder of the main house, such that the accommodation can be regarded as private and separate. The appellant's evidence is that, although rented on occasion as holiday accommodation prior to the change of use subject of this appeal, these rooms were (and are still) used to provide accommodation for visiting members of the appellant's family and friends.

30. The modern barn close to the orangery is, at present, used for storage associated with the main house. It also houses a biomass heating system and a store for the fuel. Close to the main house are buildings referred to as a garage, an estate office, a workshop, a smaller storage building. There is also a shed to the south of the main house used for the storage of mowers and garden equipment. The evidence indicates that there has been no change to the activities taking place within these building and that their use is in association with the main house. The individual activities taking place within these buildings is not the target of the notice.
31. Notwithstanding the above, permission was granted in the past for the change of use of a former stable building adjoining the main house, now known as Stable Cottage, by reason of application reference N/96/01193/FUL. An application was also submitted in 1981 for the change of use of a former outbuilding, now known as Courtyard Cottage (reference N/81/00737/FUL). Although this application does not appear to have been determined, there is no dispute that this building, along with Stable Cottage, have provided self-contained accommodation since their conversion some time ago. Whilst at the time of my first site visit Courtyard Cottage was not occupied and was the subject of renovation work, there is no suggestion that this is of any consequence in this case.
32. At the inquiry the Council suggest that these buildings were and are still used as dwelling houses separate to the main house. However, these buildings remain in the ownership of the appellant and are within the grounds of the main house. Furthermore, it is not disputed that these have only ever been used as accommodation for individuals wholly associated with the main house at EM. With regard to Stable cottage in particular, there is no suggestion that this has ever been used other than in accordance with the permission granted. As for Courtyard Cottage, the appellant agrees that this was and still is used in a way that is wholly associated with the main house.
33. Turning to the agricultural activity, in addition to the activity taking place within the open field parcels to the south and east of the main house at EM, I also note the use of the large, modern agricultural barn to the far east of the main house and the historic agricultural building and yard close to the entrance to the main house, in the westernmost corner of the site. The appellant says that in 2006, save for the continued use of the historic agricultural building and yard, all other agricultural use of the complex of buildings and land around the main house ceased and moved to the modern agricultural barn and yard.
34. Having regard to all of the above, it is clear that, prior to the alleged breach, the primary uses taking place on the enforcement notice land included a use for the purposes of agriculture. They also included a use as a dwellinghouse for the

appellant and his family, which took place within the large and expansive dwelling that includes within its grounds an array of associated outbuildings, including the smaller storage buildings, estate office, workshop and garage. I would not be at odds with either parties' case in finding that the activities that took place within these outbuildings was incidental to the main dwellinghouse use.

35. Although self-contained living accommodation was provided within Stable Cottage and Courtyard Cottage, the evidence indicates that these have only ever been used as accommodation for staff employed to work at the main house and within the appellant's wider estate. Rather than a primary use of the enforcement notice land (i.e. as separate dwellings), as suggested by the Council, I find as a matter of fact and degree that their use was as staff accommodation that was ancillary to the primary dwellinghouse use, on the balance of probability.
36. As for the alleged holiday let, this accommodation is not physically separate from the remainder of the accommodation within the main house. Although let on occasion, the evidence indicates that, prior to the alleged breach, it was otherwise used in a way that was part and parcel of the main dwellinghouse. Accordingly, I find as a matter of fact and degree that, rather than a primary use of the enforcement notice land, the occasional use of this part of the main house as holiday accommodation can be regarded as having been ancillary to the primary dwellinghouse use.
37. In view of the above, prior to the breach alleged in this case taking place, I have identified two primary uses of the enforcement notice land. I am not, however, persuaded that these together formed a mix use of the land. The dwellinghouse use, together with the associated incidental and ancillary uses, was contained within the main house at EM, as well as within the outbuildings and the gardens associated with the dwelling. On the other hand, the evidence indicates that the agricultural use took place only within the historical barn and yard, and in the barn to the far east, as well as within the field parcels up to the gardens serving the dwelling house.
38. I note the appellant's suggestion that, since 2006, there have been two planning units in the locations indicated on the plan at appendix 8 of Mr Pearce's evidence. The first (labelled planning unit B) is occupied by the main house, its gardens and all associated buildings, including the storage barn. The second (labelled planning unit A) includes the larger modern barn and the field parcels to the east and south east, the historical barn and associated yard, and the wider agricultural land. I have no reason to doubt that the concentration of agricultural activity moved from the EM complex to the modern barn to the east in 2006. Whether or not the area identified as planning unit B has been void of any agricultural activity since 2006 is another matter. Nevertheless, there is nothing to persuade me that the two primary uses of the appeal site were not physically and functionally separate.
39. All of this leads me to conclude that the land to which the notice relates was previously used for two separate purposes taking place in planning units of their own. The first was used as a dwellinghouse with gardens, incidental outbuildings, ancillary staff accommodation and occasional ancillary holiday accommodation. The second for the purposes of agriculture, albeit that the land identified on the enforcement notice plan might not identify all of the land occupied by this planning unit.

The Existing Use

40. As I note above, the Council's case is that the use of the land for the holding of events and for the stationing and use of a caravan has resulted in the breach of planning control alleged. Added to this is the siting and use of the iglu pod.
41. Applying the approach in *Burdle* again, the evidence indicates that there has been no change to the occupier of the enforcement notice land. As for the activities that take place on it, the appellant says that the use of the main house as his residence has continued. The primary agricultural use of the appeal site has also clearly continued.
42. There is no indication that the nature of the use of the staff accommodation on the site (i.e. Stable Cottage and Courtyard Cottage) has changed or that there has been a change to the activities taking place within the estate office, workshop, garage and smaller storage buildings. The indication is that the activities within these buildings continue to be entirely associated with the main house. There has, however, been a change to how the house and associated land is used.
43. The parties agree that the enforcement notice land is now used for the holding of events. The appellant described a number of large events held in the past for him and his family members, in addition to the holding of community events (local fairs, for example). However, in more recent years the appellant also describes the use of his property for holding events on a commercial basis. This involves the use of large parts of the property on a commercial basis by individuals who are not the appellant's family or friends.
44. I note that the appellant had initially contended that these events are an activity that is ancillary to the existing residential use, which is a matter I would have considered under the ground (c) appeal. However, this element of the appellant's case on ground (c) has been withdrawn. I would not, therefore, be at odds with either party in finding that the holding of events is a primary use of the appeal site.
45. The appellant has set out in some detail the extent of the land and buildings used in association with the events. This includes large parts of the main house and its extensive gardens. The land used also includes the areas occupied by a tent kitchen and gazebo, as well as the landscaped mound and land to the rear of the storage barn. The areas to the east of the main house used in association with the events are enclosed by a post and wire and an estate fence. Within this fencing is the iglu pod. The land associated with the main house is also enclosed by the highway and estate road along its north western and south western boundary.
46. The appellant confirmed that the iglu pod is used as accommodation for friends and family, as holiday accommodation, and accommodation for event attendees. This is not disputed by the Council.
47. In addition to this, there is no dispute that a caravan has been sited on the yard area associated with the historical agricultural barn and that it has been used for residential accommodation. I acknowledge that the unit is no longer in use and was vacant at the time of my first visit to the site. Nevertheless, this is a use of the site that has occurred. There is no dispute that this is also a new primary use of the appeal site.

48. The parties agree that the historic agricultural building and associated yard are still used in a way that is separate to the main house and associated land and buildings. The evidence indicates that when the caravan was brought on to this parcel of land, it was used in a way that is separate to the use of the remainder of the appeal site. There is nothing to suggest that its use was the same as that of Stable Cottage or Courtyard Cottage. Having regard to the enclosed nature of this part of the site, separating it from the main house complex, I find as a matter of fact and degree that the siting of the caravan and its use for residential purposes has resulted in a new planning unit having been created in this part of the appeal site. I do not find this use to be part of a mixed use of the wider site.
49. As for the use of the wider site, having regard to the extent of the main house and its land and buildings used in association with the events, I cannot regard the events use as being either physically or functionally separate from the continuing residential use of the site. Accordingly, as a matter of fact and degree, I find that the main house and its associated land and buildings are used for a mixed use, which is as a dwellinghouse and for the holding of events. This use includes the incidental and ancillary uses taking place within the outbuildings and staff accommodation. It also includes the use of the holiday let accommodation within the main house, as well as the use of the iglu pod.

Summary - Change of Use

50. Bringing all of the above together, I find it more likely than not that the breach of planning control alleged in the enforcement notice has not occurred. Accordingly, the appeal on ground (b) with regard to the material change of use must succeed. The allegation insofar as it relates to the material change of use is not correct. The notice is, therefore, defective for this reason.

Corrections to the Notice

51. Having regard to my findings above, I now consider whether I am able to correct the notice and, if so, whether such corrections would cause injustice to either party.
52. I have concluded that, prior to the breach of planning control alleged in the notice, there were two primary uses of the appeal site that were physically and functionally separate from each other. These were (1) a use as a dwellinghouse with ancillary staff accommodation and occasional ancillary holiday accommodation within the dwellinghouse, and (2) a use for the purposes of agriculture. The allegation should, therefore, be corrected using these terms to describe the former use of the land to which the notice relates.
53. In written submissions and at the inquiry I heard evidence with regard to the extent of land historically used for purposes associated with the dwellinghouse. It is not, however, necessary for me to conclude on this at this stage. What is important is that the notice correctly identifies the extent of land that has been subject to the breach of planning control.
54. To that end, the parties have provided a plan, which is annexed at the end of this decision and is labelled 'Plan 2'. This identifies, with hatching, the land occupied by the main house and associated buildings, enclosed by the estate roads to the north west and south west, and the post and wire and estate fencing to the north east and south east. The historical barn and associated yard have been excluded

from the hatching. Plan 2 also identifies the approximate location of the caravan (with an 'A') and the iglu pod (with a 'B').

55. As for the uses taking place on the land identified on this plan, I have concluded that there has been a material change to the use of the yard area, which is shown in the location marked with an 'A' on Plan 2, to a use for the siting of a caravan and its use for residential accommodation. I have concluded that this is a use that is physically and functionally separate to the use of the remainder of the site. The allegation should, therefore, be corrected to allege this, with reference to Plan 2.
56. I have also concluded that there has been a material change of use to a mixed use as a dwellinghouse and for the holding of events. I am satisfied that the land hatched on Plan 2 identifies the extent of land that has been subject to this material change of use. The evidence does not indicate that this use has occurred outside of this hatched part of the enforcement notice land. Accordingly, the notice should be corrected to allege a material change of use to a mixed use, with reference to the hatched area on Plan 2.
57. The staff accommodation remains ancillary, but the notice should be corrected to describe this as a use that is ancillary to the mixed use. The accommodation within the dwellinghouse previously used as occasional holiday accommodation, is now also used as accommodation for event attendees. The notice should, therefore, describe this as occasional ancillary holiday and event accommodation.
58. As for the iglu pod, as I note above, the appellant indicates that this is used only for accommodation by family and friends, as holiday accommodation and as accommodation for event attendees. The Notice should, therefore, be corrected to describe this as the siting of the iglu pod and its use for residential accommodation, including holiday and event accommodation, ancillary to the mixed use as a dwellinghouse and for the holding of events.
59. In view of the necessary corrections to the allegation, set out above, it would also be necessary to vary the requirements of the notice in order to secure the cessation of the uses that the notice should allege (i.e. the mixed use and the separate caravan use).
60. In considering whether injustice would be caused by these corrections, I am encouraged by the parties' response at the inquiry to my note, dated 18 March 2025, where neither party identified any injustice that might be caused by the corrections suggested. Nevertheless, the corrections identified above are not identical to that set out in my note.
61. The notice as drafted aims to target three elements. These are the use of the site for events, the siting and use of the caravan, and the iglu pod. The corrections to the notice set out above would still target the events use and the caravan use in broadly the same way. I see no reason why the appellant would change his position with regard to the siting and use of the caravan, even though this would be identified as a use separate from the remainder of the site, rather than as part of a mixed use. I conclude the same with regard to the events use. Indeed, the corrections set out above are in line with the appellant's account of how the site is used and I am satisfied that his approach to the appeal responds to this.
62. As for the iglu pod, rather than a corrected allegation referring to its use as separate residential accommodation, I am persuaded by the appellant's evidence

that its use is only for purposes ancillary to the use of the wider mixed residential and events use, which to my mind would include its occasional holiday let. Again, I am satisfied that the appellant has approached his appeal with this use of the iglu pod in mind. As for the effect of this on the Council's case, the notice would still target the iglu pod and, notwithstanding the appellant's case on grounds (a) and (f), would still require its removal. I am satisfied that the Council has approached its case mindful of its use in association with the wider site. Indeed, the notice as drafted refers to it as 'integral to the use of the land for events'.

63. All things considered, I am satisfied that I can correct the notice, as indicated above, without causing injustice to either party.

Conclusions – Ground (b) and the Notice

64. For the reasons set out above, the appeal on ground (b) succeeds and I find the notice to be defective. The notice can, however, be corrected and varied in accordance with the powers set out in section 176(1)(a) and 176(1)(b) of the 1990 Act without causing injustice to either party.

Ground (c) – Appeal A

65. An appeal on ground (c) is that the matters alleged in the notice, corrected as I intend, do not constitute a breach of planning control. The proof of evidence of Mr Pearce sets out the detail of the appellant's case on ground (c), which was targeted at the use of the site for the holding of events and the iglu pod.
66. During the course of the appeal, having reflected on his case, the appellant confirmed in his closing submissions that he does not maintain the ground (c) appeal 'insofar as it relates to the material change of use of the land to a mixed use involving the holding of wedding events'. The appellant's ground (c) appeal as it relates to the iglu pod was not, however, formally withdrawn.
67. Whilst I have concluded that the siting of the iglu pod is not a building and does not, therefore, amount to operational development, the iglu pod and its use will still be the target of the notice, once it is corrected and varied as I intend. My intention to correct and vary the notice at this stage to require the mixed use to cease will apply to the use of the iglu pod and the notice will require its removal. I must, therefore, still consider the elements of the appellant's case that, on their face, relate to the iglu pod and his ground (c) appeal.
68. In his written submissions, the appellant suggests that the iglu pod is located within the curtilage of EM and that 'it is not used separately from Euridge Manor as a dwellinghouse'⁶. It is for this reason that he suggests that there is no breach of planning control.
69. The chronology relating to the iglu pod⁷ sets out that when first brought to the appeal site in December 2020, the unit was located in the yard area associated with the historical agricultural barn, and that it was used by the farm manager at this time. Although within the appellant's ownership, the former use of the yard was for the purposes of agriculture, which is part of a wider planning unit and separate to the planning unit occupied by the main house. When brought onto the yard, there is nothing to suggest that the iglu pod was used in a way that was

⁶ Paragraphs 6.31 and 6.32 of the proof of evidence of Mr Pearce.

⁷ Paragraphs 6.7 to 6.10 of the proof of evidence of Mr Pearce.

- different to the use of the subsequent caravan, which it is agreed is a use that is separate from the use of the main house and its associated land and buildings.
70. The appellant indicates that the pod was relocated to its current location in November 2022. In his written submissions he says that at this time it was used as accommodation for his daughter. In answer to my questions at the inquiry, the appellant added that the iglu pod is also used as a holiday let and for accommodation for event guests. I have had regard to this evidence in settling on the corrections to the notice I intend to make in so far as they relate to the iglu pod. Accordingly, it is only when the iglu pod was moved to its current location in November 2022, that its use for purposes ancillary to the use of the main house commenced.
 71. I note the appellant's claims that, the iglu pod's location is 'on land within the residential curtilage of Euridge Manor' and that, when first used in its current location, it was only occupied by the appellant's daughter. He suggests that its use was, therefore, 'ancillary to the enjoyment of the dwellinghouse'. Having regard to the provisions of section 55(2)(d) of the 1990 Act⁸, I can follow the appellant's logic here. However, I am not persuaded that this part of the site is within the curtilage of the main house at EM.
 72. Notwithstanding this, I also note the appellant's claims with regard to the lawfulness of the use of the land on which the iglu pod is located for residential purposes. The suggestion was that, in view of this, even if the iglu pod was not located within the curtilage of EM, its use by the appellant's daughter would not have required planning permission.
 73. By the time the iglu pod had been moved to its current location, the holding of commercial events at EM had been firmly established. The appellant's evidence indicates that 48 events were held in 2022⁹; these would have been in addition to any of the appellant's private family events. It is, therefore, more likely than not that by 2022 there had already been a material change of use of the main house and associated land and buildings at EM, to a mixed use as a dwellinghouse and for the holding of events. This would include the land onto which the iglu pod was relocated in 2022.
 74. I have concluded that the iglu pod is used for purposes ancillary to the mixed use. As the mixed use is a breach of planning control, so is the use of the iglu pod, being ancillary to it. Furthermore, as the iglu pod had been positioned in its current location after the breach had occurred, it follows that the iglu pod was sited on the land only for the purposes of the unauthorised use. Its siting and use cannot, therefore, have the benefit of any previous lawful use rights. In view of this, even if I were to agree that the land on which the iglu pod is located is within the curtilage of the main house at EM or had previously established lawful use rights for residential purposes associated with the main house, this would be of no consequence to the ground (c) appeal, since the iglu pod was not on the land and in use when EM was used only as a dwellinghouse.
 75. For the reasons given above, the ground (c) appeal must fail.

⁸ Section 55(2)(d) of the 1990 Act sets out that the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such shall not be taken for the purposes of the Act to involve development of the land.

⁹ Paragraph 17 of the appellant's proof of evidence.

The ground (a) appeal and the deemed application for planning permission (Appeal A), and the appeal against the refusal of planning permission (Appeal B)

Preliminary Matters

76. Appeal A has been made on ground (a), which includes a deemed planning application for the development that is the subject of the enforcement notice (once corrected as intended for the reasons set out earlier in this decision). The appellant does not seek permission for the use for the siting of a caravan and its use for residential accommodation in the yard area associated with the historic agricultural building. Permission is only sought for the mixed use.
77. The development that is the subject of the ground (a) appeal on Appeal A differs from that described in the application form that is the subject of Appeal B. The application form description refers only to a use for events and includes operational development that is proposed in mitigation. Furthermore, the application site indicated on the submitted plans for Appeal B is not entirely consistent with the land that is the subject of Appeal A (i.e. the land cross hatched on Plan 2).
78. Having discussed with the parties my concerns regarding these differences, I am satisfied that the use for which permission is sought on Appeal B is consistent with the use that is the subject of Appeal A and that the proposed mitigation can be considered in respect of both appeals. I am, therefore, able to consider the appeals together.
79. The National Planning Policy Framework (the Framework) was updated during the course of the appeals. The parties were asked at the inquiry if the updates had any implications for their respective cases. Their responses have been taken into account in these decisions.
80. I have received a completed unilateral undertaking and two deeds of variation. These relate to both appeals and will be considered later in the decision.

Main Issues

81. Having regard to the substantive reasons for issuing the enforcement notice and the main matters in dispute between the parties, I have identified the following main issues:
 - i. Whether or not the location of the development is acceptable, having regard to the relevant policies and guidance on the matter of its location;
 - ii. The effect of the development on the living conditions of nearby residents;
 - iii. The effect of the development on the character and appearance of the surrounding area, having regard to its location within the Cotswold National Landscape;
 - iv. The effect of the development on highway safety on the surrounding highway network, having regard to the traffic generated by the development; and
 - v. Whether or not the development causes detriment to highway safety, having regard to the suitability of the access to the site from the highway.

82. During the course of the appeals, the parties reached an agreed position with regard to the effect of the development on ecology, including protected species. Although no longer a main issue, it is a matter that I must still consider.
83. In addition to this, and relevant to my consideration of the appeals is, of course, any material considerations that would weigh in the planning balance.

Reasons

Main Issue i. - Location

84. The development plan for the appeals site includes the Wiltshire Core Strategy Adopted January 2015 (WCS) and the Colerne Neighbourhood Plan 2021-2026 made March 2022 (CNP).
85. Of relevance to the location of the development is Core Policy 1 'Settlement Strategy' (CP1), which identifies the settlements where sustainable development should take place (i.e. the settlement hierarchy). Whilst it is agreed that the appeals site is not within any of the settlements identified in this policy, paragraph 4.25 of the WCS lists the 'exception policies' which it says respond to 'local circumstance and national policy'. These include Core Policy 39 'Tourism development' (CP39) and Core Policy 40 'Hotels, bed and breakfasts, guest houses and conference facilities' (CP40). Both of these Policies have been referred to by the parties.
86. CP39 directs tourist development to locations that accord with the settlement hierarchy. However, the Policy states that, in exceptional circumstances, there will be support for development in locations outside of the hierarchy, provided it would comply with the specified criteria. These are where:
- i. There is evidence that the facilities are in conjunction with a particular countryside attraction;
 - ii. No suitable alternative existing buildings or sites exist which are available for reuse;
 - iii. The scale, design and use of the proposal is compatible with its wider landscape setting and would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas;
 - iv. The building is served by adequate access and infrastructure; and
 - v. The site has reasonable access to local services and a local employment base.
87. The main dispute between the parties is the development's compliance with criteria iii. and iv. These are directly relevant to the other main considerations in these appeals and will, therefore, be considered later in this decision. If I conclude that there is no conflict with these criteria, I have no reason to conclude that the location of the development does not otherwise accord with CP39.
88. Turning to CP40, although the development is not supported by criteria i. and ii. of the Policy, in the alternative criteria iii. provides support for the development in this location, provided that it would conserve the building that for contextual,

architectural or historic reasons should be retained and otherwise would not be. The Council suggest that the development is broadly in compliance with this element of the Policy, and I can see no reason to reach a different conclusion. There is also no suggestion that the development conflicts with criterion iv. and any conflict with that criterion is not obvious to me. The remaining criterion relates to traffic generation and is also a matter I consider later in this decision. Again, if I conclude that the development avoids unacceptable traffic generation, it follows that the development in this location is in accordance with CP40.

89. Within the CNP, Policy EB1 'Existing and Future Employment Opportunities' is of relevance to the matter of location. Criterion c. of the Policy is applicable to the development. It informs that the establishment of small-scale employment enterprises on existing or new sites will be supported if:
 - they provide adequate access and car parking, and do not create traffic flow problems or generate traffic inappropriate to country roads;
 - the proposals are compatible with the uses of surrounding buildings;
 - there is no significant adverse impact on residential amenity; and
 - they are compatible with the Design Statement.
90. The Policy also requires compliance with the 'Bats Special Area of Conservation Planning Guidance for Wiltshire (Natural England and Wiltshire Council 2015)'.
91. Again, I consider the effect of the development on 'residential amenity' (i.e. living conditions), access, parking, traffic and biodiversity later in this decision. Although the Council point to the second bullet point above, I cannot regard the development as in conflict with this. EM includes a collection of buildings, the use of which is either the subject of the appeals or for the purposes of agriculture by the appellant. The site is detached from other buildings. Save for the matters I will consider later in this decision (i.e. living conditions and traffic), I can see no other reason why the development would not be compatible with the use of other surrounding buildings.
92. The Council does not say that the development is not compatible with the CNP Design Statement. I note that the Design Statement is intended as 'a record that reflects the character and design of the Parish of Colerne'. Whether the development complies with this criterion is, therefore, relevant to the third main issue.
93. With regard to the Framework, at chapter 6 this supports development in rural areas which enable, amongst other matters, sustainable rural tourism and the sustainable growth and expansion of all types of businesses in rural areas. The Framework acknowledges that sites to meet local business needs in rural areas may have to be found beyond existing settlements, and in locations that are not well served by public transport. All of this supports the development subject of the appeals before me. However, compliance with other national guidance is also necessary and relevant to the other main considerations in this case.
94. Having regard to the above, it is necessary for me to consider the other main issues in these appeals in order to conclude that the location of the development is acceptable, having regard to the relevant policies and guidance listed above.

Main Issue ii. – Living Conditions

95. On the matter of the living conditions of nearby residents, the main dispute between the parties is the effect of noise that results from the events held at the site. This includes any noise and disturbance from traffic arriving and leaving the site. Whilst the dispute between the parties on the matter of tranquillity is closely aligned with the matter of noise generated by the use, I have considered this as part of the third main issue below.

Planning Policy and Guidance:

96. Within the development plan, criteria iii. of CP39 of the WCS informs that in exceptional circumstances the development may be supported in this location provided, amongst other matters, that it would not be detrimental to the amenities of residential areas. WCS Core Policy 57 'Ensuring high quality design and place shaping' (CP57) requires new development to make a positive contribution to the character of Wiltshire. At criterion iii. this should be achieved by having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of such matters as noise.
97. Policy EB1 of the CNP provides support for small-scale employment enterprises on existing or new sites where, amongst other matters, there would be no significant adverse impact on residential amenity.
98. Paragraph 187 e) of the Framework informs that decisions should contribute to and enhance the natural and local environment by, amongst other matters, preventing new development from contributing to unacceptable levels of noise pollution. Paragraph 198 requires all new development to be appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. To do this, it states at paragraph 198 a) that new development should 'mitigate and reduce to a minimum potential adverse impacts resulting from noise – and avoid noise giving rise to significant adverse impacts on health and the quality of life'.
99. Within the Planning Practice Guidance on Noise (PPGN), the noise exposure hierarchy sets out the types of experiences and behaviours in response to certain noise levels and the action that is required as a result. PPGN advises that, whilst the word 'level' is used, in some circumstances adverse effects are defined in terms of a combination of more than one factor such as noise exposure, the number of occurrences of the noise in a given time period, the duration of the noise and the time of day the noise occurs. I have read PPGN alongside the Noise Policy Statement for England (NPSE).
100. The Good Practice Guidance on the Control of Noise from Pubs and Clubs, dated March 2003 (GPG) from the Institute of Acoustics (IOA) is relevant to the determination of the appeals. In particular, the parties agree on the definition of inaudibility in paragraph 2.4. Whilst the GPG does not include objective noise criteria, it does contain advice on where measurements of noise should be taken. It also recommends control measures in order to minimise certain types of noise associated with pubs and clubs, including noise from music, singing and speeches both inside and outside a building.

101. The parties agree that the above mentioned policies and guidance documents are relevant to the determination of the appeals. There are, however, a number of documents, the relevance of which, or weight that each should be attributed, is not agreed. This includes the Council's published Planning Consultation Guidance Notes on the matter of noise (WPCG), which includes within it the PPGN's hierarchy, referred to above. This contains specific guidance on loud music from entertainment premises (section 6.7.1). It states that 'a planning application for a new entertainment venue that is structurally detached from other building uses should demonstrate that music noise from the proposal will not be 'audible' in nearby residential properties, assuming that the residential properties in question have their windows open'. This requirement accords with the GPG guidance for premises where entertainment takes place on a regular basis.
102. The WPCG also states that music noise Level, measured at a LAeq 5 minute, should be controlled to 5 dB below the typical background noise level (LA90) in each octave band at the façade of the nearest noise sensitive property. It also states that people noise (again measured at LAeq 5 minute) should not exceed the typical background noise level (LA90) at the façade of the nearest noise sensitive location.
103. The Council say that the use of LAeq 5 minute as a measurement accords with the IOA Pre-Consultation Discussion Document, which I am told is dated 2018.
104. In its measurements and assessment of event noise, the appellant relies on the guidance provided in the IOA Acoustics Bulletin Volume 28 No6 dated November/December 2003, where at pages 12-15, John Hinton (Birmingham City Council) and Alistair Somerville (Edinburgh City Council) provide criteria and measurement guidelines. For entertainment noise this uses LAeq 15 minute (rather than LAeq 5 minute) and says that this should not exceed the representative background level by more than 5dB measured 1 metre from the external facade of a noise sensitive property.
105. In addition to the above, I have had regard to other documents drawn to my attention, including BS 8233:2014 Guidance on sound insulation and noise reduction for buildings, and the World Health Organisation Guidelines for Community Noise.

The Evidence:

106. A noise impact assessment dated August 2022 and subsequent addendum dated March 2023 were submitted with the planning application subject of Appeal B. This sought to provide details of background noise levels and noise levels during an event in June 2022. In response to the Council's concerns regarding the robustness of the assessment, an Addendum Sound Survey Report dated 22 March 2024 (ASSR) was submitted with the appeals documents. This reports on a survey undertaken at the site in September 2023.
107. A further survey of background noise was undertaken by the appellant in April 2024. The results of this are set out in the appellant's technical memorandum dated 15 April 2024.
108. In addition to the above, the Council undertook a series of its own measurements. Those submitted to the inquiry were measurements taken between July and

October 2024. The Council also refer to one incident of noise monitoring in September 2023.

109. Submitted to the inquiry by both the Council and interested parties are a series of videos and audio recordings. I understand that these have been mostly recorded using mobile phones.

Other relevant matters:

110. A noise abatement notice was served upon the appellant by the Council in July 2022 under section 80 of the Environmental Protection Act 1990 as amended. In October 2023 the notice was withdrawn.

Noise from Events – the Noise Assessment:

111. The appellant has submitted with the appeals documents a noise management plan (NMP), which is at version 10. He suggests that the site has been operating in accordance with the NMP, or an earlier version of it, for the last few years, including during the monitoring that informed the noise impact assessments. Whilst I note the parties' disagreement with regard to its contents and effectiveness, there is no dispute that the uncontrolled and unmanaged use of the site for the holding of events would cause an unacceptable degree of detriment to the living conditions of nearby residents, in breach of the development plan.
112. This is the starting point for my assessment and I have approached my determination of the appeals considering whether or not any adverse effects of the development can be adequately mitigated in order to bring it into accordance with the development plan and national guidance. In doing so, I note that the Council accepted at the inquiry that noise from the events use could be mitigated, subject to conditions. However, I acknowledge the Council's position on this in its closing submissions.
113. I turn first to the evidence provided in the noise impact assessments. In particular, the measurements taken with event noise (EN) and without event noise (WEN). I concentrate on the ASSR, which the appellant relies on for the purposes of this appeal. The appellant identified a possible issue with the background measurements in this report, taken in September 2023. When the WEN levels were recorded (on Friday 15 September 2023), it transpired that a small event had taken place at EM. Accordingly, the appellant undertook a second series of measurements in April 2024, in an attempt to establish noise levels WEN. The results of this are set out in the technical memorandum, dated 15 April 2024.
114. In this memorandum, the appellant says that the WEN levels between Friday 12 April and Sunday 14 April 2024 were not significantly different to those measured during the survey on Friday 15 September 2023 and that, in fact, the levels measured were generally slightly higher than those measured during the period that the small event was taking place on 15 September 2023. In view of this, despite an event having taken place on the date of the WEN levels recorded in the ASSR, it is reasonable to rely on these figures as a comparison for the WEN periods for the purposes of this appeal.
115. In addition to the noise level recordings, the appellant's noise specialists were on site during the event that took place on the Saturday of the September 2023

- monitoring. I also note that certain parameters had been agreed with the Council prior to undertaking the assessment. These are referred to in the report.
116. Having regard to the assessment of WEN and EN levels, in addition to the noise specialist's observations during the event, the ASSR concludes that 'the witnessed event resulted in levels that were low enough such that it is not recognisable as emanating from EM and did not alter the perception of the ambient noise environment'. This conclusion was reached, having regard to the specific guidance on noise, referred to above, and it has resulted in the appellant's conclusion that the development accords with the development plan.
 117. I note the Council's concerns with regard to the ASSR. It says that the measuring positions were not agreed and, in particular, points to the location of the measuring point MP2A. This is to the west of some of the properties along Eastrip Lane (i.e. noise sensitive properties), and further from EM than these properties. The measurements taken at MP2A provide an indication of the sound climate close to these residential properties. However, I am mindful that sound levels experienced at MP2A would not be as great as those experienced in the external areas at the Eastrip Lane properties.
 118. The Council also refer to rain on the EN monitoring day. The ASSR says that this was light and only between 12 noon and 3pm. The observations were that the soundscape did not change into, during, or following the period of rain and for this reason, the measurements taken during the period of rain were considered reliable. In view of this, I am not persuaded that the assessment cannot be relied upon during the period of rain on this EN monitoring day.
 119. A principal dispute between the parties is the ASSR' use of a LAeq 15 minute period for measurements, instead of a LAeq 5 minute period referred to in the WPCG. In both written and oral evidence the Council explain its reasons for recommending the use of the shorter period in noise impact assessments. I have had regard to the Council's demonstration of this, by reference to a 1 minute sample of the audio recordings it took on the date of the EN monitoring in September 2023, which is illustrated as a spectrogram in the Council's noise rebuttal statement.
 120. Despite this, I note that the Council had initially agreed to the use in any assessment of a LAeq 15 minute period and recommended that 'music and people noise over a LAeq 15 minute period should not exceed the background level of sound at any times'¹⁰. I acknowledge, however, that this advice from the Council precedes the date of the WPCG (which is dated 31 October 2023).
 121. The WPCG is intended to provide guidance for the Council's environmental control and protection officers when reviewing and making recommendations on planning applications. Whilst I note that the guidance supports and promotes the policies in the development plan, it is not adopted supplementary planning guidance. Nor has it been the subject of any consultation, prior to its issue.
 122. Notwithstanding this, the WPCG does not indicate the reasons for the approach now taken by the Council (i.e. that music noise Level, measured at LAeq 5 minute, should be controlled to 5 dB below the typical background noise level). The Council do, however, rely on the IOA 2018 document, which I refer to above.

¹⁰ Taken from an extract of correspondence with the Council at paragraph 2.2 of the initial August 2022 noise impact assessment.

I understand that this document was prepared for the IOA in order to aid the process of providing guidance to supplement (or even replace) the GPG, the shortcomings of which are highlighted as including a lack of a noise level assessment criteria. This is clearly a discussion document and intended to facilitate the eventual agreement by those involved of noise assessment criteria. It is not intended to be a guidance document for the assessment of noise.

123. The 2018 IOA document refers to LAeq 5 minute period measurements, which I acknowledge adds weight to the Council's approach, to a degree. However, LAeq 5 minute is referred to in its examples of noise levels that might be included in a noise assessment criteria framework and in the case studies. The 2018 document does not recommend that 5 minute period measurements, as opposed to 15 minute period measurements should be used. Neither does it recommend an acceptable level of music noise, including that noise level should be controlled to below the typical background noise level, as the WPCG does.
124. On the other hand, the IOA Acoustics Bulletin Volume 28 is intended to provide 'advice on objective noise criteria and associated measurement procedures for the assessment of control of noise from pubs and clubs'. This specifically provides entertainment noise criteria that uses a 15 minute period. I note that the IOA decided not to publish this as an annexe to the GPG, and instead published it as a bulletin with the intention of promoting further debate. Nevertheless, this does provide specific noise criteria. Furthermore, it is provided in an IOA publication and is, therefore, clearly endorsed by the IOA to be used for the purposes stated.
125. I have not been provided with any published update on the work of the IOA to adopt as its guidance specific noise criteria for entertainment venues. I recall that each of the specialist witnesses on noise indicated that their approach is used by other colleagues in the industry. Notwithstanding this, until the issue of the WPCG, the Council's approach to noise assessments was consistent with that of the appellant.
126. Having regard to the evidence before me, and for the reasons given above, I am persuaded that the use of a LAeq 15 minute period provides an acceptable basis for the measurement and assessment of noise generated by events at EM. Whilst I acknowledge the other concerns of the Council, I find that, on balance, the ASSR is robust. Furthermore, I have been given no reason to disagree with its conclusions that are based on the noise measurements taken.

Noise from Events – Other Noise Evidence:

127. I now turn to the additional evidence of noise before me, including that from the Council and interested parties. Whilst there was a small photoshoot taking place at EM at the time of my first site visit, I have not visited the site or the surrounding area when a typical event was taking place at EM. Instead, I must rely on the evidence before me, which includes video and audio recordings by interested parties. I listened to these recordings on my own device, and, therefore, not in a controlled environment where the playback sound level had been agreed by the parties. I also heard some of these interested party recordings, as well as some of the Council's recordings, using the equipment of one of the specialist noise witnesses, at a volume that was agreed by the parties. The recordings were all from 2024.

128. In addition to birdsong and other such noise types, specific noise from crowds, speeches and music is audible in each of these recordings. Whilst this specific noise was particularly faint in some of the recordings, it was clearly audible in others. That includes the recordings from 11 May, 1 and 8 June, 29/30 June, 24 and 31 August, and 7 September.
129. It is the effect of some of these incidents that the Council suggest has been lost by the use of a LAeq 15 minute period for assessing noise from the venue. Mindful of the effect of these incidents, I note the guidance within the GPG, where at paragraph 2.4 it advises that 'for premises where entertainment takes place on a regular basis, music and associated sources should not be audible inside noise-sensitive property at any time'. In addition, I have had regard to the advice in the PPGN, which uses the noise exposure hierarchy table in its advice on establishing whether noise is likely to be a concern. The categories set out in the hierarchy are also referred to in the NPSE.
130. I have noted above that the parties agree on the GPG's definition of inaudible, which would allow for some audibility, but at a level low enough such that it is not recognisable as emanating from the source in question and it does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question.
131. This is consistent with the advice in the PPGN and the hierarchy, where at the no observed adverse effect level (NOAEL) noise can be heard but does not cause any change in behaviour, attitude or other physiological response. In these circumstances it advises that no specific measures are required. Above the NOAEL category within the hierarchy, at lowest observed adverse effect level (LOAEL), noise can be heard and causes small changes in behaviour, attitude or other physiological response. In these circumstances, the hierarchy recommends mitigation and the reduction of noise to a minimum. At the significant observed adverse effect level (SOAEL) avoidance and then prevention is recommended.
132. I understand the reason why neither the PPGN nor the NPSE provide an objective noise-based measure that defines the categories they referred to, that would apply to all sources of noise in all situations. Notwithstanding this, it might have been possible for the parties to set out the thresholds for each category of the hierarchy in applying it to this particular case. Whilst this has not been done explicitly, the parties have each indicated where in the noise exposure hierarchy the noise generated by events at EM falls.
133. There appears to be some agreement, that for noise to fall within the NOAEL category, it must be inaudible (definition of which is agreed) at noise sensitive properties. Whether that is internally or externally is not agreed. On this matter, unlike the GPG, the PPGN does not specify whether or not the assessment of noise in the context of the hierarchy is on the basis only of what is experienced within noise sensitive receptors (i.e. inside a building). Whilst the Council suggest that outcomes specified in the hierarchy apply to the use of external, as well as internal areas, to my mind the activities described (for example, adjusting the volume of the television, closing windows, disturbed sleep) apply only to the internal use of properties, which is consistent with the GPG approach. This is also consistent with the advice in the WPCG, which states at 7.2 that the music from new entertainment venues should not be audible in nearby residential

properties, assuming that the residential properties in question have their windows open.

134. Relevant to the above, at the inquiry I was told that within a building, even with a window open for ventilation, the level of noise from an external source is reduced by 15dB. To achieve this, I understand why the WPCG requires, in effect, inaudibility at the façade of the nearest noise sensitive property; i.e. if the noise generated is inaudible externally, it would be inaudible internally. Indeed, I note that this is the subject of the conditions suggested by the Council in closing. However, I am not persuaded that this approach is consistent with the GPG and the PPGN's noise exposure hierarchy; it is a more onerous requirement that does not, in my judgement, comply with the national guidance.
135. I note the Council's suggestion that during periods of EN, there is often a fine margin between NOAEL, LOAEL and SOAEL. I am not persuaded that, as a general approach in this case, the difference between the categories would be so marginal. Nevertheless, I acknowledge that event noise can be specific and, therefore, noise sensitive receptors can be less tolerant of it. This includes the type of noise incidents that have been generated by events at the site, such as crowd noise or an amplified speech.
136. When considering the sound recordings I heard, I am mindful that even the controlled recordings I listened to during the inquiry, at the agreed volume, did not reflect what I would have experienced, had I been in the location at the time the recordings were made. The appellant confirms that the level agreed was intended to enable me to identify the sounds recorded, not for me to hear them at the level they would have been experienced on site. Indeed, there was no suggestion that the level at which I heard these recordings was less than the 'real world' levels.
137. Furthermore, the recordings were made from external areas of properties on Eastrip Lane. Even if what I heard had reflected the real world levels, an adjustment of 15dB, as noted above, would be necessary to reflect what would have been experienced inside the noise-sensitive properties.
138. Having regard to all of the above, what I assume to be the event noise on around half of the recordings was particularly faint. As such, I find it difficult to conclude that this would have been audible inside the noise sensitive properties. On this basis, and approaching the hierarchy in a more subjective way as the parties have done, these incidents could be regarded as falling within NOAEL.
139. Of the remaining examples, there were some more prominent event noise incidents, including the two most notable incidents on 11 May and 29/30 June. I have also had regard to the records made by interested parties of the incidents of noise from events at EM, particularly where instruments have been played externally (I note there is reference to bagpipes and a saxophone) and where there has been early morning DJ music. Notwithstanding the lack of any agreed objective threshold for the categories of the noise hierarchy, these incidents might well be regarded as exceeding NOAEL. In such cases the PPGN recommends mitigation and reduction for LOAEL, and avoidance and prevention for SOAEL. Accordingly, I now turn to the mitigation proposed and whether this would be adequate achieve the actions required in the hierarchy.

Noise from Events – Mitigation and the NMP:

140. The appellant relies on the NMP. Although earlier noise incidents referred to by interested parties may have occurred before the implementation of a NMP, the recordings I heard at the inquiry were made at a time when a version of the NMP had been implemented. That noise incidents recorded at this time might be regarded as exceeding NOAEL, indicates that the NMP does not include sufficiently robust operational conditions to adequately mitigate the adverse effect of events at EM.
141. With regard to the two most notable incidents, whilst the appellant says that the noise heard in the recordings from the early hours of 30 June did not emanate from EM, such activity would, in any event, be in breach of the operational conditions of the current version of the NMP. It would also be in breach of the operating hours in the suggested list of conditions. The same can be said for incidents of noise emanating from EM in the early hours, recorded prior to 2024. In short, the appellant does not seek permission that would allow for such incidents to occur. Accordingly, if such incidents of noise were categorised as at SOAEL, the mitigation measures (i.e. the control of the times at which all amplified music on site should cease) would result in their prevention.
142. I am told that the shouting and cheering heard on 11 May was as a result of the use of the tump by a collection of guests at the event. This is likely, having regard to its elevation and location above the enclosure of the buildings on site. The NMP does not prohibit the congregation of guests in this area, which the incident on the 11 May would indicate is necessary. Again, if such incidents of noise were categorised as at SOAEL, measures to control the use of the tump would result in the prevention of these noise incidents.
143. As for the other incidents, these include where there has been amplified speech or where music (amplified or not) is played in external areas, particularly in the late evening. The evidence indicates that the background noise levels drop in the mid to late evening. This leads me to conclude that allowing external music (as opposed to within the contained environment of the ball room) and external amplified speeches until as late as 11 pm, even if via the in house system, would in all likelihood result in further incidents such as that heard on 11 May, where ‘external vocal amplification’ is also noted as being heard late evening¹¹.
144. I note the evidence of interested parties that refer to noise from saxophones and other such brass instruments. I do not understand that such instruments were used externally when the appellant undertook his EN noise monitoring. Notwithstanding this, the current version of the NMP controls the external use of saxophones and bagpipes. The indication is that the external use of such instruments is likely to result in noise incidents that might exceed LOAEL. Without any evidence that the external use of such instruments would not result in any significant observed adverse effects for noise sensitive receptors, the NMP should prohibit their use externally, as it does for dohl drums.
145. The evidence, particularly the accounts of interested parties, indicates that when external amplified music is played, this is a notable and specific noise type. Although the NMP requires outdoor performances to comply with the noise levels referred to within the document, the onus appears to be on the performers. I

¹¹ Table 1 of the Council’s addendum proof of evidence – noise impact, dated 14 November 2024.

cannot understand how performers could reasonably ensure that the noise levels they generate at a particular location on the site would meet the specified levels at MP3A and MP2. In my judgement, it is essential that the onus is on the appellant, i.e. the operator of the site, to ensure that all noise generated by an event complies with the levels specified, such that it would not cause any adverse effects within nearby noise sensitive receptors.

146. On this I note that the NMP requires any external amplification to be via the on-site system. In order to ensure that the use of external amplification is adequately mitigated, the NMP should require the use of noise limiters to this system and that these are set to ensure that the use of the system would not exceed the levels specified. Furthermore, the NMP should control the duration of their use to a reasonable period during the daytime hours, as opposed to their unlimited use into the mid evening.
147. Interested parties have referred to the use of marquees and other such structures for the holding of events at EM in the past, including for the provision of food, drinks and entertainment. Indeed, the use of such structures may well have resulted in noise incidents experienced by interested parties in the past, particularly as such structures would not benefit from the containment properties of the buildings at EM, such as the ballroom. The use of such structures may not be the intention of the appellant in the future. Nevertheless, the NMP should be clear that, where it refers to activity in external areas, this includes any activity within marquees or within any other such covered parts of the site, temporary or otherwise.
148. As for the use of internal areas, the NMP does not limit the use of internal amplified music to the ballroom and orangery alone, where noise limits have been set and noise limiters are located. My understanding is that the assessment of noise generated by internal activity is based only on the use of these parts of the building. The NMP should, therefore, limit the use of internal amplified music to these parts of EM, unless it can be demonstrated that the effect of activity within other internal areas is no greater than that of the parts of EM that have been assessed.
149. The NMP requires all but two windows and doors in the ballroom and orangery to be kept closed, which in general accords with the advice in the GPG. However, to reduce noise breakout, the GPG recommends the use of automatic door closers for the doors where access is required, the use of mechanical ventilation and audio or visual alarms to alert staff where doors and windows that should be kept closed are open. Such measures should be included within a revised NMP, in order to minimise any adverse noise incidents resulting from the use of internal areas within EM.
150. Although the NMP controls the times and days of deliveries to the site, this does not apply to the collections from the site, including, for example, the collection of equipment and any additional furniture. The NMP should be revised to include this.
151. With regard to the section of the NMP on monitoring, reporting and adaption, whilst I note the Council's concerns that volume is controlled manually by EM staff, I do not consider this to be a flaw, provided that the sound levels recorded by the sound level meter at MP3A (the closest noise sensitive property) do not

exceed the levels specified in the NMP. The NMP should, however, specify that the sound level meter is used at all times during an event. Any failure to calibrate the meter before and after its use would result in a failure to comply with the NMP. Indeed, the NMP should require that all equipment is regularly calibrated to avoid incidents of equipment failure.

152. On the location of noise monitoring and the levels that ought not to be exceeded, I note the Council's suggested condition and, with regard to this, its reference to caselaw¹². In that case it was concluded that a condition of the licence, such as that proposed by the Council, could be imposed.
153. Notwithstanding my conclusions with regard to the requirement for inaudibility in the external areas of noise sensitive properties, the appellant says that the level limits specified in the NMP at the locations stated have been modelled so that there would be no adverse effects from noise experienced within noise sensitive properties. The monitoring of compliance with these limits at the locations specified in the NMP would be entirely reasonable and within the control of the appellant. It would also allow for noise monitoring during **all** events.
154. Whilst I have considered the condition suggested by the Council, in order to ensure compliance with it, monitoring on third party land would be essential. This would require the consent of the third party and would, inevitably, be less frequent. Such an approach would be more onerous than that set out in the NMP and I am not persuaded that it would be more effective.
155. On a related matter, whilst I do not dispute that noise from an EM event was heard at Bybrook View, I am not persuaded that the five noise monitoring locations identified in the NMP would be inadequate.
156. Turning to the noise level limits set in the NMP, whilst I note the Council's concerns with regard to these, it accepted that the appellant had followed the appropriate methodology. Having regard to my conclusion on the use of LAeq 15 minute periods, I have no reason to conclude that compliance with these, along with all other mitigation measures, is likely to result in incidents of any effects exceeding LOAEL.
157. The evidence demonstrates that event activities on the site have changed and evolved since they first commenced. There is no reason that this would not be the case in the future. The NMP includes a mechanism for its review and I note the appellant's suggestion for this to be included within a condition. Despite the Council's concerns, I am persuaded that a requirement for the review of the NMP in the manner suggested would be enforceable.
158. As noise generated by events is a particularly important matter, the NMP review condition is necessary, in the event that other event activities that have not been considered or taken account of in the assessment of noise result in any adverse effects. It would also allow for the operational conditions of the plan to change, should there be a change to the technology used in the noise limiting and monitoring equipment, or in the event that there is some change to the nature and, therefore, the adverse effects of existing event activities. It might also allow for the controls imposed on existing activities to be lifted, in the event that it can be demonstrated that they can take place without any adverse effects.

¹² *R (oao Developing Retail Limited) v East Hampshire Magistrates' Court* [2011] EWHC 618 (Admin).

159. Whilst the condition referred to by the appellant for another site requires only an annual review, I note that the NMP includes a further trigger for the review, based on the receipt of complaints. It is essential that the NMP includes these review procedures, but ensures that they are completed swiftly, that they are recorded and that the Council has access to them.

Noise from Events – Summary and Conclusions:

160. I do not underestimate the concerns of local residents, should permission be granted for the development subject of these appeals, particularly as the use of EM for holding events was commenced without the necessary planning permission and subject to controls only imposed by the appellant himself. I have had regard to the evidence of noise generated by events at EM, which includes the recordings I heard during the inquiry, the accounts of interested parties and the appellant's noise assessments. I have found the appellant's assessments to be robust. Whilst they do not demonstrate that the use has always operated without any adverse effects, they do demonstrate that the use is capable of taking place without such incidents. As such, this weighs in favour of the grant of planning permission. Having regard to the mitigation measures I consider above, I am satisfied any adverse effect of the development from noise, such as those referred to by the Council and interested parties, can be adequately mitigated, reduced to a minimum, or avoided and prevented altogether.
161. Whilst the Council point to the many iterations of the NMP, I have no doubt that the amendments to the plan were undertaken in an attempt to overcome the Council's concerns and to work with the Council. Although I have identified the need for further amendments to this, I cannot regard this as a reason to refuse permission.
162. That the Council have imposed conditions requiring a noise management plan on other noise generating developments adds weight to a conclusion that a revision to the NMP is an acceptable means of controlling noise generated at EM.
163. Whilst action has been taken by the Council's environmental health team, I note that the noise abatement notice was withdrawn without, as I understand it, any specific measures in place, including an agreed NMP. I acknowledge that this is action taken under separate legislation, however it endorses the Council's concession that noise from the events use could be mitigated, subject to conditions.
164. I note the appellant's agreement at the inquiry to the need for an amendment to the current NMP. However, all of the matters I set out above would necessitate more than the anticipated minor alterations. The Council suggest that wholesale changes to the Appeal B application as validated, the NMP and the management of the premises would be required and that 'a condition cannot be attached where the decision maker does not know if the principle of the matter has been addressed – i.e. whether the noise can be satisfactorily addressed'.
165. On this matter, I have had regard to the caselaw drawn to my attention¹³. However, I find the circumstances of that case to be different to those before me. The need for a revision to the NMP, and its subsequent regular review, is not to

¹³ *LB Hillingdon Council v SoS Transport* [2020] EWCA Civ 1005.

allow for further investigation or evidence to be submitted to demonstrate that the adverse effect of noise generated by existing event activities can be mitigated.

166. I have concluded above that the adverse effect of the development can be mitigated, subject to the more stringent control of activities on site during events. Conditions relating to the imposition of these more stringent controls would, therefore, be reasonable and entirely relevant to planning and the development to be permitted. Indeed, the Council have imposed such conditions on other planning permissions it has granted. I have set out in the conditions section a summary of the more stringent controls that ought to be imposed within the revised NMP. In view of this, I see no reason why the parties would not be able to agree a revision to the plan.
167. I am not persuaded that the necessary amendments to the NMP and the additional conditions discussed would result in a material change to the development that is the subject of these appeals. I have no reason to conclude that these changes could not be implemented or that they would be resisted by the appellant. They would allow for the more stringent control of activities on site that generate noise, but within a plan that would allow for their review, if appropriate.
168. Bringing all of the above together, I am satisfied that, on balance, with the measures to be imposed by conditions, any adverse effects of the development on the living conditions of local residents would be adequately mitigated.

Noise from Event traffic:

169. Interested parties have described the noise and disturbance they say is caused by event traffic, particularly late at night. The principal dispute between the parties is with regard to the effect of noise from late night event traffic.
170. The parties agree on the vehicle movements that would be generated by an event attended by 150 guests. As not all events are at the 150 maximum number of attendees, the appellant has also suggested the average attendees for an event would be 100 guests and has suggested the number of vehicle movements that would result from this.
171. The appellant has acknowledged that, to mitigate the effect of event traffic noise late at night, guests leaving EM should do so via the proposed access road and either head west along Thickwood Lane towards Bath Road, or head east towards Northern Lane. It is on this basis that the appellant has calculated the effect of event noise traffic in the assessment of transport noise. He suggests that only during a peak-hour would road traffic likely be heard; I assume that this is from within the roadside properties, rather than externally. He also suggests that the traffic flows associated with events are low enough, such that the effects of this could only slightly affect the character of the area, but not to the extent that there is a perceived change in the quality of life. He says that, as such, the effect would be non-intrusive.
172. The Council estimates that the noise from more than 10 vehicles passing in close proximity to existing dwellings on the departure route are highly likely to exceed 60 dB LAmax. With the 15 dB adjustment, it suggests that the noise levels experienced within the properties on the route would exceed the threshold for sleep disturbance set out in the World Health Organisation's guidelines. This

evidence is not, however, based on any formal assessment of event traffic noise. Indeed, I note the vehicle speed survey results¹⁴, which demonstrates that vehicles travel along the local highway network (Thickwood Lane, for example), do so at low speeds, where the resultant noise levels are likely to be lower than for those vehicles travelling at the national speed limit of these roads. I am not aware that the Council's evidence has taken this into account.

173. The appellant has, on the other hand, undertaken a specific assessment and I am told that this has been carried out in accordance with the IEMA Guidelines for Environmental Noise Impact Assessment, dated November 2014. This is not disputed by the Council.
174. I have had regard to the representations of interested parties, who say that disturbance is caused by passing vehicles late at night. However, I note the low number of vehicle movements, even at event capacity, and how these are likely to be distributed across the local highway network, once the access to EM has been altered and a travel plan implemented. All things considered, I am not persuaded that the conclusions of the transport noise assessment cannot be relied upon.
175. Accordingly, subject to the provision of the access track and a requirement for its use for all event traffic leaving the site, the effect of the development going forward on the living conditions of local residents would be acceptable.

Overall Summary and Conclusions on Main Issue ii:

176. To conclude on this second main issue, subject to the conditions set out in this section and in the conditions section below, I am satisfied that the adverse effects of the development can be mitigated and that, going forward, the effect of the development on the living conditions of nearby residents would not be unacceptable. Accordingly, I find no conflict with criterion iii. of CP39 and criterion iii. of CP57 of the WCS. Nor is there conflict with Policy EB1 of the CNP. The development is also in accordance with the relevant paragraphs of the Framework, set out above, and the PPGN.

Main Issue iii. – Effect on Character and Appearance and the National Landscape

177. The areas of dispute between the parties have been narrowed and, in so far as they relate to this main issue, only comprise the effect of the noise from the development on the tranquillity of the Cotswold National Landscape (CNL).
178. Notwithstanding this, I note the interested parties' objections to the effect of the proposed operational development on the character and appearance of the area. This is particularly with regard to the new access track and the works to the approach road to Euridge Manor, both of which are part of the Appeal B scheme. Although not a principal matter of dispute, I also note the Council's concerns with regard to the use of light at EM on the CNL. Interested parties have also referred to the effect on the CNL of temporary structures. I have, therefore, considered these matters below.

Legislation, Planning Policy and Guidance:

179. Section 85(A1) of the Countryside and Rights of Way Act 2000 as amended (the 2000 Act) imposes a strengthened duty where, in exercising or performing any

¹⁴ Table 4.5 of the Aled Roderick's proof of evidence.

functions in relation to, or so as to affect, land in a national landscape, a relevant authority must seek to further the purpose of conserving and enhancing the natural beauty of the national landscape.

180. Chapter 15 of the Framework emphasises the importance of protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan. It informs that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. I have also had regard to the advice at paragraph 198 of the Framework, which relates to tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason. Additional advice is also provided at a national level in the Planning Policy Guidance on the Natural environment (PPGEN).
181. The parties refer to the Cotswold National Landscape Management Plan 2023-2025 (CNLMP) and The Cotswolds National Landscape, Landscape Character Assessment (NLLCA). These provide policy and guidance that extend beyond the administrative area of Wiltshire and relate to the CNL as a whole. In particular, the statement of significance set out in the CNLMP identifies the special qualities of the CNL as including:
- the high wolds – a large open, elevated predominately arable landscape with commons, ‘big’ skies and long-distance views;
 - river valleys, the majority forming the headwaters of the Thames, with high-quality water;
 - distinctive dry stone walls;
 - flower-rich grasslands particularly limestone grasslands;
 - ancient broadleaved woodland particularly along the crest of the escarpment.
 - the tranquillity of the area, away from major sources of inappropriate noise, development, visual clutter and pollution;
 - extensive dark sky areas; and
 - an accessible landscape for quiet recreation for both rural and urban users, with numerous walking and riding routes, including the Cotswold Way National Trail;
182. On the matter of tranquillity, the parties refer to the Cotswolds Conservation Board Position Statement on Tranquillity (CCBPST). They also refer to various guidance documents issued by the Landscape Institute, to which I have had regard.
183. The CNLMP defines tranquillity as ‘a state of calm and quietude associated with peace’. The CCBPST informs that tranquillity is one of the special qualities of the CNL and that it is one of the features of the Cotswolds that make the area so outstanding. The CNLMP policies on Tranquillity (Policy CE4) relates to the effect of noise on tranquillity, which I understand is the Council’s principal concern. This informs that proposals that are likely to impact on the tranquillity of the CNL

should have regard to this tranquillity, by seeking to avoid and, where avoiding is not possible, minimise noise pollution and other aural and visual disturbance.

184. Both the Wiltshire Landscape Character Assessment dated December 2005 (WLCA) and the NLLCA include within them an assessment of each landscape character area (LCA) within Wiltshire and within the wider CNL. Both inform that the site is in a High Wold Dip-Slope LCA and it lies within the Cotswolds High Wold Dip-Slope LCA (LCA 9D), but is close to the Lower By Brook LCA (LCA 4D). The description of the High Wold Dip-Slope LCA in the NLLCA identifies the key characteristics as including:
 - Soft, gently undulating rolling landscape dissected by a series of predominantly south-east flowing rivers;
 - large scale open arable fields with little tree cover, as well as a more complex mosaic of smaller scale arable and pasture contained within a strong framework of hedges and woodland;
 - intermittent long distance views towards the high wold and across neighbouring lowlands; and
 - sparsely settled with intermittent isolated farmsteads and dispersed hamlets, many marking fording or bridging points.
185. At a local level, the development plan includes a number of relevant policies, including Core Policy 51 'Landscape' (CP51) of the WCS. This informs that Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. CP57 of the WCS requires a high standard of design in all new development and informs that development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. In addition to this, I have already mentioned the criteria of CP39 of the WCS relevant to the matter of landscape.
186. Within the CNP, the relevant policies include Policy EB1, already referred to above. CNP Policy NE1 'Landscape and Natural Environment' informs that future development should maintain adequate open separation, which is rural and agricultural in character, between the parish settlements 'so that the landscape continues to provide the overall character and context of the parish'.
187. 'Key Views' are the subject of Policy NE4, one of which is from close to EM across to the settlement of Colerne. This Policy requires that development proposals 'should be designed to respect and, where practicable, to enhance an affected Key View'.
188. Finally, although not relied upon by the Council, the appellant has referred to saved policies of the North Wiltshire Local Plan. These include Policy NE12 'Woodland', which seeks 'the creation, conservation, enhancement and positive management of woodlands', and Policy NE14 'Trees, site features and the control of new development', which seeks to ensure that landscape features that are important for landscape or ecological reasons are protected from development and appropriately incorporated into the design of the development.

Site and Surrounding Area:

189. The appeals site is in a rural location, in an elevated position on the upper edge of the Box valley¹⁵. The complex of buildings at EM are separated from the Thickwood Estate of dwellings and the settlement of Colerne to the south west by field parcels of varying sizes, most of which are enclosed with hedgerow and areas of woodland. There are also detached dwellings within the local area. As well as the local road network of mostly single track lanes, to the west is the main road linking the A420 to Bath, via Colerne, and the A4 to the south, between Bath and Corsham.

Tranquillity:

190. I have had regard to the evidence of the noise specialists on the matter of tranquillity. Whilst this is helpful, I note that there is a lack of any objection from the Council's landscape officers and the Cotswold Conservation Board on the matter of the effect of noise from events on tranquillity, subject to mitigation.
191. Notwithstanding this, the results of the WEN taken by the appellant at particular locations around EM demonstrate a level of quietness. However, this is not an area that is absent of man-made noise.
192. Whilst the CNLMP effectively excludes from its policies the effect of noise arising from the normal working countryside, I note the reference in evidence to the sound of shotguns, chainsaws, and HGVs, as well as the noise from other local businesses. Indeed, at the two site visits I undertook (the first during the daytime and the second in the early evening), I particularly noted the constant sound of traffic from the nearby A roads, as well as the sound of aircraft overhead. This is noted in the appellant's landscape evidence, where particular reference is made to aircraft noise and the frequency of overhead flights in the summer months in the locality. It is against this background that I have considered the effect of the development on the tranquillity of the CNL.
193. Here I draw on my conclusions with regard to the effect of event and traffic noise on the living conditions of noise sensitive receptors, which is that this is acceptable, subject to conditions. I am, however, mindful that the CNL's tranquillity is not only experienced within noise-sensitive properties. It is experienced in the landscape, which includes locations close to EM, including on the highway and public rights of way. There can be no doubt that event noise would have been experienced in these locations, close to EM. Notwithstanding this, the mitigation measures I consider above and in the conditions section of this decision are likely to mitigate the effect of the noise from development, so as to avoid or minimise the effect of noise on the tranquillity of the CNL going forward. These would include more stringent controls of noise generating activity in external areas and within the buildings at EM.
194. The guidance and policy require a consideration of the effect of development on tranquillity across the CNL¹⁶. With this in mind, any effect on tranquillity from event noise would, in my judgement, be experienced only at a very localise level and intermittently. I conclude the same with regard to event traffic noise, having regard to the likely flows, particularly late at night, and its dispersal across the local road network.

¹⁵ Enderby Associates Landscape and Visual Impact Assessment dated August 2022.

¹⁶ In particular, the 'Outcome 6 – Tranquillity' in the CNLMP, as well as CP51 of the WCS.

195. I acknowledge that noise levels drop in the late evening. However, on the whole, I cannot regard this to be a location that is relatively undisturbed by noise when events are not taking place. Against this context, I have had regard to the noise evidence relating to the times when events are taking place, together with the mitigation measures to be imposed. On this basis I can only conclude that, on balance, the development going forward, in terms of its effect on tranquillity, would not conflict with the Framework and its requirement to protect and enhance valued landscapes. In particular, I find no conflict with paragraph 198 of the Framework, with specific regard to the effect of noise in particular tranquil areas.

Proposed Track and Highway Improvements:

196. The elements of development proposed include a track of approximately 830 metres long across three field parcels linking EM to Thickwood Lane. I am told that this would be along the route of an existing farm track, the start of which is visible, close to the EM complex. The indicative details (drawing number LDC.2272K 14) show that the new track would comprise the laying of a hard surface across the width of the track. Although single track, passing places would be provided along the route.
197. The route of the track would fall close to the band of trees, known as 'The Groves', and the existing hedgerow, before meeting Thickwood Lane at an existing field entrance. The track will be crossed by a public right of way also running from EM to Thickwood Lane.
198. Although proposed to accommodate event traffic, the track is also required for agricultural traffic resulting from the appellant's farming activities. In this regard, I note the extent of the appellant's ownership of farm land surrounding EM and to the north of Thickwood Lane.
199. The track would introduce a substantial length of hard surfacing across three field parcels that are largely void of such development at present. Large parts of the track will be visible from the public right of way and from Thickwood Lane, and it would introduce built form into an area of the CNL that is dominated by undeveloped field parcels and hedgerows. Notwithstanding this, the position of the track close to the established hedgerow and The Grove would either screen the track from certain views or would provide a dominant backdrop from others. Indeed, it would have little effect on the key view from EM towards Colerne, as noted in Policy NE4 of the CNP.
200. In addition to this, the indicative details do not suggest that the track would have an overtly engineered appearance. The details indicate that it would have the appearance of a typical farm track and the suggestion is that it would 'naturalise to an informal appearance'¹⁷. Whilst I have no reason to doubt the appellant's intentions for the appearance of the track, I can agree with the Council that the indicative details do not provide sufficient detail of the finished appearance of the track and its finished level in comparison to the adjoining land. Such detail would be essential in order to ensure that what the appellant describes is achieved.
201. The details of the junction of the track with Thickwood Lane (drawing number LCD.2272K 13A) indicate that this entrance would be altered to accommodate the necessary junction arrangements. Hedgerow either side of the entrance would be

¹⁷ Enderby Associates Landscape and Visual Impact Assessment dated August 2022.

removed and the enclosure would be brought into the site to allow vehicles to pull in off the highway before the gate is open. I acknowledge that these works would result in a more engineered site entrance. However, the plans indicate that an estate gate and fence would be used for the new enclosures, in keeping with the character of the site. Indeed, I find all enclosures and gates proposed for the track appropriate in this rural location. This includes the details of estate fencing, field gates, etc, shown on drawing number LDC.2272K 14.

202. I note the proposed planting plan included within the Enderby Associates Landscape and Visual Impact Assessment dated August 2022 (LVIA), drawing number 475/06 Revision A. The details indicate that any loss of existing hedgerow or other vegetation on the site would be mitigated by the proposed new hedgerow planting, including that along the majority of the track. The hedgerow planting and proposed additional tree and shrub planting would also mitigate the visual impact of the development and, as I note in the lighting section below, would mitigate the effect of the light from night time event traffic. I also have no doubt that this would add to biodiversity, particularly with the addition of the proposed field margin. Notwithstanding this, I find the planting details particularly sparse. Further details of existing and proposed planting are, therefore, necessary, including plant and tree species and planting density. This is in order to ensure that the planting scheme achieves the necessary mitigation and enhancement.
203. Concerns have been raised by interested parties regarding the effect of the proposed track on the public right of way. Whilst the track will cross the public right of way, it will be otherwise unaffected by the proposal.
204. The LVIA comments on the effect of the use of the track on the CNL. Whilst I have considered the effect of noise generated by its use above, any visual effect of its use would be localised and would not, in my judgement, effect the special qualities of the wider CNL. I can agree that its use by agricultural type vehicles would have a neutral effect on the character and appearance of the surrounding area. Indeed, the need for the track for the purposes of agricultural activity at the site adds weight in favour of it. As for its use by event traffic, I can agree that the visual effect would be intermittent and would be experienced for short periods. In all, I can agree with the appellant, that visually it would result in a negligible adverse effect in the locality.
205. Turning to the proposed highway widening, although this will necessitate the relocation of a section of boundary wall of approximately 40 metres in length, I cannot regard these works as unacceptable. I conclude as such, provided that the replacement wall is constructed in materials to match the existing boundary enclosure.
206. For the reasons given above, I conclude that the proposed access track and highway widening works would have an acceptable effect on the character and appearance of the surrounding area, having regard to its location within the CNL.

Lighting:

207. The Council's original objection to the effect of lighting from events on the CNL is not set out in its closing submissions. Nevertheless, I note that the use of the site for events would necessitate external lighting at EM and that there would be light

from car headlights arriving and leaving the site at night, all of which has the potential to affect the special qualities of the CNL.

208. The appellant has prepared an external lighting strategy and external lighting design, dated 23 March 2023 (ELS&D), within which are the details of a lighting impact assessment. Whilst this was primarily prepared in response to concerns for the effect of the development on ecology, this also provides a necessary analysis of the effect of lighting from EM on the CNL. Following the assessment, the ELS&D notes that 'the appearance of any exterior lighting within the context of the wider landscape could be considered sensitive given the dark rural location'. It concludes that 'the existing condition of the site is not observed to be significantly adverse in terms of exterior light spill, visual impact or glare conditions beyond the boundary or to the wider landscape beyond' and that the lighting conditions observed do not constitute a significant source of light pollution. Notwithstanding this, the ELS&D proposes further mitigation measures, which are aimed at enhancing and improving the lighting conditions for light sensitive ecology within and around the site.
209. Whilst the Council does not object to the effect of light from EM itself, I consider it necessary to implement the additional mitigation measures set out in the ELS&D and to ensure the site operates in accordance with this, so as to mitigate any adverse effects on the CNL. In particular, the use of sky beams, lasers and other such upward lighting that interested parties say has been used in the past at EM should be strictly prohibited.
210. With regard to the effect of light from vehicle movements at night, I note the evidence of the likely traffic flows that result from the development. I also note the character of the local highway network, which is predominantly bound on each side by high hedges and walls, and the proposed landscaping measures along the new access track, which would assist in containing the effect of light in the landscape from event traffic. For these reasons, I am not persuaded that the effect of light from event vehicle movements is such that I regard the development as failing to protect and enhance the CNL as a protected landscape.

Temporary Structures:

211. Interested parties have raised concerns regarding tents and marquees on site, two of which I observed as part of my site visit. Whilst these may well facilitate the use of the site, they are not referred to in the enforcement notice allegation or the description of development subject of Appeal B. Whilst I make no judgement on whether or not these amount to development as defined in section 55(1) of the 1990 Act, I note that the Council has not made any particular reference to these in its case and I have been given no reason to conclude that their presence is a reason to withhold permission.

Summary and Conclusions:

212. For all of the reasons set out above, I conclude that, subject to the imposition of conditions, the development going forward would have an acceptable effect on the character and appearance of the surrounding area, having regard to its location within the CNL. For this reason, mindful of the duty imposed under section 85(A1) of the 2000 Act, the development would not be inconsistent with the purpose of conserving and enhancing the natural beauty of the CNL. Furthermore, having regard to the nature, scale and setting of the development, I

do not regard it as major development, where the provisions of paragraph 190 of the Framework would be engaged.

213. The development would, therefore, accord with the relevant development plan policies set out above, in particular Policies CP51 and CP57, as well as criterion iii. of CP39 of the WCS. I also find no conflict with CNP Policies NE1 and NE4. The development would also comply with the relevant landscape policies and guidance included within the CNLMP, NLLCA, CCBPST and WLCA, as well as those set out in the Framework and the PPGEN.

Main Issues iv. and v. - Highways

I have considered together main issues iv. and v. as both related to highway safety.

Planning Policy and Guidance:

214. CP57 of the WCS requires at criteria xiv that new development must meet the requirements of Core Policy 61 'Transport and New development' (CP61). CP61 informs that, as part of a required transport assessment, a proposal must demonstrate that, amongst other matters, it is capable of being served by safe access to the highway. This requirement is similar to that of criterion iv. of CP39 and criterion iv. of Core Policy 48 'Supporting rural life' (CP48), which has been referred to by the appellant. In order to accord with criteria v. of CP40, development should avoid unacceptable traffic generation.
215. The appellant has also referred to criterion c. of CNP Policy EB1, which supports small scale employment enterprises on existing sites if, amongst other matters, they provide adequate access and car parking, and do not create traffic flow problems or generate traffic inappropriate to country roads.
216. In addition to the above mentioned development plan policies, I have also had regard to the Wiltshire Local Transport Plan 2011 - 2026 Road Safety Strategy.
217. At a national level, the advice in chapter 9 of the Framework is of particular relevance to the highways matters in these appeals. In particular, paragraph 116 informs that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The parties also refer to the Planning Practice Guidance on Travel Plans, Transport Assessments and Statements (PPGT). At paragraph 015 this sets out what matters should be considered in a transport assessment or statement relating to a proposed development.
218. I have also had regard to the advice in Manual for Streets which, amongst other matters, provides advice on street geometry in the interests of highway safety.

Proposed Access Track and Euridge Lane Works:

219. At present, the only route to EM from the junction of Thickwood Lane with Northern Lane is via Euridge Lane. Although a no through road, this highway is used by the appellant for access to his farm buildings, as well as by other landowners who have access to this highway along its route.
220. As part of the Appeal B scheme, the appellant has proposed a package of measures to improve the access to the site, in an attempt to mitigate the effect of

the development on highway safety. This includes the new track from EM to Thickwood Lane, which will not only accommodate event traffic, but also traffic associated with the appellant's farming operations. Whilst the appellant notes that sections of Euridge Lane can accommodate two way traffic, the package also includes works to improve the road geometry in a single location on Euridge Lane, between EM and the junction with Northern Lane and Thickwood Lane. The works to Euridge Lane are separate to the proposed highway improvements in 7 locations along Northern Lane and Thickwood Lane that are part of application reference PL/2023/10982.

221. The appellant's case on the matter of highway safety are that the above works, together with a Travel Plan and condition limiting maximum event guest capacity to 150 are the only measures necessary to make the development acceptable in terms of highway safety.
222. I have no reason to disagree with either the appellant or the Council, that the provision of the new track is necessary to mitigate the effect of the development on highway safety. However, its use for **all** event traffic may not be within the control of the appellant. Whilst the appellant may be able to direct all traffic leaving EM via the new access track, he has less control over the route taken by third party vehicles arriving at the site. It is, therefore, likely that, even with the provision of the new access track, the development would result in some event traffic on Euridge Lane.
223. Accordingly, I conclude that the works referred to above are necessary to improve access to the site, in the interests of highway safety, as well as in the interests of the living conditions of residents on the local highway network. In addition to limiting the number of guests at any event to 150, a condition is also necessary that would require the appellant to implement measures to be agreed in order to promote the use of the track for all event traffic. This should include directional signage on site and, if possible, on the highway network, as well as route information to be provided to all event attendees. These measures would ensure that the development accords with the development plan policies referred to above, which require that the development is served by safe access to the highway.

Works to Local Highway Network - PL/2023/10982:

224. Turning to the need for the works to Northern Lane and Thickwood Lane, whilst I note the concerns of interested parties with regard to the robustness of the traffic and transport assessment undertaken by the appellant, there is no suggestion from the Council that the assessment cannot be relied upon with regard to the additional traffic movements generated on the local highway network by events at EM, attended at capacity (i.e. by 150 guests) and as an average.
225. Whilst most of the development plan policies mentioned above refer to access to the highway, which I have considered above, CP20 of the WCS and Policy EB1 of the CNP relate specifically to traffic flow and traffic generation. These are in line with the Framework's requirement to consider whether there is an unacceptable impact on highway safety.
226. A transport assessment is a means of establishing whether there is such an impact. The PPGT provides a list of the matters that should be considered when settling the scope of a proposed assessment. That includes an analysis of the

injury accident records on the public highway in the vicinity of the site access for the most recent 3-year period, or 5 year period in a high accident area. Whilst it does not include an analysis of the geometry of the highway network that would be used by traffic resulting from a development, it does include in the list measures to mitigate the residual impacts of development, such as physical improvements to existing roads.

227. Having regard to the guidance, whilst I have no doubt that the presence of any existing deficiencies in the geometry of the highway network ought to be considered, establishing whether the development would result in any residual impact on the highway network as it exists at present ought to be considered first. The consideration of the likely traffic flows and injury accident records is, as the PPGT indicates, important to that assessment.
228. The appellant has provided accident data for the past 13 years, which identifies no incidents of collisions on the sections of local highway in question. I have had regard to the evidence of interested parties regarding possible collisions or near misses. These incidents were not, however, formally recorded and I have no means of attributing all of these incidents to events at EM.
229. The use of EM for holding events has operated at capacity for the latter years of the accident data records provided, most notably in the years since the lifting of restrictions that were imposed as a result of the Covid-19 pandemic. I acknowledge that the site has not operated with 50 events each year, but in recent years it has not been far short. Furthermore, the appellant has also indicated that since he took ownership of the site, events have been held at EM where the number of guests has been well in excess of 150. That includes events held during the 13 year accident data period.
230. Notwithstanding this, I note the number of vehicle movements that would be distributed across the highway network, not all of which would use the highway where the improvements are proposed (subject to the provision of the new access track). Furthermore, the appellant has indicated that not all events are attended at 150 guest capacity.
231. I have no doubt that the traffic generated by the use of EM for events has had some effect on highway safety on the local highway network. I have had regard to the Council's concerns in respect of the geometry of the road along Northern Lane and Thickwood Lane. However, the evidence before me is not sufficient to demonstrate that, on balance, the effect of additional traffic on the existing highway network is unacceptable, such that permission should be refused without the proposed improvements to the road geometry.
232. The appellant acknowledges the need for the limit on the number of guests at an event and the need to implement the travel plan submitted with the appeals. I have no reason to disagree with this, noting that the travel plan includes requirements within it that the appellant says have resulted in the reduction in the number of event vehicle movements. However, for the reasons given above, I cannot conclude that the proposed works to the local highway network are necessary to make the development acceptable in terms of highway safety.
233. Notwithstanding the above, I have had regard to the representations of interested parties who refer to the risk to pedestrians, cyclists and horse riders using other sections of highway, including the use of Thickwood Lane by pupils of Calder

House School. I am, however, mindful again of the lack of any reports of any incidents on the local highway network, including Thickwood Lane. Furthermore, and the lack of a footway on Thickwood lane is not a matter that the Council have raised.

234. I note the reference by interested parties to the other passing places identified elsewhere on the local highway network. I am, however, mindful that the concerns of the Council's highway officer relate only to the deficiencies of the highway along Northern Lane and at one section of Thickwood Lane.

Summary and Conclusions:

235. For the reasons given above, subject to the imposition of conditions, including those that require the provision of the proposed access track and works to Euridge Lane, I conclude that the development going forward would not cause detriment to highway safety, having regard to the suitability of the access to the site from the highway. I also conclude that, subject to the imposition of conditions, the development does not have an unacceptable effect on highway safety on the surrounding highway network, having regard to the traffic generated by the development.
236. Consequently, I am unable to find conflict with CP57, CP61, CP39, CP48, and CP40 of the WCS, as well as CNP Policy EB1. The development would also accord with the Framework and PPGT.

Other Matters

Ecology

237. The appeals site is located within the Bat Consultation Zone for the Bath and Bradford on Avon Bats Special Area of Conservation (SAC). The ecology evidence also states that the site supports a small maternity roost of Lesser Horseshoe bats and that it is likely to be functionally linked to the SAC.
238. The appellant's ecology evidence includes a preliminary ecological assessment dated 2022, updated in December 2023 and February 2024. There is also a bat survey report dated January 2024, which was later updated by the appellant in October 2024. There is also a Mitigation and Enhancement Strategy in Respect of Lesser Horseshoe Bats, dated March 2024. I note that there is a version of this of the same date, but with a revision 'b'. Although the parties refer to the strategy, they do not specifically refer to revision b. It is, however, reasonable to assume that reference to the strategy in the statement of common ground on ecology, dated November 2024, is to revision b. Also of relevance is the ELS&D, which I have already referred to above.
239. During the course of the Inquiry the Council's position changed and the parties agreed that, subject to the imposition of appropriate conditions, there would be no adverse effects on the integrity of the SAC or protected species.
240. Notwithstanding the above, in determining these appeals I am the competent authority for the purposes of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). In compliance with regulation 63 of the Habitats Regulations I have had regard to all relevant evidence before me, including the consultation response from Natural England.

241. With regard to the provisions of regulation 63(1) of the Habitats Regulations, it is clear that the development is not directly connected with or necessary to the management of the protected site or the habitat of protected species. However, in view of the habitat on site and its likely connection to the SAC, I must undertake an 'Appropriate Assessment' in compliance with regulation 63(1).
242. I have already outlined details of the habitat present on site and species for which the SAC has been designated. I have also identified the relationship between the appeals site and the SAC, the importance of which is set out in the parties' evidence. Furthermore, I have no reason to disagree with the common ground between the parties on the importance of the appeals site and its functional link to the SAC.
243. I note the location of the SAC, some 2.5 Km south of the site. I also note the evidence of how bats use the appeals site and the location of the roosts, the general location of which I observed on site. Whilst I am mindful that the bat survey was undertaken at the time the use subject of these appeals had already commenced, I note the evidence of the appellant's ecology specialist, who suggests that the use has not been a deterrent.
244. Whilst there is an absence of a survey of the site prior to the commencement of the event use, the appellant's ecology specialist has, nevertheless, proposed certain measures to improve the conservation status of the colony. This indicates that the development has had an adverse effect on protected species on site and the integrity of the SAC.
245. Turning to the proposed mitigation, this is set out in the mitigation and enhancement strategy, and is summarised by the appellant as follows:
- Reducing disturbance to the roost from human access and lighting by creating a structure around the favoured roosting area in the storeroom;
 - Increasing perching opportunities within the roost, which are at present mainly a seam in concrete;
 - Enlarging and enhancing access points to and from the roost, informed by good practice guidance for the species; and
 - Changing the lighting within the building used as a roost to minimise disturbance.
246. I also note the measures set out in the ELS&D. The parties have agreed a number of conditions to secure the proposed mitigation.
247. Having regard to the above, I am satisfied that the adverse effects of the development on the SAC bats can be mitigated and that the necessary mitigation can be secured. Accordingly, subject to the imposition of suitable conditions, the development would not adversely affect protected species on site or the integrity of the SAC.
248. In addition to the conclusions above, both the Framework and the development plan, which includes Policy NE2 'Green Infrastructure and Biodiversity' of the CNP, require the enhancement of biodiversity, as well as its protection. There is agreement that the proposed measures achieve this and I have been given no reason to disagree.

249. Finally, aside from the effect of the development on the bats and the SAC, interested parties have concerns that some of the proposed elements of the development, including the proposed works to Euridge Lane and the works to provide the track, would have an adverse effect on the general ecological value of the site and surroundings. Whilst these concerns are noted, the substantial ecological evidence before me, including the representations of the Council's ecologist, does not support them. In particular, the specialist evidence on ecology, including that from the Council, does not indicate that the proposed elements of the development would have an adverse effect on slow worms and their habitat.
250. The effect of the development subject of planning application reference PL/2023/10982 on ecology is not a matter that is before me.
251. Having regard to all of the above, I conclude that the development would not have an unacceptable effect on protected species and would, therefore, comply with Policy NE2 of the CNP and Core Policy 50 'Biodiversity and geodiversity' of the WCS, which informs that development proposals must demonstrate how they protect features of nature conservation and expects that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Furthermore, I have been given no reason to find the development in conflict with criterion d. of CNP Policy EB1.
252. In addition, the development going forward would also comply with the relevant paragraphs of the Framework regarding habitats and biodiversity.

Other Considerations

253. As I have already said above, I do not underestimate the concerns of local residents and the strength of objection to the development subject of these appeals. The vast majority of these objections have been considered as part of the main issues already considered. I will not, therefore, address these matters again here. I would, however, add that the strength of objection to the development is not reason alone to withhold the grant of planning permission.
254. Interested parties are concerned that the conditions imposed on any planning permission would not be complied with. In this regard, some point to the lack of compliance with the Council's noise abatement notice. The carrying out of development without the necessary planning permission is not at all to be condoned. However, the appellant has implemented some measures in an attempt to mitigate the adverse effects of the development. The planning application and these appeals have allowed these measures to be considered, alongside additional proposed measures and others that I intend to impose. Unlike the self-imposed measures, there would be a penalty for any failure to comply with the conditions of the planning permissions, which in some cases would be severe and would mean that the benefit of the planning permission would be lost.
255. Whilst I understand the apprehension of interested parties, for the reasons given above I am not persuaded that the conditions of the planning permission would not, in all likelihood, be complied with.

256. The evidence before me does not support the suggestion that there is no need for this development; that there are a sufficient number of other event venues in the area. Nevertheless, this is not a reason to withhold planning permission in this case.
257. I have had regard to the benefits of the development, including the benefits to the local economy from the provision of employment and the use of other local businesses. I consider these benefits to be substantial and they must be weighed in the planning balance.

Conditions

258. I have had regard to the conditions suggested by the parties and conditions for both appeals was discussed in detail at the inquiry. I consider each of the suggested conditions, as follows, having regard to the Planning Practice Guidance on the Use of planning conditions (PPGC).
259. Although necessary for Appeal B, the plans condition is not necessary for the planning permission I intend to grant on Appeal A. Notwithstanding this, in other conditions to be imposed on the permission I intend to grant on Appeal A I have referred to the plans and documents submitted with the planning application subject of Appeal B. The parties have agreed that the use for which permission is sought on Appeal A is the same as that sought on Appeal B. Accordingly, there is no dispute that it is reasonable to require compliance with the plans and documents submitted under Appeal B in the conditions I intend to impose on the permission to be granted on Appeal A, including the requirement to construct the new access track. I have no reason to find that these Appeal A conditions would not comply with the tests set out in the PPGC.
260. There is a clear need to limit the number of events held at EM each year, in the interests of highway safety and to protect the living conditions of nearby residents. To do this, the condition must provide certainty as to what comprises an event. The appellant suggests that less than 33 attendees should not comprise an event for the purposes of the NMP and for the control imposed by the conditions of the planning permissions to be granted. I acknowledge that a small number of guests at an event is not likely to generate the same crowd noise and activity to and from the site, as would be the case with a larger event. However, I see no reason why noise generated by such activity as external music, amplified speeches, and amplified music within the building at EM would not be the same, regardless of the number of attendees. Accordingly, there is a need for a NMP and the conditions that mitigate the effect of noise generated by events at EM, regardless of the size of the event.
261. I have considered the prospect that some events occur at EM without such activity as external music, amplified speeches and internal amplified music. A photo shoot held at EM at the time of my first site visit is one such example. Such a gathering would not, however, fall within any of the definitions of an event suggested by the parties and would not fall within the definition I intend to use in the condition.
262. Permission is sought for 50 events each year of 33 attendees or more. On these terms this would allow for more than 50 events where there is noise generating activity. Between 2021 to 2023 the number of events at EM were between 41 and

47¹⁸. The appellant does not say that these numbers exclude events of less than 33 attendees. I have not been advised that the number of events held in 2024 (i.e. during the appeal) substantially exceeded those held in previous years. I also understand that the number of attendees of events held in 2024 did not exceed 150, in accordance with the terms of the existing NMP. My assessment of the acceptability of the development is, therefore, on the basis of its effect from just under 50 events each year **in total** with no more than 150 attendees. It is on this basis that I consider strict controls to be necessary in order to make the development acceptable. In view of this, I see no reason to limit the number of events each year to 30, as suggested by the Council. However, it would go against my findings to permit the holding of more than 50 events, particularly where those additional events, even if attended by less than 33 attendees, would not be controlled by the conditions and NMP that mitigate the effect of noise generated by them.

263. In view of the above, and in the interests of highway safety, an event should be defined as any gathering of up to 150 guests. Based on the evidence before me, it is necessary to limit the number of these events to 50 each year. The definition I have used would, of course, exclude any private events that are hosted by the appellant or his family who reside at EM on a non-commercial basis.

264. Whilst the parties have agreed the condition relating to the period of the year over which events can take place at EM, as the number of events each year would be limited, I see no need for this condition on either appeal.

265. For the reasons already given, a condition requiring the submission of a revised NMP is necessary and reasonable. Whilst I note that the suggested condition includes a list of the matters the revised version should contain, I have not included these in the condition I have imposed as such a list makes the condition unwieldy. Instead, the matters addressed in the revised NMP should include those set out in this decision, which I summarise as follows:

- The identification of areas of the site where the gathering of guests will not be permitted, including the tump;
- A revision to the periods of time that any external amplification for music and speeches can be used;
- A list of musical instruments the use of which shall not be permitted in any external areas on site;
- The use only of on site, noise limited and calibrated external amplification;
- A revision to the times at which certain activities shall cease;
- The use of automatic door closers for the doors where access is required, the use of mechanical ventilation within the orangery and ball room and audio or visual alarms to alert staff where doors and windows that should be kept closed are open;
- The use of noise limiting equipment for all amplified music and speeches on the site;

¹⁸ Appellant's proof of evidence.

- The means of monitoring the noise levels of all events and the means of recording and keeping the information collected by the noise monitoring equipment;
- The specification of noise limiting and noise monitoring equipment, including the means and frequency of its calibration;
- Arrangements for deliveries and collections, including the collection of waste;
- The means by which the local planning authority can access any event logs, records of noise levels and the review of the NMP;
- The terms of the review of the NMP, including a standard annual review and when otherwise a review of the NMP would be triggered; and
- The time within which a review shall be completed and how the review shall be recorded.

266. As the NMP is fundamental to the development taking place without unacceptable adverse effects, it is necessary for the use to cease, should there be a failure to comply with the terms of the condition. Notwithstanding this, I have considered imposing a condition requiring all events to cease until such time as the revised NMP is submitted and approved. I am, however, mindful of the time of year my decision would be issued and the evidence of the appellant on what is involved in the cessation of the use. I also have in mind the time period specified for compliance with the enforcement notice. All things considered, a condition preventing events until the revised NMP is approved would, on balance, be unreasonable. However, I intend to impose a short timescale for the submission of the revised NMP. I also intend to impose a condition requiring the use to be carried out in accordance with the current version of the NMP until such time as the revised NMP is submitted and approved. Such a condition is necessary in order to mitigate the short term effects of the development on the living conditions of local residents.

267. I have also included a separate condition setting out the means by which the review of the NMP can take place. This is in line with the condition suggested by the appellant. Whilst this might repeat matters that ought to be included in the NMP, it would ensure that a failure to amend the NMP would be subject to enforcement controls and would allow for an appeal to be made, in the event that the amended NMP is refused or simply not determined.

268. I acknowledge that the penalties for non-compliance with the above mentioned NMP conditions are serious. This reflects the strict controls I consider to be necessary in order to make the development acceptable and would ensure that any instances of non-compliance with the conditions is dealt with swiftly.

269. The current NMP includes the means by which noise is monitored. I note above that the revised NMP should include a means of monitoring the noise levels of all events and the means of recording and keeping the information collected by the noise monitoring equipment and how this would be available to the Council. I cannot, therefore, see a need for a separate noise monitoring condition.

270. The NMP includes a specification for the noise levels at the monitoring locations. On the basis of the evidence before me, I have concluded that the development is

acceptable, subject to these being adhered to and compliance with all other conditions. In view of this, and the review mechanism, I see no need for the condition specifying noise levels at the monitoring locations and within the orangery.

271. I conclude the same for the conditions relating to the use of external areas, the use of the boathouse sound system, external speeches and music, and the use of the orangery and ballroom. I have set out above that the revised NMP should include how these matters are dealt with and the review mechanism would allow for a revision to this, should that be considered necessary in any subsequent review of the plan.
272. As the use of fireworks, pyrotechnics and sky lanterns effect more than noise experienced within the area, a specific condition prohibiting their use is considered necessary and reasonable, in the interests of the living conditions of nearby residents and the protection and enhancement of the CNL.
273. In view of the mechanism for the review and, if necessary, subsequent amendment to the NMP, I can agree with the appellant that a temporary consent is not considered appropriate in this case. The use has also been operating for a number of years and it is the effect of this that has informed my decision in this case.
274. For the reasons set out earlier, a condition requiring the provision of the proposed access track and works to Euridge Lane are necessary in the interests of highway safety and the living conditions of residents adjoining the local highway network. I have highlighted deficiencies in the details provided of the landscaping, materials and finished levels of the track. I have, therefore, imposed a condition requiring the submission for approval of further details of these matters. I have included a requirement for the submission of a timetable for the completion of the track itself, as well as for the completion of the landscaping scheme. This allows account to be taken of the planting season so that, if necessary, the conditions, which include a separate condition relating to the use of the track on completion, can require the completed track to be used for events prior to the completion of the landscaping. Again, given the necessity for the proposed track, the penalty for failing to comply with this condition is severe.
275. I am satisfied with the details of the gate and enclosure at the junction of the access road with Thickwood Lane, as well as the details of all other means of enclosure associated with the provision of the track¹⁹. It is not, therefore, necessary for further details of these to be submitted; only their implementation in accordance with a timetable to be submitted and approved is necessary. I was not advised that the gradient of the track would exceed that specified in the council's suggested standard condition. The conditions requiring the details of the levels and contours of the track would be sufficient to overcome any highway safety concerns in this regard.
276. A condition requiring the maintenance of the vision splay at the junction of the track with the highway, as well as a condition preventing surface water drainage onto the adopted highway are, of course, necessary in the interests of highway safety. Furthermore, whilst the appellant suggests that it is unlikely that any additional gates would be erected at the junction along the edge of the

¹⁹ As shown on drawings numbered LDC2272K 13A and LDC2272K 14.

carriageway, it is essential, in the interests of highway safety, that the junction is laid out and retained in the form shown on drawing number LDC2272K 13A. Accordingly, I consider it necessary to impose a condition prohibiting the erection of an enclosure or gate at this junction, that would otherwise be permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

277. Having regard to the nature and extent of works proposed in the construction of the access track, I do not consider there to be a need for the submission of a construction management plan. Neither do I consider there to be a need for the submission of a separate landscaping and ecology management plan. The landscaping condition I have imposed would, in my judgement, be adequate for the purposes of protecting the retained landscaping and ecology, as well as managing the landscaping to be implemented.
278. As for the works to Euridge Lane, they should be carried out in accordance with the passing place details. Despite the condition suggested by the Council, which requires the submission of further details, at the conditions session of the inquiry the Council did not highlight any particular deficiencies with the scheme, as submitted. Accordingly, I have no reason to conclude that the suggested condition requiring further details is necessary. The completion of the replacement wall in materials to match the existing wall in the location of the works is, however, necessary, in the interests of mitigating the effect of the development on the character and appearance of the area.
279. I have considered imposing a condition requiring the use of the track by all event traffic. Whilst it would be reasonable to expect the appellant to be able to control the direction of event traffic leaving the site, I am not able to find the same with regard to arrival traffic, for the reasons I have already given. Accordingly, a condition requiring the use of the track for event traffic leaving the site is reasonable and necessary, in the interests of highway safety and the living conditions of residents in the area. The revised travel plan, which I consider in more detail below, should include measures to encourage those travelling to the site for events to use the new access track. This would include information provided to event attendees and directional signage.
280. In view of my conclusions with regard to the need for the works to the highway on Northern Lane and Thickwood Lane, a condition is not necessary to require their completion.
281. The provision and use of the specified parking areas is essential during events, in the interests of highway safety. This would prevent ad-hoc parking on the highway in the area.
282. I have had regard to the general agreed position on the need for a travel plan; that it is necessary to make the development acceptable. The submitted travel plan, dated August 2022, sets out a number of objectives. Whilst these are useful, they are vaguely put. The plan includes some measures for influencing travel to and from the site and encouraging the use of more sustainable transport modes, but these are not sufficiently precise, such that they can be adequately enforced. Notwithstanding this, I note that the travel plan recommends an assessment of the patterns of travel associated with events, which would allow for the preparation and submission to the Council of a more precise list of measures. The submitted

travel plan includes a mechanism for this review and the submission of this to the Council. However, a condition that would simply require the submission of a revised travel plan within 3 months would allow for the necessary assessment to take place in line with the recommendations of the August 2022 travel plan, but would ensure that the mechanisms for its submission are enforceable. The revised travel plan should include the provision of cycle parking and shower facilities, negating the need for a separate condition requiring these.

283. I consider a time limit appropriate for the submission of the revised version, following the completion of the necessary traffic surveys, rather than a condition that would require the use to cease if not complied with. Within the revised travel plan it will be necessary to state with precision the required measures that will be implemented. This is so that the Council are able to approve a document that clearly sets out what must be done by the appellant, and that can be enforced, if not complied with. For example, the plan should impose a requirement for the use of a mini bus for guests during every event, if this is identified as a necessary measure following the traffic surveys to be undertaken.
284. The ongoing review of the revised travel plan is to be encouraged, in order to ensure that its objectives are achieved. However, any review should, if necessary, only result in a change to the operator's means of achieving the plan's objectives, rather than an amendment to the plan itself. I do not, therefore, consider it necessary to impose a condition allowing for the submission to the Council of any further amendments to the travel plan, as I have done with the conditions relating to the NMP.
285. The conditions relating to the mitigation measures for bats present on site are necessary, in the interests of protecting and enhancing the habitats of protected species. The mitigation measures include works on site that will require a natural England European Protected Species Licence. Accordingly, I have included a condition requiring the submission of a timetable for the completion of these works. This is in order to ensure the works are implemented, but would allow time for the necessary licence to be obtained.
286. With regard to external lighting, whilst I had considered a requirement for its use to be controlled in accordance with the ELS&D only during events, I have reflected on this. Having regard to the number of events already held at EM over recent years, it is likely that lighting has been installed on site for the purposes of events, that would otherwise not have been installed had the use of EM as a dwellinghouse only continued. Should this lighting be used outside of an event, without compliance with the lighting strategy, there is a risk that this would have an adverse effect on the habitat of protected species on site. There is, therefore, a need for compliance with the lighting strategy at all times, not just during an event.
287. Furthermore, I have had regard to the evidence of interested parties that refer to the effect on the landscape of the use of sky beams, lasers, and other such upward lighting. This is referred to in the 'Event Lighting Restrictions' section at page 13 of the ELS&D as being particularly harmful to both ecology and the landscape. However, I am not satisfied that its use during events is prohibited in the ELS&D in a sufficiently precise and enforceable way. Accordingly, a condition is necessary to strictly prohibit this type of lighting.

288. The development subject of the appeals does not include the occasional ancillary accommodation provided within the orangery (this is stated in the enforcement notice as an existing use). However, both appeals include the iglu pod, referred to in the Appeal B description of development as a caravan. Accordingly, conditions limiting its use are necessary in order to control the nature and extent of this element of the scheme, having regard to the development plan policy on the location of such development.

Unilateral Undertaking

289. Regulation 122(2) of The Community Infrastructure Levy Regulations 2010 (the 2010 Regulations) informs that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

290. The unilateral undertaking (UU), as amended by the subsequent deeds of variation, includes, in summary, obligations relating to the provision of the proposed access track and works to Euridge Lane, as well as the works to Northern Lane and Thickwood Lane, and the implementation of an interim traffic management strategy.

291. I note the Council's concerns regarding the planning obligation, set out in its note of October 2024. In view of my conclusions with regard to the need for the works to Northern Lane and Thickwood Lane, these concerns are of no consequence. I find the obligations in the UU, as amended by the deeds of variation, that relate to the provision of the 'Passing Places' as defined at paragraph 1.1 of the UU, are not necessary to make the development acceptable in planning terms. They do not, therefore, comply with the tests set out in Regulation 122 of the 2010 Regulations and I attribute these obligations no weight in my determination of these appeals.

292. As for the obligations that relate to the 'Access Track', the definition of which includes the works to Euridge Lane, I have concluded that their provision is necessary and will impose conditions requiring their completion in accordance with a timetable to be submitted. Obligations 5.2 and 5.3, which relate to these works, also impose a timetable for their completion and, therefore, duplicate the requirements of the conditions I will impose. These obligations are not, therefore, necessary to make the development acceptable. They are incompatible with the tests set out in Regulation 122 of the 2010 Regulations and I attribute these obligations no weight in my determination of these appeals.

293. Obligation 5.1 would, however, sit alongside the timetable conditions I will impose. Furthermore, I consider the implementation of the interim traffic management strategy to be necessary to make the development acceptable, as this will mitigate the short term effects of the development prior to the provision of the access track and works to Euridge Lane.

294. Whilst I note the Council's concerns with regard to the reference in these obligations to 'the Planning Appeal', the definition of this at 1.1 of the UU includes the planning permission grant pursuant to Appeal A or Appeal B. As such, I have

no reason to conclude that the obligations that refer to ‘the Planning Permission’ do not bind the permission I intend to grant on Appeal A, as well as Appeal B.

295. For the above reasons, I conclude that obligation 5.1 and obligation 5.7, insofar as it relates to the ‘Access Track’ as defined in the UU, are compatible with the tests set out in Regulation 122 of the 2010 Regulations and I therefore attribute weight to these obligations in my determination of these appeals.

Planning Balance

296. I have concluded that, subject to the imposition of conditions, the development that is the subject of the appeals would be acceptable going forward and that it would accord with the development plan. I have had regard to all material considerations, including the objections to the development and its suggested benefits. I have been unable to identify any material considerations that indicate that my determination should be made otherwise than in accordance with the development plan. Accordingly, I conclude that planning permission ought to be granted in respect of both appeals.

Conclusion on the ground (a) appeal for Appeal A and on Appeal B

297. Having regard to my findings above and all matters raised, I conclude that Appeal B should succeed and planning permission ought to be granted. I also conclude that the ground (a) appeal should succeed on Appeal A and that planning permission ought to be granted for the mixed use of the site.

Ground (f) and (g) – Appeal A

298. As planning permission will be granted for the material change of use to a mixed use, the ground (f) and (g) appeal does not fall to be considered insofar as it relates to that element of the matters alleged in the notice, once corrected and varied as I intend. However, permission has not been granted (indeed, it was not sought) for the development alleged in the notice comprising the siting of a caravan in the yard area and its use for residential accommodation. Accordingly, this element of the matters alleged in the notice still remain the subject of Appeal A.
299. In the detailed proofs of evidence the appellant suggests that the caravan has been removed. The caravan was, however, still in situ at the time of my first site visit, but it did not appear to be in use for residential accommodation. Notwithstanding this, and as I have already noted, there is no dispute that the breach in respect of the caravan has occurred. The appeal was made on the basis that the caravan was the subject of the ground (f) and (g) appeal. Although the appellant’s proofs of evidence and oral evidence given at the inquiry does not progress this, the ground (f) and (g) appeal in respect of the caravan was not formally withdrawn. I have, therefore, determined these grounds of appeal as follows.
300. A ground (f) appeal is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control. The purpose of the notice is to remedy the breach of planning control. I note the appellant’s initial case, that the accommodation is required for a farm manager. This would form the basis of a ground (a) appeal for the accommodation, but such an appeal has not been made. The merits of the

accommodation as a farm manager's accommodation cannot be considered within a ground (f) appeal. The lesser steps suggested by the appellant would result in the retention and continued use of the accommodation and would not, therefore, remedy the breach.

301. Having regard to both the nature of the breach and requirements of the notice, no other steps that would achieve the purpose of remedying the breach are obvious to me. On this basis I can only conclude that the steps required in the notice are necessary and proportionate. For these reasons, the appeal under ground (f) should fail.
302. Turning to ground (g), as I note above, at the time of my first site visit the accommodation did not appear to be in use and there is no suggestion that its use has recommenced since. As such, all that is required is the removal of the caravan from the appeal site. I have been given no reason to conclude that 4 months is not a reasonable period to achieve this. For this reason, the ground (g) appeal should fail.

Overall Conclusion – Appeal A

303. For the reasons given above, I conclude that the appeal on ground (b) must succeed and that the notice should be corrected in the manner set out in the section of this decision on the notice and ground (b). Having regard to these corrections, I conclude that the appeal on ground (c) should fail, but that the appeal on ground (a) should succeed in part only. I shall grant planning permission for the material change of use to a mixed use, as described in the notice (once corrected as I intend), and refuse to grant planning permission in respect of the other part of the matters. The requirements of the notice, including those that require the cessation of the mixed use and the removal of the iglu pod, will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of section 180 of the 1990 Act.
304. In these circumstances, the appeal on grounds (f) and (g) do not fall to be considered insofar as they relate to the mixed use. Otherwise, for the reasons given, I conclude that the appeal on grounds (f) and (g) should fail.

Overall Conclusion – Appeal B

305. For the reasons given above, the appeal should be allowed.

Formal Decision – Appeal A

306. It is directed that the enforcement notice is corrected and varied by:

- The addition to the notice of the plan annexed to this decision and labelled "Plan 2";
- From part 3 of the notice, the deletion of the words:

"Without planning permission, the material change of use of the Land from a mixed use of agriculture, three dwelling houses and one holiday let to a mixed use of agriculture, three dwelling houses, one holiday let, the stationing of a caravan for residential occupation and events (including wedding events). The caravan is shown in the attached photograph entitled "Notice Photograph 1".

Without planning permission, operational development integral to the use of the Land for events (including wedding events) comprising the erection of a building in the approximate location within the Land annotated with a blue circle on the attached plan entitled "Notice Plan" and shown in the attached photograph entitled "Notice Photograph 2".

And their substitution with the words:

"Without planning permission, the material change of use of the Land from a use of part of the Land as a dwellinghouse with ancillary staff accommodation and occasional ancillary holiday accommodation within the dwellinghouse, and a use of the reminder of the Land for the purposes of agriculture to:

- (1) a use for the siting of a caravan and its use for residential accommodation in the yard area marked with an "A" on the plan attached to this notice and labelled "Plan 2"; and
- (2) a mixed use as a dwellinghouse and for the holding of events on the land and buildings hatched on Plan 2; a use which includes:
 - occasional ancillary holiday and event accommodation within the dwellinghouse; and
 - the siting of a timber clad unit ("the iglu pod") in the location marked with a "B" on Plan 2 and its use for ancillary residential accommodation, including holiday and event accommodation."
- From part 5 1) of the notice, the deletion of the words "stationing of a caravan for residential occupation" and their replacement with the words "siting of a caravan and its use for residential accommodation";
- From part 5 2) of the notice, the deletion of the words "events (including wedding events)" and their replacement with the words "a mixed use as a dwellinghouse and for the holding of events"; and
- From part 5 3) of the notice, the deletion of the words "Demolish the building and remove all resultant material" and their replacement with the words "Remove the iglu pod".

307. Subject to these corrections and variations, the appeal is allowed insofar as it relates to the material change of use to a mixed use and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act for the material change of use of the land hatched on Plan 2 to a mixed use as a dwellinghouse and for the holding of events; a use which includes (1) occasional ancillary holiday and event accommodation within the dwellinghouse; and (2) the siting of a timber clad unit ("the iglu pod") in the location marked with a "B" on Plan 2 and its use for ancillary residential accommodation, including holiday and event accommodation, at Euridge Manor Farm, Euridge, Colerne, Wiltshire SN14 8BJ, subject to the conditions in the attached schedule.

308. The appeal is otherwise dismissed, the enforcement notice is upheld as corrected and varied, and planning permission is refused for the material change of use to a use for the siting of a caravan and its use for residential accommodation in the

yard area marked with an “A” on Plan 2 at Euridge Manor Farm, Euridge, Colerne, Wiltshire SN14 8BJ on the application deemed to have been made under section 177(5) of the 1990 Act.

Formal Decision – Appeal B

309. The appeal is allowed and planning permission is granted for the use of land and buildings for events, retention of caravan as accommodation for event guests, formation of new access track for agricultural and events use, formation of new passing place, together with associated landscaping – part retrospective at Euridge Manor, Euridge, Colerne, Wiltshire SN14 8BJ in accordance with the terms of the application, Ref PL/2022/07202, and the plans submitted with it, subject to the conditions in the attached schedule.

J Moss

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Charles Streeten	Counsel – Francis Taylor Building
John Robinson	Appellant
Aled Roderick BSC. MCIHT	Turner Jomas & Associates Ltd
Christopher Enderby Dip L.A. CMLI	Enderby Associates Ltd
Noah Derrington	DPA Lighting Consultants
Aaron Tomlinson BEng(Hons) MIOA	SLR Consulting Limited
Benjamin Pearce MA(T&CP)	Land Development and Planning Consultants Ltd
Julian Arthur CEcol MCIEEM CEnv	Tyler Grange Group Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Phillip Robson	Counsel - Kings Chambers
Daniel Tyrrell MRTPI	Wiltshire Council
Nicola Tilley BachTech	Wiltshire Council
David Jones MRTPI MRICS	Evans Jones Ltd on behalf of Wiltshire Council
Stephen Gosling BEng (Hons) MIOA	24 Acoustics Ltd on behalf of Wiltshire Council
MAES FRSA	

INTERESTED PERSONS:

Cllr Mathew	Wiltshire Council
Jane Mellett	Colerne Parish Council
Dr Laura Henton	Interested Party
Mr Turner	Interested Party
Mr Brzezicki	Interested Party
Tim Knight	Interested Party
Mr Rogers	Interested Party
Mr Wood	Interested Party
Tom King	Interested Party
Mr Atherton	Interested Party
Mr Spearman	Interested Party
Mr Jon Toogood	Interested Party
Mrs Legg	Interested Party
Hilary Lavender	Interested Party
Mr Holloway	Interested Party
Mr Monteith	Interested Party
Mr Vaughan	Interested Party

INQUIRY DOCUMENTS

Submitted during the first sitting session:

- ID1 Main Statement of Common Ground V 13 - 19/04/2024
- ID2 Highways Statement of Common Ground – April 2024
- ID3 Facebook messages from Laura Josephine Henton
- ID4 Messages via various platforms

- ID5 Email from Sarah Toogood to Damaris Broad – 10/04/2023
- ID6 Site visit itinerary and plan
- ID7 Audio file from the Council – submitted by email on 24/04/2024
- ID8 Audio file from Dr Henton – submitted by email on 24/04/2024
- ID9 Colerne Parish Council – written version of representations to the inquiry
- ID10 Mike Turner – written version of representations to the inquiry
- ID11 Laura Henton – written version of representations to the inquiry
- ID12 Tim Knight – written version of representations to the inquiry
- ID13 Michael Rogers - written version of representations to the inquiry
- ID14 Councillor Matthew - written version of representations to the inquiry
- ID15 Charles Atterton – written version of representations to the inquiry
- ID16 Mr Brezezick – written version of representations to the inquiry

Submitted during the second sitting session:

- ID17 Hilary Lavender – written version of representations to the inquiry
- ID18 Ms Legg – map extract and photograph
- ID19 Mr Toogood – written version of representations to the inquiry and audio recordings
- ID20 Plans relating to planning application reference PL/2023/10982
- ID21 Technical note prepared by Turner Jomas & Associates dated 20/11/2024
- ID22 Decision Notice for planning application reference 96.01193.F
- ID23 Copy of Ms Broad (Council) notes
- ID25 Ecology statement of common ground – agreed version

Submitted during the third sitting session and after the close of the inquiry:

- ID26 Witness statement of Alice Grochowska
- ID27 Annotated extract of Mr Gosling's proof of evidence
- ID28 Additional enforcement notice plan

Appeal A - Schedule of Conditions

1. No more than 50 events shall take place at the site in any calendar year. For the purposes of this planning permission, an 'event' is defined as a gathering held on commercial terms of any number of guests with or without a ceremony, including (but not limited to) the provision of a drinks reception, food, speeches, live and recorded music, and/or other forms of entertainment. An event held by the same individual or party over a 48 hour period shall be regarded as a single event.
2. The number of attendees (excluding serving staff) at any event (as defined in condition 1) shall not exceed 150. Where more than one event is held at any one time, the total number of attendees at both events shall not exceed 150.
3. The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 30 days of the date of failure to meet any one of the requirements i) to iv) set out below:
 - i. Within 1 month of the date of this decision a revised noise management plan ("NMP") shall be submitted to the local planning authority for its written approval.
 - ii. If within 3 months of the date of this decision the local planning authority refuse to approve the NMP or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii. If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted NMP shall have been approved by the Secretary of State.
 - iv. The use hereby permitted shall be carried out in accordance with the approved NMP or in accordance with any subsequent amended version of the NMP approved via the means specified in condition 4.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

4. In the event that a review of the noise management plan ("NMP") approved by reason of condition 3, carried out in accordance with that condition, identifies a need for the NMP to be amended, the use hereby permitted shall cease within 30 days of the date of failure to meet any one of the requirements i) to iv) set out below:
 - i. Within 1 month of the date of the review an amended NMP shall be submitted to the local planning authority for its written approval.
 - ii. If within 2 months of the date of the submission of an amended NMP the local planning authority refuse to approve the amended version or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- iii. If an appeal is made in pursuance of ii. above, that appeal shall have been finally determined and the submitted amended version of the NMP shall have been approved by the Secretary of State.
 - iv. The use hereby permitted shall be carried out in accordance with the approved amended version of the NMP.
5. Until a revised noise management plan has been submitted and approved in accordance with the terms of condition 3, the development hereby permitted shall be carried out in accordance with the noise management plan revision 10, dated 25 October 2024.
6. The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 30 days of the date of failure to meet any one of the requirements set out in i) to vii) below:
- i. Within 3 months of the date of this decision a timetable for the completion of the access track hereby permitted, including the works at the junction of the track with Thickwood Lane, shall have been submitted to the local planning authority for its written approval.
 - ii. Within 3 months of the date of this decision a timetable for the completion of the landscaping of the access track and adjoining areas shall have been submitted to the local planning authority for its written approval.
 - iii. Within 3 months of the date of this decision a timetable for the completion of the works to Euridge Lane hereby permitted shall have been submitted to the local planning authority for its written approval.
 - iv. Within 3 months of the date of this decision a scheme of materials, finished levels and the landscaping of the access track and adjoining areas shall have been submitted to the local planning authority for its written approval. The scheme shall include:
 - a. full construction and surfacing details of the track;
 - b. finished levels and contours of the track;
 - c. location and current canopy spread of all existing trees and hedgerows on the land;
 - d. full details of any trees, hedgerow and other planting to be retained;
 - e. details of all new planting, including plant species, plant sizes and planting densities;
 - f. any means of enclosure; and
 - g. the retention of any historic landscape features and proposed restoration, where appropriate.
 - v. If within 6 months of the date of this decision the local planning authority refuse to approve the timetables and scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - vi. If an appeal is made in pursuance of v) above, that appeal shall have been finally determined and the submitted timetables and scheme shall have been approved by the Secretary of State.
 - vii. The completion of the works on Euridge Lane, the access track, works at the junction of the track with Thickwood Lane, and the associated landscaping in accordance with:
 - a. the approved scheme;

- b. the approved timetables;
- c. drawing number LDC.2272K 02C Location Plan;
- d. drawing number LDC.2272K 07C Passing Place Detail
- e. drawing number LDC.2272K 13A Access and Estate Gate Detail;
- f. drawing number LDC.2272K 14 Indicative Details;
- g. 475/06 C 'Plan 6' Proposed Access Track; and
- h. the Visual Assessment of Enderby Associates Dated August 2022

Upon completion of the access track in accordance with the approved scheme and the details specified in this condition, the track shall thereafter be retained for so long as the use hereby permitted continues.

Any trees or plants comprised in the landscaping scheme which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

7. Upon completion of the access track and the works at the junction of the track with Thickwood Lane in accordance with the approved scheme and the details specified in condition 6, the track shall be used by all vehicles associated with an event, as defined in condition 1, as the only means of leaving the site (Euridge Manor).
8. Upon completion of the access track and the works at the junction of the track with Thickwood Lane in accordance with the approved scheme and the details specified in condition 6, the vision splay shown on drawing number LDC.2272K 13A 'Access and Estate Gate Detail' shall thereafter be retained and maintained free from obstruction above a height of 900mm measured from the level of the nearside carriageway.
9. Surface water from the access track shall not drain onto the adopted highway.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected at the junction of the access track with Thickwood Lane, other than in the position of gates and fencing shown on drawing number LDC.2272K 13A 'Access and Estate Gate Detail'.
11. The materials and appearance of the repositioned wall on Euridge Lane (as shown on drawing number LDC.2272K 07C Passing Place Details) shall match those of the boundary wall with the highway in the location of these works.
12. During all events (as defined in condition 1) the parking and turning areas shown on plan number LDC.2272K 05C 'Site Plan Car Park' shall not be used for any purpose other than for the parking of vehicles associated with the event.
13. The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 30 days of the date of failure to meet any one of the requirements set out in i) to iv) below:

- i. Within 1 month of the date of this decision a revised Travel Plan shall be submitted to the local planning authority for its written approval.
- ii. If within 3 months of the date of this decision the local planning authority refuse to approve the revised travel plan, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii. If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted travel plan shall have been approved by the Secretary of State.
- iv. The use of the site hereby permitted in accordance with the approved travel plan.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 14.** Save for the mitigation works set out in the 'Mitigation and Enhancement Strategy in respect of Lesser Horseshoe Bats' revision b dated March 2024 (the Strategy), the development hereby permitted shall be carried out in accordance with the mitigation measures for bats set out in the Strategy or as modified by any Natural England European Protected Species Mitigation licence for the site for bats.
- 15.** Within one month of the date of this decision a timetable for the implementation of the mitigation works specified in the 'Mitigation and Enhancement Strategy in respect of Lesser Horseshoe Bats' revision b dated March 2024 shall be submitted to the local planning authority for its written approval. Upon the approval of the timetable, the mitigation works shall be carried out in accordance with the approved timetable.
- 16.** All external lighting shall accord with and be used at all times in accordance with the 'Lighting Strategy & External Detailed Lighting Design' Rev E dated April 2024.
- 17.** Fireworks, pyrotechnics and sky lanterns (whether noise generating or not) shall not be used at any time during an event, as defined in condition 1.
- 18.** None of the types of event lighting specified in the 'Event Lighting Restrictions' section at page 13 of the 'Lighting Strategy & External Detailed Lighting Design' Rev E dated April 2024 shall be used at any time during an event, as defined in condition 1.
- 19.** No person(s) shall occupy the holiday/event accommodation provided within the 'iglu pod' hereby permitted for a continuous period of more than 14 days in any calendar year and it shall not be reoccupied by the same person(s) within 28 days following the end of that period.
- 20.** The owners or operators of the site shall maintain an up-to-date register of the names of all occupiers of the holiday/event accommodation (the 'iglu pod') and of their main home addresses and shall make such information available at all reasonable times to the Local Planning Authority.

Appeal B - Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documentation:
 - LDC.2272K 01C Context Plan
 - LDC.2272K 02C House & Track Location Plan
 - LDC.2272K 03A Passing Place Location Plan
 - LDC.2272K 04C House Site Plan
 - LDC.2272K 05C Car Park Site Plan
 - LDC.2272K 06B Passing Place Site Plan.
 - LDC.2272K 07C Passing Place Detail.
 - LDC.2272K 08B Location Plan House & Track 21st March 2023.
 - LDC.2722K 09 Iglu pod detail 10th October 2022;
 - LDC.2722K 10A Marquee 01 detail ('the petal marquee') 10th October 2022;
 - LDC.2722K 11A Marquee 02 detail ('the kitchen tent') 10th October 2022;
 - LDC.2722K 12 Toilet unit details 10th October 2022;
 - LDC.2722K 13A Access and estate gate detail 10th October 2022;
 - LDC.2722K 14 Indicative details 10th October 2022;
 - C10072-EX-LCP Rev C DPA Lighting Consultants 2nd October 2022
 - C10072-EX-LLP Rev C DPA Lighting Consultants 2nd October 2022
2. No more than 50 events shall take place at the site in any calendar year. For the purposes of this planning permission, an 'event' is defined as a gathering held on commercial terms of any number of guests with or without a ceremony, including (but not limited to) the provision of a drinks reception, food, speeches, live and recorded music, and/or other forms of entertainment. An event held by the same individual or party over a 48 hour period shall be regarded as a single event.
3. The number of attendees (excluding serving staff) at any event (as defined in condition 2) shall not exceed 150. Where more than one event is held at any one time, the total number of attendees at both events shall not exceed 150.
4. The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 30 days of the date of failure to meet any one of the requirements i) to iv) set out below:
 - i. Notwithstanding the details submitted, within 1 month of the date of this decision a revised noise management plan ("NMP") shall be submitted to the local planning authority for its written approval.
 - ii. If within 3 months of the date of this decision the local planning authority refuse to approve the revised NMP or fail to give a decision within the

prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- iii. If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted NMP shall have been approved by the Secretary of State.
- iv. The use hereby permitted shall be carried out in accordance with the approved NMP or in accordance with any subsequent amended version of the NMP approved via the means specified in condition 5.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

5. In the event that a review of the noise management plan ("NMP") approved by reason of condition 4, carried out in accordance with that condition, identifies a need for the NMP to be amended, the use hereby permitted shall cease within 30 days of the date of failure to meet any one of the requirements i) to iv) set out below:
 - i. Within 1 month of the date of the review an amended NMP shall be submitted to the local planning authority for its written approval.
 - ii. If within 2 months of the date of the submission of an amended NMP the local planning authority refuse to approve the amended version or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii. If an appeal is made in pursuance of i) above, that appeal shall have been finally determined and the submitted amended version of the NMP shall have been approved by the Secretary of State.
 - iv. The use hereby permitted shall be carried out in accordance with the approved amended version of the NMP.
6. Until a revised noise management plan has been submitted and approved in accordance with the terms of condition 4, the development hereby permitted shall be carried out in accordance with the noise management plan revision 10, dated 25 October 2024.
7. The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 30 days of the date of failure to meet any one of the requirements set out in i) to vii) below:
 - i. Within 3 months of the date of this decision a timetable for the completion of the access track hereby permitted, including the works at the junction of the track with Thickwood Lane, shall have been submitted to the local planning authority for its written approval.
 - ii. Within 3 months of the date of this decision a timetable for the completion of the landscaping of the access track and adjoining areas shall have been submitted to the local planning authority for its written approval.

- iii. Within 3 months of the date of this decision a timetable for the completion of the works to Euridge Lane hereby permitted shall have been submitted to the local planning authority for its written approval.
- iv. Within 3 months of the date of this decision, and notwithstanding the details already submitted, a scheme of materials, finished levels and the landscaping of the access track and adjoining areas shall have been submitted to the local planning authority for its written approval. The scheme shall include:
 - a. full construction and surfacing details of the track;
 - b. finished levels and contours of the track;
 - c. location and current canopy spread of all existing trees and hedgerows on the land;
 - d. full details of any trees, hedgerow and other planting to be retained;
 - e. detailed of all new planting, including plant species, plant sizes and planting densities;
 - f. any means of enclosure; and
 - g. the retention of any historic landscape features and proposed restoration, where appropriate.
- v. If within 6 months of the date of this decision the local planning authority refuse to approve the timetable and scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- vi. If an appeal is made in pursuance of v) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- vii. The completion of the works on Euridge Lane, the access track, the works at the junction of the track with Thickwood Lane, and the associated landscaping in accordance with:
 - a. the approved scheme;
 - b. the approved timetables;
 - c. drawing number LDC.2272K 02C Location Plan;
 - d. drawing number LDC.2272K 07C Passing Place Detail
 - e. drawing number LDC.2272K 13A Access and Estate Gate Detail;
 - f. drawing number LDC.2272K 14 Indicative Details;
 - g. 475/06 C 'Plan 6' Proposed Access Track; and
 - h. the Visual Assessment of Enderby Associates Dated August 2022

Upon completion of the access track in accordance with the approved scheme and the details specified in this condition, the track shall thereafter be retained for so long as the use hereby permitted continues.

Any trees or plants comprised in the landscaping scheme which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

8. Upon completion of the access track and the works at the junction of the track with Thickwood Lane in accordance with the approved scheme and the details specified in condition 7, the track shall be used by all vehicles associated with an event, as defined in condition 2, as the only means of leaving the site (Euridge Manor).
9. Upon completion of the access track and the works at the junction of the track with Thickwood Lane in accordance with the approved scheme and the details specified in condition 7, the vision splay shown on drawing number LDC.2272K 13A 'Access and Estate Gate Detail' shall thereafter be retained and maintained free from obstruction above a height of 900mm measured from the level of the nearside carriageway.
10. Surface water from the access track shall not drain onto the adopted highway.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected at the junction of the access track with Thickwood Lane, other than in the position of gates and fencing shown on drawing number LDC.2272K 13A 'Access and Estate Gate Detail'.
12. The materials and appearance of the repositioned wall on Euridge Lane (as shown on drawing number LDC.2272K 07C Passing Place Details) shall match those of the boundary wall with the highway in the location of these works.
13. During all events (as defined in condition 2) the parking and turning areas shown on plan number LDC.2272K 05C 'Site Plan Car Park' shall not be used for any purpose other than for the parking of vehicles associated with the event.
14. The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 30 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i. Notwithstanding the submitted details, within 1 months of the date of this decision a revised Travel Plan shall be submitted to the location planning authority for its written approval.
 - ii. If within 3 months of the date of this decision the local planning authority refuse to approve the revised travel plan, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii. If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted travel plan shall have been approved by the Secretary of State.
 - iv. The use of the site hereby permitted in accordance with the approved travel plan.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 15.** Save for the mitigation works set out in the 'Mitigation and Enhancement Strategy in respect of Lesser Horseshoe Bats' revision b dated March 2024 (the Strategy), the development hereby permitted shall be carried out in accordance with the mitigation measures for bats set out in the Strategy or as modified by any Natural England European Protected Species Mitigation licence for the site for bats.
- 16.** Within one month of the date of this decision a timetable for the implementation of the mitigation works specified in the 'Mitigation and Enhancement Strategy in respect of Lesser Horseshoe Bats' revision b dated March 2024 shall be submitted to the local planning authority for its written approval. Upon the approval of the timetable, the mitigation works shall be carried out in accordance with the approved timetable.
- 17.** All external lighting shall accord with and be used at all times in accordance with the approved 'Lighting Strategy & External Detailed Lighting Design' Rev E dated April 2024.
- 18.** Fireworks, pyrotechnics and sky lanterns (whether noise generating or not) shall not be used at any time during an event, as defined in condition 2.
- 19.** None of the types of event lighting specified in the 'Event Lighting Restrictions' section at page 13 of the 'Lighting Strategy & External Detailed Lighting Design' Rev E dated April 2024 shall be used at any time during an event, as defined in condition 2.
- 20.** No person(s) shall occupy the holiday/event accommodation provided within the 'iglu pod' hereby permitted for a continuous period of more than 14 days in any calendar year and it shall not be reoccupied by the same person(s) within 28 days following the end of that period.
- 21.** The owners or operators of the site shall maintain an up-to-date register of the names of all occupiers of the holiday/event accommodation (the 'iglu pod') and of their main home addresses and shall make such information available at all reasonable times to the Local Planning Authority.



Planning Inspectorate

Plan

This is the plan referred to in my decision dated: 22 May 2025

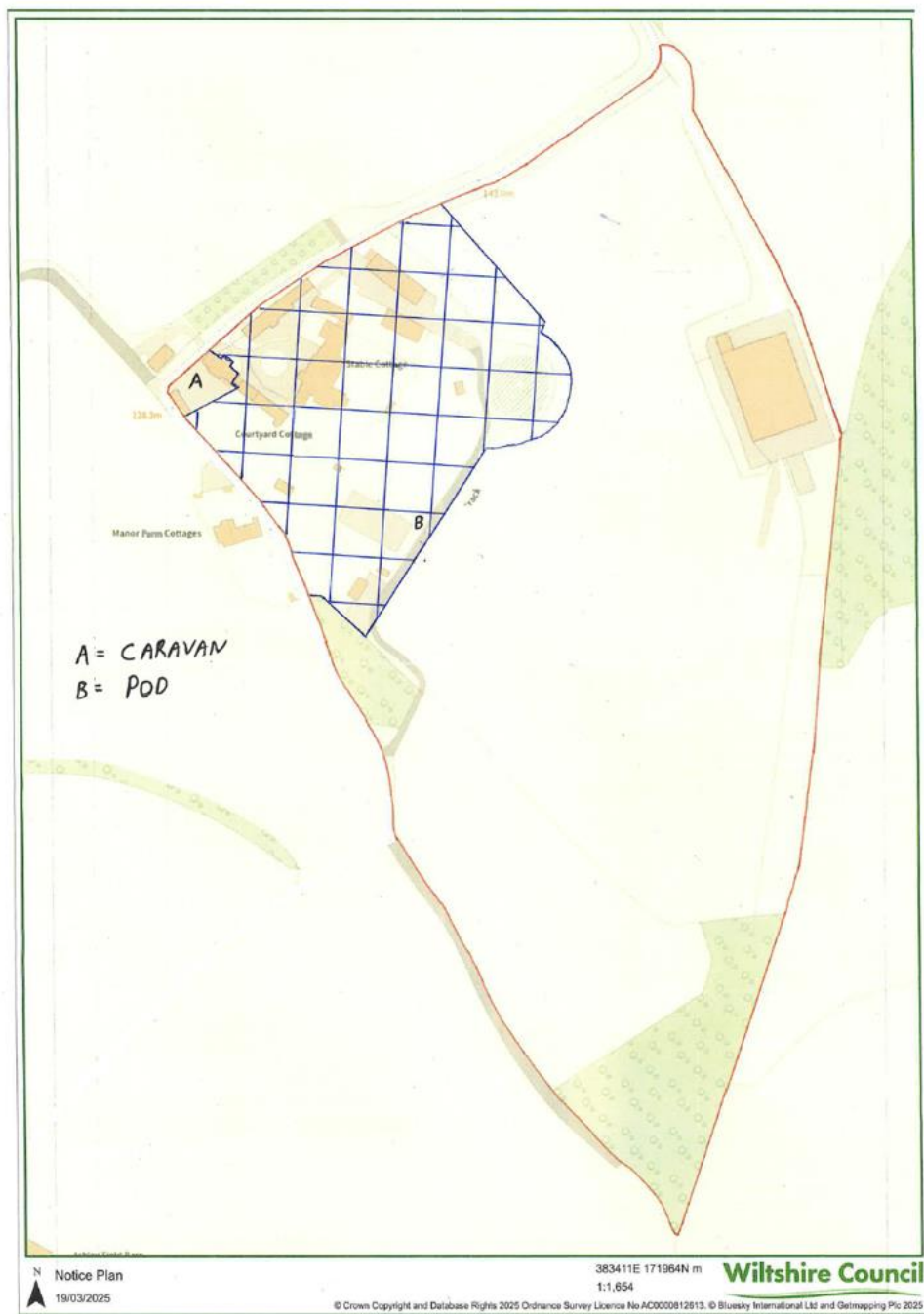
by J Moss BSc (Hons) DipTP MRTPI

Land at: Land at Euridge Manor Farm, Euridge, Colerne, Wiltshire SN14 8BJ

References: APP/Y3940/C/22/3306233 and APP/Y3940/W/23/3323464

Not to scale

Plan 2





Costs Decision

Inquiry held on 23, 24 and 30 April 2024; 1 May 2024; 25, 26 and 28 November 2024; and 19 to 21 March 2025

Site visits made on 30 April 2024 and 20 March 2025

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Costs application in relation to Appeal A Ref: APP/Y3940/C/22/3306233

Land at Euridge Manor Farm, Euridge, Colerne, Wiltshire SN14 8BJ

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr John Robinson for a full award of costs against Wiltshire Council.
 - The inquiry was in connection with an appeal against an enforcement notice alleging the material change of use of land to a mixed use and the erection of a building.
-

Appeal B Ref: APP/Y3940/W/23/3323464

Land at Euridge Manor, Euridge, Colerne, Wiltshire SN14 8BJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr John Robinson for a full award of costs against Wiltshire Council.
 - The inquiry was in connection with an appeal against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the use of land and buildings for events, retention of caravan as accommodation for event guests, formation of new access track for agricultural and events use, formation of new passing place, together with associated landscaping.
-

Decision

1. The application for a partial award of costs is allowed in the terms set out below.

The Submissions

2. Whilst an application for a full award of costs is sought, a partial award is sought in the alternative. The reasons given for the application are summarised as follows:
 - The Council's concession that the appeals could be entirely resolved by imposing conditions;
 - The Council's concession, that there is no evidential basis for a highways reason for refusal in this case, with the passing places proposed to be secured being beneficial but not a reason for refusal;
 - The Council's concession that noise impacts are capable of being resolved by way of condition;
 - The Council's failure to provide necessary information to the inquiry throughout, and the concomitant delay which resulted; and
 - The Council's late change of position in relation to the legal grounds and the Enforcement Notice.
3. I have had regard to the Council's response in reaching my decision.

Reasons

4. Paragraph 030 of the Planning Practice Guidance on Appeals (the PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
5. Paragraphs 047 and 049 of the PPG provides examples of unreasonable behaviour on the part of the local planning authority. I have noted the criteria of these paragraphs referred to by the costs applicant (the appellant) in his application.
6. In making his application, the appellant points in particular to certain concessions made by the Council's witnesses on the principle matters in dispute, including noise and highway safety. I note the evidence of the Council's witnesses on these matters and how their concessions were made during cross examination.
7. On the matter of noise, whilst the Council agreed that the development could be mitigated with conditions, this was more of an agreement in theory, rather than an agreement based on the evidence at the inquiry. In my judgement, the Council case gave robust reasons for the position it took and, as a result, my decision was finely balance. Indeed, the matters in dispute were particularly technical and, without doubt, required testing in the forum of the inquiry. Having heard this evidence, I have found in favour of the appellant and have concluded that the evidence demonstrates that the adverse effects can be mitigated and that the conditions I have imposed would not result in a further wholesale assessment of the impacts of the development. Nevertheless, I do not consider the Council to have behaved unreasonably in taking the position it has on both the principle of the development and its effect with regard to noise.
8. Turning to the noise evidence collected by the Council, there were two requests during the course of the inquiry for a summons of this evidence. With regard to the data subject of the first request, I can see that the appellant was aware of the noise monitoring undertaken by the Council well in advance of the start of the inquiry. The appellant's request for it was delayed. Nevertheless, the Council's resistance to provide it could be regarded as unreasonable, particularly as it was likely to be relevant to the inquiry. However, the request for it was refused. Whilst some time was spent at the inquiry on the request, on the whole, I cannot conclude that this has resulted in unnecessary or wasted expense.
9. As for the second request, the Council undertook the subject monitoring during the adjournment of the inquiry, in the summer months of 2024. The Council provided an updated proof of evidence that assessed the data collected and has, therefore, relied on this during the inquiry. I was given two addendum proofs of evidence from the Council that each refer to this. These are dated October and November 2024. I can see that the data relied on in the addendum proofs of evidence was requested by the appellant and some data was provided by the Council between the preparation of each version of the addendum. Whilst I acknowledge that this evidence has been provided late in the proceedings, I do not think the Council unreasonable to have collected this additional evidence between the inquiry sitting sessions, particularly as events continued to be held at the appeals site. Furthermore, I can see no delay in the Council providing some of the data collected prior to the commencement of the second sitting session.

10. Notwithstanding this, at the second sitting session of the inquiry the second request was made for the disclosure of more of the monitoring data collected. This was resisted by the Council.
11. I was told that the data collected during the summer of 2024 would be of more use to the inquiry than that collected previously, which is evident from the Council's reliance on it. I was also advised that it would be easier to review the data prior to its disclosure, unlike the data subject of the first request. In view of this, I do regard the Council's resistance to the disclosure of more of the evidence it had collected during that summer period to be a demonstration of unreasonable behaviour. Whilst it may have been the case that the extracts of monitoring relied on by the Council had already been given to the appellant on request, the Council's lack of cooperation with regard to the disclosure of more of this monitoring data demonstrates a lack of candour on the part of the Council. The resources of the appellant needed to assess the further evidence subsequently released, following my second ruling in the inquiry, results from the unreasonable behaviour of the Council. It must, therefore, be regarded as unnecessary and wasted expense in the appeal process.
12. On the matter of highway safety, my recollection of the evidence is not that the Council made such a clear concession, as suggested by the appellant. I found the Council's evidence to be robust in its suggestion that, despite the lack of any incidents of personal injury on the highway network, the proposed works to the local highway network were necessary to make the development acceptable. I did not find the Council's case, including that regard should be had to the geometry of the local highway network, contrary to the relevant Planning Practice Guidance and the National Planning Policy Framework. Whilst not sufficient to persuade me, the Council's evidence highlighted deficiencies in the local highway network that were important for me to consider in my determination of the appeals.
13. On the matter of the retrospective condition, I note that the position taken by the Council on this matter changed during the course of the appeals. However, it is right that a party should reflect on its case at all stages of the appeal. The Council has demonstrated that it has done this, although I acknowledge that this was only after the commencement of the inquiry. Nevertheless, even if the Council had changed its position on this matter prior to the commencement of the inquiry and the preparation of evidence, it would not have negated the need for me to have both written and oral evidence on the matter of highway safety. I say this, having regard to the lack of agreement between the parties on the need for the off-site highway works.
14. In view of the above, I cannot agree with the appellant, that the Council failed to produce evidence to substantiate its position in this case; that its evidence about the effect of the development on highway safety was vague, generalised or inaccurate; or that its change in position with regard to a retrospective condition demonstrates unreasonable behaviour that has resulted in unnecessary or wasted expense.
15. With regard to the Council's case as it relates to the iglu pod, I cannot regard the Council's case on this to be so hopeless as to render its defence of it to be unreasonable. Whilst the Council could have more carefully analysed the legislation and caselaw as it relates to caravans and what is a building, it did raise matters that cast some doubt on the appellant's case. Indeed, some judgement

was required in my determination of this element of the appeal. On the whole, I cannot regard the Council's case with regard to the iglu pod to be an example of unreasonable behaviour.

16. As for the Council's approach to the material change of use, whilst I found the notice to be defective in this regard, it was not so hopeless as to render it a nullity. Indeed, it was necessary for me to hear **all** evidence on the matter of the allegation of a material change of use, including that of the Council, before I was able to conclude on ground (b) and on how the notice could be corrected. I acknowledge that the evidence given to the inquiry by the Council's enforcement witness was, in some respects, misguided. Nevertheless, without it there was still some substance to the Council's case against the legal grounds of appeal.
17. I also note that a planning contravention notice was issued prior to the issue of the enforcement notice, subject of Appeal A. The Council clearly took steps to correctly identify the breach of planning control that had occurred, and the allegation as put in the notice reflects the response given by the appellant in the completed planning contravention notice.
18. All of this considered, I cannot regard the Council's defence of the legal grounds of appeal as they relate to the allegation of a material change of use to be a demonstration of unreasonable behaviour.
19. To conclude, unreasonable behaviour resulting in unnecessary or wasted expense during the appeals process has been demonstrated in respect of the lack of cooperation on the part of the Council in the disclosure of noise monitoring data. Accordingly, a partial award for costs is justified only with regard to this matter.
20. With regard to the remaining elements of the appellant's costs application, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated.

Costs Order

21. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Wiltshire Council shall pay to Mr John Robinson, the costs of the appeals proceedings described in the heading of this decision limited to those costs incurred in the time spent by the costs applicant in assessing and dealing at the inquiry with the noise data released by Wiltshire Council to the costs applicant, following the Ruling given at the inquiry on 28 November 2024; such costs to be assessed in the Senior Courts Costs Office if not agreed.
22. The applicant is now invited to submit to Wiltshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

J Moss

INSPECTOR



Costs Decision

Inquiry held on 23, 24 and 30 April 2024; 1 May 2024; 25, 26 and 28 November 2024; and 19 to 21 March 2025

Site visits made on 30 April 2024 and 20 March 2025

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Costs application in relation to Appeal A Ref: APP/Y3940/C/22/3306233

Land at Euridge Manor Farm, Euridge, Colerne, Wiltshire, SN14 8BJ

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Wiltshire Council for a partial award of costs against Mr John Robinson.
 - The inquiry was in connection with an appeal against an enforcement notice alleging the material change of use of land to a mixed use and the erection of a building.
-

Appeal B Ref: APP/Y3940/W/23/3323464

Land at Euridge Manor, Euridge, Colerne, Wiltshire SN14 8BJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr John Robinson for a partial award of costs against Wiltshire Council.
 - The inquiry was in connection with an appeal against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the use of land and buildings for events, retention of caravan as accommodation for event guests, formation of new access track for agricultural and events use, formation of new passing place, together with associated landscaping.
-

Decision

1. The application for a partial award of costs is allowed in the terms set out below.

The Submissions

2. The reasons given by the costs applicant (the Council) for the costs application are summarised as follows:
 - The late submission of evidence on ecology that meant the Council had to produce evidence that was unnecessary;
 - The late withdrawal of the appeal against the refusal of an agricultural workers dwelling that resulted in the Council incurring the wasted cost through the instruction of an agricultural advisor;
 - the appellant's late request for disclosure of noise data dated 1 May 2024 that was rejected by the Inspector but resulted in a lengthy adjournment and wasted costs; and
 - The withdrawal of the ground (c) appeal in relation to the allegation of the mixed use during the inquiry.

3. I have had regard to the appellant's response in reaching my decision.

Reasons

4. Paragraph 030 of the Planning Practice Guidance on Appeals (the PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
5. Paragraphs 052 and 053 of the PPG provides examples of unreasonable behaviour on the part of the appellant. I have noted the criteria of these paragraphs referred to by the Council in making its application.
6. The Council says that, as the evidence necessary to reach an agreed position on the matter of ecology was submitted by the appellant late in the proceedings, it incurred unnecessary and wasted expense in the preparation of evidence on the matter of ecology.
7. As part of the planning application subject of Appeal B, the Council says that, in October 2022, it advised the appellant in writing that the ecology evidence was deficient in certain respects, and that further evidence was necessary. This is not disputed by the appellant. I can see that an additional request was made of the appellant in January 2023; this was for updated survey information for Barn Owl. The appellant responded to this in March 2023 which resolved some issues, including the Barn Owl matter. In May 2023 the Council say that further information regarding bats was requested 'again'.
8. Appeal B was made in June 2023, at which time the appellant would not have been in any doubt with regard to what evidence was needed on the matter of bats. Despite this, I can see that a bat survey was not undertaken until October 2023, which is some 12 months after the Council had set out its concerns regarding the evidence as it relates to bats. Furthermore, the survey report was not provided until January 2024 and the mitigation and enhancement strategy was not provided until March 2024. Despite having sight of the bat survey report a few weeks prior to the deadline for the submission of proofs of evidence, and the mitigation and enhancement strategy within days of this deadline, the Council were justified in taking a precautionary approach in preparing and submitting an ecology proof of evidence for the inquiry. Indeed, the Council did not have the comments of Natural England until after this deadline.
9. Whilst I understand that time is needed to undertake ecology surveys, I have been given no reason to justify the substantial delay in this case. I am not persuaded that there was a difference on judgement. Also, the appellant does not suggest that the requests made of him in the email exchanges between the parties, prior to the formal consultation response in January 2023, were in any way ambiguous as to what was required. Such discussions are common place in the process of a planning application, and should be regarded as directions, or at the very least a clear steer, as to the information necessary for the Council to consider a planning application favourably.
10. For the reasons given above, I can only conclude that the appellant behaved unreasonably in his delay in providing the necessary information on the matter of ecology. The costs incurred in the Council's preparation of its ecology evidence is, therefore, an unnecessary and wasted expense in the appeal process.

11. With regard to the matter of the agricultural workers dwelling, I understand that this was the subject of a planning application reference PL/2022/08391. I note that an appeal was made in respect of this application in March 2023. Although there may have been an intention to link this appeal to those before me, that did not transpire. The two appeals I considered in this case were initially linked to the subsequently withdrawn appeal, reference APP/Y3940/W/22/3310513, which related to planning application reference PL/2021/07966. Neither this application, nor the application subject of Appeal B included an agricultural workers dwelling. The matter of appeal reference APP/Y3940/W/22/3310513 and its subsequent withdrawal is not, therefore, a matter before me. As such, the PPG advises that costs that are unrelated to the appeal or other proceeding are ineligible. Accordingly, whether or not the withdrawal of the above-mentioned appeal is a demonstration of unreasonable behaviour is not for me to consider.
12. Notwithstanding this, a caravan in the yard area close to the Euridge Manor complex is the subject of the Appeal A enforcement notice, which was made in September 2022. The ground (a) appeal on Appeal A had been made in respect of the caravan, and the parties agreed at the case management conference held in January 2024 that a main consideration in this case was whether there was an essential need for accommodation on site for a rural worker. Shortly after this agreement, this element of the appellant's case was withdrawn in January 2024.
13. The appellant was right to review his case during the appeal process, as all parties should. However, the appellant does not sufficiently justify why the review of his case, resulting in the withdrawal of this element of his appeal, took some 16 months from when the appeal was first made. As such, I can only regard this as unreasonable behaviour on the part of the appellant.
14. As for the evidence of the unnecessary or wasted expense incurred as a result of this, I cannot agree with the appellant's suggestion that 'there was no work for Mr Coke to do before the appeal was withdrawn'. The Council say that in May 2023 it instructed the agricultural advisor and that, from this time to the withdrawal of this element of the ground (a) appeal on Appeal A, he was required to prepare his evidence. Whilst there is no suggestion that a full proof of evidence had been prepared by the advisor at the time of the withdrawal, resources would have been used to employ the services of the advisor, give him the necessary instructions, and for him to begin the preparation of his evidence. The cost of these resources is unnecessary and wasted expense in the appeal process.
15. Turning to the request for the Council's noise monitoring data, whilst the appellant may have been aware that the Council had collected the data, it was not clear until the Council's noise rebuttal proof, dated 8 April 2024, that the data was to be relied upon in the Council's evidence. That the appellant had not requested it before then is not, in my judgement, unreasonable. Similarly, the request for the data at the inquiry, just two weeks after it was apparent that it was to be relied upon by the Council, does not amount to a late request for it. The issues with regard to the reliability of the data and the extent to which it was to be relied upon by the Council only became apparent upon the request for it by reason of the application under section 250 of the Local Government Act 1972. Accordingly, I cannot regard the appellant as having acted unreasonably in making the request for the data at the inquiry.

16. On the final matter of the appellant's concession on his ground (c) case, whilst withdrawn late in the proceedings, I do not regard this element of the appellant's case to have been made without foundation. As I have already said, the parties are encouraged to review their case at all stages of an appeal. Having heard all evidence relevant to this, the appellant is right to reflect on his case. Having done so, I cannot regard his behaviour as unreasonable.
17. To conclude, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has been demonstrated in respect of the delay in the submission of evidence on ecology, necessary for the determination of the appeals, and the late withdrawal of the element of the appellant's case on Appeal A that relates to the caravan and the need for accommodation on site for a rural worker. Accordingly, a partial award for costs is justified only with regard to these matters.
18. With regard to the remaining elements of the Council's costs application, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated.

Costs Order

19. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Mr John Robinson shall pay to Wiltshire Council, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in:
 - i. the time spent by Wiltshire Council in preparing for the inquiry on the matter of ecology, including the preparation of its proof of evidence on this matter; and
 - ii. the resources used to employ the services of an agricultural advisor, give him the necessary instructions, and for him to begin the preparation of his evidence;

such costs to be assessed in the Senior Courts Costs Office if not agreed.

20. The applicant is now invited to submit to Mr John Robinson, to whose agent a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

J Moss

INSPECTOR