

Luddesdown Parish Council

Please reply to: The Clerk
1 Reynolds Cottages, Henley Street
Luddesdown, Kent DA13 0XB

3rd June 2012

Mr A Tait
Governance & Law
Kent County Council
Sessions House
County Hall
Maidstone
Kent
ME14 1XQ

Dear Mr Tait

The Lost Village of Dode

Luddesdown Parish Council would like this letter and the papers enclosed to be considered at the meeting of the Regulation Committee Member Panel on June 15th 2012. It is our wish also to speak at the meeting.

We have in our letter to Sarah Manston dated January 30th 2012 set out reasons why we oppose the removal of any of the current restrictions and conditions relating to The Lost Village of Dode being licensed as a venue for ceremonies. We would like to put our objections in context with the history of the use of Dode for holding ceremonies. From our perspective the background to this latest application by Mr Chapman is as follows.

During the period of the first civil ceremony licence (August 1999 to August 2002) a lot of correspondence took place between Luddesdown Parish Council and Kent County Council over complaints from residents about the weddings. That licence did not restrict the number of weddings that could take place each year. Weddings were permitted to take place in any month of the year and on any day of the week. When the application for a new licence was heard by a Member Panel in March 2003 the panel did take account of the nuisance that this unrestricted position had caused local residents. It granted a new licence but imposed a number of new special conditions which included the following:

The number of ceremonies restricted to 30 a year.
Ceremonies may only be held on Thursdays, Fridays and Saturdays.
Ceremonies limited to one a day.
Ceremonies may only be held between April 1 and September 30.
The number of persons attending limited to 30.
No more than 10 vehicles allowed to attend the ceremony and must be parked on site.

Mr Chapman did appeal this decision. We wrote to you on July 11th 2003 to ask the Member Panel hearing the appeal to reject the appeal and to express our concern that if the conditions were removed then the nuisance suffered by local residents during the previous three years would be allowed to continue. A copy of this letter is attached as Exhibit A.

Although the Member Panel reviewing the special conditions did increase the number of persons permitted to attend ceremonies to 45 it stuck with the other restrictions imposed.

Following a review of the licence conditions in 2008 we ended up with the position that we have today in that the number of ceremonies permitted to take place in a year is 42 and ceremonies may now take place between April 1 and October 31 and also between 1 and 23 December.

In April 2009 the licence was renewed with the same special conditions. I have reviewed old correspondence on the Parish Council's files and it is worth noting that after the licence was issued in 2003 there continued to be some problems. These are referred to in a letter sent by the vice chairman of the Parish Council, Mr Paul Gillard to Mr Martin at Kent Highways services dated 10 February 2006. A copy of this letter is attached as Exhibit B. However, gradually over time things have settled down. This council therefore asks the Member Panel not to relax the conditions as requested by Mr Chapman as they have been working to reduce nuisance caused to local residents by the ceremonies taking place at Dode.

Dode is on a single entry lane approached by up to four miles of single track lanes with no official passing bays which are hazardous in themselves, let alone with the addition of increased traffic including minibuses and coaches on occasion. There are some blind bends which are made more hazardous in the summer months when the vegetation on the verges grows tall. This Parish Council is therefore concerned to minimise the amount of traffic using the lanes wherever possible in order to reduce the possibility of accidents. This is especially important for the most vulnerable users of the lanes who are walkers, cyclists and equestrians.

Dode is in an extremely sensitive location environmentally being in the Kent Downs, an Area of Outstanding Natural Beauty (AONB) and a Special Landscape Area where peace and quiet are extremely important. The innate tranquillity of the beautiful landscape is what the Kent Downs are renowned for and it is respected and appreciated by walkers, cyclists and equestrians who are drawn to the area for recreation.

In a planning application made by Mr Chapman in March 2002 (this was for a change of use of the Retreat Building at the site and was refused) he said that 97 ceremonies had taken place at Dode since September 1999. At that time under the original licence 50 persons were permitted to attend at each ceremony. That equates to a possible 4,850 additional visitors to the area over a thirty month period. In an area that has just fifteen houses this is a large influx of people and resulted in a vastly increased amount of traffic along unsuitable roads causing parking and access problems to local residents. The adjoining properties to Dode also suffered from noise, intrusion and loss of privacy. Also in March 2002 Mr Chapman applied for permission to erect a restroom on the site. This request was refused, one reason being concern that it would lead to the expansion of the business activities which would lead to a further erosion of the quality of the tranquil environment. A copy of the refusal dated June 28th 2002 is attached as Exhibit C. The decisions of Tonbridge & Malling Borough Council were upheld on 21 May 2003 when Mr Chapman's appeals against the decisions were dismissed by the Planning Inspectorate. A copy of the inspector's decision is attached as Exhibit D. At paragraph 24 the inspector states: "For the reasons I have given, I conclude that the proposal as currently presented, would result in intrusion into the tranquillity and quietude of the countryside of the AONB (and SLA) and would in these respects be harmful to the character and amenity of the area."

Our conclusions are these:

1. It is important to preserve the special character of the area and retain its charm and heritage. We feel that this is something all local councils should support.
2. The original arrangements caused residents problems, but these were ameliorated by the conditions imposed in 2003.
3. Ceremonies for memorials, baby namings and the renewal of vows are also offered on the Lost Village of Dode website in addition to weddings, which could increase the use even further.

We therefore oppose the proposed changes requested by Mr Chapman to the licence conditions in respect of the Lost Village of Dode, and ask that all the current restrictions remain as they are. These have generally worked well for nine years, and we are concerned that any relaxation, particularly as the property has been up for sale recently, may result in a return to the most unsatisfactory situation experienced during the term of the original licence issued in 1999.

We are keen to gauge the feelings of all local residents, which is difficult with the short notice coinciding with the Jubilee celebrations. We are holding a meeting on Monday June 11th for this purpose, and hope that I will be allowed to use information gained then when I address the Member Panel on the 15th June.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mrs A. Jones', written in a cursive style.

Mrs Amanda Jones
Chairman

Exhibit A

LUDESLOW PARISH COUNCIL

Clerk – Mrs. C. A. Griffiths

Phone/Fax 01474 814526

'Berkeley'
Henley Street
Luddesdown
Gravesend
Kent
DA13 0XB

11 July 2003

Mr Andrew Tait
KCC
Legal & Secretariat
Sessions House
County Hall
Maidstone
Kent
ME14 1XQ

Copy to Mr Beynon – KCC Member

Dear Mr Tait

Dode Church – Civil Marriage Licence Review

We are concerned to hear that KCC are considering an Appeal by Mr Chapman for the removal of conditions to the new civil marriage licence for Dode Church Great Buckland. These conditions were put in place by officers and members in an attempt to address the many problems suffered by the residents of Great Buckland described in voluminous correspondence and presentations at the hearing in March 2003, as well as to KCC during the previous 3 year tenure of the licence.

Despite the objections of this Council, Gravesham and Tonbridge & Malling Borough Councils and KCC members for Gravesham and Tonbridge and Malling the licence was awarded. However, conditions were applied which, in our opinion, were the minimum necessary to control the nuisance, noise, and traffic problems, etc.

Although KCC apparently do not consider planning as an issue in this context, I would remind you that the applicants two planning appeals were decisively rejected by the Planning Inspectorate, who intimated that any further business development on this most sensitive site would be inappropriate (a copy of these decisions has been lodged with Mrs A Bendall).

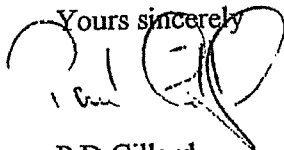
We cannot understand why the various parties to the previous hearing (who indeed include those most affected) are now excluded from Mr Chapman's Appeal Hearing, a situation that does not appear to be conducive to a democratic process.

We understand from local residents that the conditions have made a significant improvement in reducing the considerable disturbance experienced during the previous 3 years of the expired licence. Therefore, we can only be concerned as to the potential outcome were the conditions to be removed and the residents were to be subject to a further three years of blight and anguish.

We ask that the appeal committee reject the appeal and uphold the conditions currently applied for the sake of the residents right to enjoy their properties in peace, safety and privacy.

If you wish to discuss this we would be happy to meet with you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P D Gillard', written over the typed name below.

P D Gillard
Vice Chairman Luddesdown Parish Council

Exhibit B

LUDESDOWN PARISH COUNCIL

Clerk: Mrs C.A.Griffith
Phone/Fax: 01474 814526

Berkeley
Henley Street
Luddesdown
Kent
DA13 0XB

Mr C Martin
Kent Highways Services
Joynes House
Gravesend
Kent
DA11 0AT

Tel: 01474 544074

10 February 2006

Dear Mr Martin

We understand from KCC - Mr Adey that you are currently considering the effect of traffic attending the Dode Church site for civil wedding ceremonies. We are very concerned regarding this request since the implications are that KCC may wish to increase the currently approved number of weddings from 30 per year. The restriction was originally imposed on the license because of the problems residents and other users of the Great Buckland area experienced when weddings were taking place. The lane conditions have not changed since the license conditions were imposed and the residents still experience problems. They have not reported them during this license period because the license having been granted meant that nothing further could be done. Effectively they have tolerated problems some of which are listed below.

- On occasions large coaches attend the site.
- Regularly mini-buses and taxis shuttle back and forth between the Golden Lion Public House and the church site before and after weddings.
- Private vehicles attending the weddings generally leave together forming a convoys.
- There is significant traffic generated by unsupervised viewings.
- The lanes are single track, with no official passing bays with blind bends.
- The lanes are used by residents are also used recreationally by horses, walkers cyclists etc. particularly at the weekends.
- There have been a number of occasions where the drivers of the vehicles attending have been rude to residents particularly when asked to reverse, primarily we believe because they have a dead line and they are not used to having to back-up in the lanes to pass. Also it is very difficult to pass.
- In the past there have been near misses, occasions where people have been forced off the road, a cyclist forced into the ditch breaking his collar bone and minor scrapes etc.

- Damage to the lanes & verges.

In addition to the weddings the owner of the site is now conducting an advertising campaign to increase the business and use of the site for parties, corporate functions, educational visits and pagan evenings etc. All of which will greatly affect the volume of traffic using the single track lanes and seriously impact on the users and residents of Great Buckland.

Last time you considered this matter, some three years ago your department recommended that the number of people attending the site could be raised from 30 to 45, which was adopted by KCC. However, when a Parish Councillor discussed this with your assistant it became apparent that perhaps you had not been given all of the relevant information on which to base your conclusion. Therefore, we are keen this time to ensure that all relevant information is provided to you for your consideration.

The residents have compromised with KCC regarding the 30 wedding limit, in accepting this imperfect situation, but now that KCC are considering increasing the number still further we are very concerned as to the future in terms of road safety and access. The Parish Council is representing the residents concerns in this matter and would welcome meeting with you to discuss the issues. Perhaps you might be available next week.

We had occasion to meet with Maria Baker and Sarha Hayler of your department where we discussed this problem and other related issues. They have understood the problems and will discuss this with you.

Thank you for your attention in this matter and could you please call me on 01474 813247 to discuss a suitable date and time for an appointment.

Yours sincerely

P D Gillard
Vice Chairman – Luddesdown Parish Council

Luddesdown Parish Council
Berkeley
Henley Street
Luddesdown
Gravesend
Kent DA13 0XB

Your ref
Our ref TM/02/00752/FL
Contact Aaron Hill
Direct line 01732 876254
Fax 01732 876363

Date 1st July 2002

Dear Sir/Madam,

Notification Of Decision Under The Planning Acts

APPLICATION NO: TM/02/00752/FL

PROPOSAL: Erection of restroom for use of visitors/staff

LOCATION: Dode Church (Church Of Our Lady In The Meadow) Wrangling Lane
Luddesdowne Gravesend Kent

The above application has now been decided by the Borough Council. The Council has decided to Refuse the application.

The Applicant has the right of Appeal against any condition attached to an Approval or against a Refusal. Should any appeal be lodged, you will be notified to enable you to comment further should you wish to.

Yours faithfully

Keith Nicholson
Director Of Planning & Engineering Services



Exhibit C

Development Control
Gibson Building, Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ

Telephone 01732 844522
DX 92854 West Malling
Minicom 01732 874958 (text only)
Web Site <http://www.tmbc.gov.uk>
Email planning.services@tmbc.gov.uk

Mr D And Mrs M K Chapman
East Lodge
Harple Lane
Detling
Maidstone Kent
ME14 3ET

Your ref DC/MKC
Our ref TM/02/00752/FL
Contact Aaron Hill
Direct line 01732 876254
Fax 01732 876363

Date 28th June 2002

APPLICATION: TM/02/00752/FL

OS REF: TQ 566819 163733

VALIDATED: 20th March 2002

PARISH: SNODLAND

As detailed in letters dated the 25 April 2002 and the 19 March 2002 and by plans received on the 20 March 2002.


APPLICANT: Mr D And Mrs M K Chapman East Lodge Harple Lane Detling Maidstone Kent ME14 3ET

**Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order 1995**

TAKE NOTICE that the TONBRIDGE AND MALLING BOROUGH COUNCIL, the District Planning Authority, under the Town and Country Planning Acts, **HAS REFUSED TO PERMIT** Erection of restroom for use of visitors/staff at Dode Church (Church Of Our Lady In The Meadow) Wrangling Lane Luddesdowne Gravesend Kent, and that the reasons for such refusal are:-

1. The site lies within the Metropolitan Green Belt and accordingly there is a strong presumption against permitting new development outside the presently defined extent of urban areas and the present extent of any village, unless the development conforms with the open recreational functions of the Green Belt or is directly related to agriculture or other uses appropriate to a rural area. Accordingly, the proposed development is contrary to Policies MGB3 of the Kent Structure Plan 1996 and P2/16 of the Tonbridge and Malling Borough Local Plan 1996.
2. The proposal will give rise to reinforcement to the uses at Dode Church thus facilitating expansion. Such expansion will lead to the further erosion of the quality of the tranquil environment by virtue of potential for increased visitor usage and associated traffic.
3. The personal reasons put forward in support of the application are not considered by the Local Planning Authority to be sufficiently strong to outweigh the planning objections to the proposal.

Signed


Director of Planning & Engineering Services

IMPORTANT: Your attention is drawn to Notes A1 to A10 attached



Director of Planning & Engineering Services: Keith Nicholson BA (Hons) MRTPI
Chief Planner (Development Control): Lindsay Pearson BA (Hons) (Soc Sci) MSc DipTP MRTPI



INVESTOR IN PEOPLE



Appeal Decision

Site visit made on 6 May 2003

Exhibit D

by **B M Linscott BSc (Env Planning) MRTPI**
an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date
21 MAY 2003

Appeal Ref: APP/H2265/A/02/1106109 (Appeal A) Dode Church, Wrangling Lane, Great Buckland, Luddesdown, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D & Mrs M K Chapman against the decision of Tonbridge & Malling District Council.
- The application (Ref. TM/02/00752/FL), dated 19 March 2002, was refused by notice dated 28 June 2002.
- The development proposed is the erection of a restroom for use of visitors/staff at Dode Church.

Summary of Decision: The appeal is dismissed.

Appeal Ref: APP/H2265/A/02/1107506 (Appeal B) The Retreat, Dode Church, Wrangling Lane, Great Buckland, Luddesdown, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D & Mrs M K Chapman against the decision of Tonbridge & Malling District Council.
- The application (Ref. TM/02/00755/FL), dated 19 March 2002, was refused by notice dated 28 June 2002.
- The development proposed is the change of use from retreat to provide accommodation to facilitate the continued proper use of Dode Church.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. I shall refer to the Appeal A and B development proposals as "Scheme A" and "Scheme B" respectively.
2. Dode Church is a grade II* listed building and I have thus had regard to the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) in reaching my decisions, requiring that regard be had to the desirability of preserving the fabric and settings, inter alia, of listed buildings when relevant planning proposals are determined.
3. Despite the description of Scheme A above (taken from the application form) I have noted that the submitted drawings refer to the building simply as a proposed (disabled) toilet. Scheme B is not supported by any proposal drawing and was accompanied only by the originally approved scheme drawings (which I note differ from the scheme which has been implemented). It seems to me from the application form and the Appellants' letter dated 19 March 2002 and supporting statement (page 3, numbered para. 3) that a complete change of use of the building is intended. Scheme B therefore goes beyond simply providing toilet facilities. Whilst I acknowledge that the appellants regard the two schemes as alternatives and would not necessarily wish to implement both, I have addressed and judged each on its own merits.

4. I have noted that a certificate of lawful use or development has been granted by the Council in respect of the siting of a "mobile prestige toilet" within the building and another outside it close to the entrance to the site. At the site visit I saw that two temporary toilet cubicles stand approximately in the position of the proposed new building (Scheme A) and that a cubicle has been stationed in the nave of the church, behind a free-standing timber and wattle screen with a curtain.
5. I acknowledge the representations concerning the lawful use of the listed building, but this is not a matter for me to address in the context of a S78 appeal, since there are specific provisions in the Act for establishing what the lawful use might be. Nothing in this decision should be taken as prejudicial to the proper consideration of any future application for a Certificate of Lawfulness.
6. The church has recently been used for civil wedding ceremonies and is a place that people may visit, indeed the Council itself promotes the building as one of heritage importance, encouraging visitors. There is no suggestion from the Council that it has treated either of these uses as a breach of planning control during the several years that they have been conducted. Whether or not the deconsecration of the church takes it outside Class D1 of the Town and Country Planning (Use Classes) Order 1987 is not a determining factor since development would only have occurred if the present uses are materially different to the use of the building as a church. It is, however, clear from the representations that the Appellants are seeking to change the use of the Retreat to provide ancillary facilities in connection with the use of Dode Church (i) as a visitor attraction and (ii) for the conduct of civil wedding ceremonies. That is the basis upon which I have considered Appeal B.

Planning Policy

7. The site lies in the Metropolitan Green Belt where there is a presumption against inappropriate development as defined in the Government's PPG2 - *Green Belts*, unless there are very special circumstances. It is also in the Kent Downs Area of Outstanding Natural Beauty (and Special Landscape Area).
8. The statutory development plan includes the Kent Structure Plan and the Tonbridge & Malling Borough Local Plan. In the former, policy MGB3 reflects the approach in PPG2, with a general presumption against inappropriate development. It limits new buildings to, inter alia, those representing essential facilities for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Re-use of buildings is also appropriate if the openness is preserved and other planning considerations are not prejudiced. Policy RS5 indicates that development in "rural Kent" will not normally be permitted unless, inter alia, it is the re-use or adaptation of an existing rural building which is in keeping with its surroundings, where the change is acceptable on environmental, traffic and other planning grounds (or is the provision of public or institutional uses for which a rural location is justified). Policy ENV3, along with policy P3/5 of the Local Plan, provides long-term protection for the county's Areas of Outstanding Natural Beauty (AONBs), both indicating that any harm to the natural beauty of the area will be weighed against social and economic considerations.
9. Local Plan policy P2/16 provides long term protection for the Green Belt, requiring development outside specified areas to be supported by exceptional justification. Policy P3/6 protects areas designated as Special Landscape Areas, indicating that where development is permitted, particular regard will be had to its effect on the character of the area. Policy P4/1 simply reflects and elaborates upon the provisions of Section 66 outlined above.

Main Issues

10. The first main issue in each case is whether the proposal represents appropriate development in the Green Belt and, if it does not, whether there are very special circumstances which justify its approval. In respect of Appeal B there is a second issue which concerns the effect of the proposed use on the rural setting and amenity of the area.

Reasons

11. Dode Church lies in very attractive and relatively remote countryside, approached by narrow and winding roads. The lane leading to the church itself is a cul-de-sac leading, I was told, to a single dwelling beyond. A small number of dwellings, served by the same lane lie generally to the north of the church. Otherwise the countryside here is put over mainly to livestock grazing, grassland and woodland.
12. The church is a very modest stone and tile building set behind an intermittent belt of trees and hedging permitting views of it from the lane. A car park has been laid out next to it and its open grounds slope down the valley side. The retreat building, a pleasingly simple timber-framed structure, stands to the north-east on lower ground and, in visual and landscape-setting terms, defers to the importance and visual prominence of the church.

Appeal A

13. PPG2 explains that the construction of new buildings in the Green Belt represents inappropriate development unless it is for one of a number of purposes, which it goes on to list. The proposed new building falls into none of these listed categories and I therefore conclude that it represents inappropriate development in the Green Belt.
14. The Appellants would suggest that a number of factors should be regarded as very special circumstances in favour of the proposal. These include that there are no public toilets for many miles, that such facilities are necessary to allow the proper use of the building and that the lawful cubicles do not preserve the listed building or its setting.
15. I accept that toilet facilities are desirable in such a remote location. Modest facilities would seem to me adequate and appropriate, whether the level of use is that associated with the mainly weekend visiting by members of the public or by the 50 people I am advised was previously the maximum permitted under the various regulations applicable to the use of the building for wedding ceremonies. By their nature, visitors in the latter events, in particular, would be unlikely to spend considerable time at the site, moving on to where the reception would be conducted after the service. The toilet arrangements which the Appellant says are in place generally for 4 days a week (unless there are other events), whilst prominent in their chosen positions, seem to me satisfactory, do not appear unduly intrusive and have not harmed the fabric, expansive setting or general qualities of the church. They are removable (and transitory in that respect) when compared with the robust and enduring qualities of the listed building and its setting. The Appellants have suggested that the need to deliver and replace them regularly brings heavy lorries onto unsuitable lanes, whereas a permanent facility would not require such activity. Whilst vehicle movements are probably unavoidable, the nature of the vehicles seems to me to be a matter for the Appellants and contractor which, in my view, could be readily overcome with the use of smaller vehicles, albeit perhaps with a different contractor. In any event, it is not a matter which I regard as outweighing my finding above.
16. Whilst acknowledging that the proposed building is inoffensive in its design and form, for the reasons I set out above, I do not consider there to be any very special circumstances which would justify my allowing inappropriate development in the Green Belt. Accordingly the proposal fails to satisfy policy MGB3 of the Structure Plan and P2/16 of the Local Plan.

Appeal B

17. The Retreat is a three "cell" building, the two outer units being identical and having an upper floor, or platform, used as a bedroom, which the centre unit lacks. All three were laid out at the time of my visit as modest self-contained residential units. I have not seen the S106 Undertaking or the planning permission relating to this building, but I have been advised, and the Appellants have not disputed, that the facility was permitted on the basis that it would be for quiet contemplation in

peaceful surroundings, also providing a human presence in the interests of security. I regard that permitted use as undoubtedly apt for this beautiful, tranquil and somewhat remote setting.

18. Although the application form description refers to an accompanying statement, which I have carefully read, the nature of the use nonetheless appears vague. The Appellants explain in the statement that the proposal would change the use of the building so as to provide interview and reception facilities (prior to civil wedding services), as well as a WC.

Green Belt

19. PPG2 and the development plan policies allow for new uses of buildings if they would not prejudice the openness of the Green Belt. Such re-use is therefore not inappropriate if, amongst other matters, the use would have no greater impact than the present use on the openness of the area and purposes of including land in the Green Belt. The PPG goes on to advise that if there are other convincing planning reasons for refusal (eg on environmental or traffic grounds) a proposal should not be rejected before it has been determined that those concerns cannot be resolved by the use of conditions.
20. There is nothing before me to suggest that the proposed use of the building would have any greater effect upon the openness of the Green Belt than does the current use. Accordingly I conclude that it does not represent inappropriate development and does not conflict with the relevant development plan policies. In reaching this conclusion I recognise that the original justification for the building relied upon very special circumstances being found and that none exist for the current case. However, as the building now exists, I must judge the proposal against the relevant policies and guidance applicable to new uses.

The effect of the rural setting and amenity of the area

21. The conduct of civil weddings is reportedly subject to controls by Kent County Council and by the Appellants. The latter suggest that there is a demonstrable need for facilities for such weddings and fulfilling that need would guarantee an appropriate use and help to offset the substantial costs of the repairs undertaken. They also argue that the interview/reception/restroom/WC facilities are necessary for such an enterprise to succeed and for "controlled use" to continue. The alternative would be, in their view, an uncontrolled use (which they do not explain but which I take to mean unorganised congregations of people) resulting in unwelcome and excessive traffic movements. I do not underestimate the value of the restoration of an important church building which was under threat from vandalism some ten years ago. Furthermore, the Appellants have suggested that PPG15 advises that continuing use of listed buildings is the best way of safeguarding them for the future (which I accept) and have argued that in this case, future use is dependent upon the provision of the proposed facilities. However, the Appellants have not submitted any evidence which substantiates their assertions that the use of the building is necessary for the purposes and reasons they claim.
22. To elaborate: there is no evidence before me to explain what costs were involved in the repair or what income is required to offset those and to safeguard the future of the building, which the Appellants regard as a key motivation for the use. Nor is there any evidence of the income, if any, derived from the Retreat and the use to which that income is put. Neither is there anything to explain the perceived disadvantages in the current reception and interviewing arrangements. Those arrangements do not seem to me significantly different to a great many rural wedding venues and churches up and down the country. The Appellants refer to concerns that there are two distinct and "sometimes conflicting" uses at the site but they do not elaborate; whilst the Retreat does appear to be functionally independent of the church, the Council appears content that it fulfils its original purpose and I saw nothing to lead me to suppose otherwise. My views on the question of the availability of WC facilities is no different to those I have reached in my consideration of Appeal A.

23. On the basis of all of the above, I consider that there is nothing before me which could lead me to conclude that the proposal is necessary in the interests of maintaining the church or sustaining a proper use for it. Moreover, I consider that, given the substantial size of the building and the vagueness of the description of the proposal, there is likely scope for equally substantial activity arising from its proposed use for the purposes ancillary to the church as apparently intended, when compared with the nature of the Retreat and the very minimal impact of its use. The latter has no perceptible effect upon the setting of the listed building and the particularly tranquil countryside in which it lies. The size of the building and the potential activity arising from its (albeit only vaguely defined) use are such that, if used to support the civil weddings enterprise as suggested by the Appellants, it is likely that there would be significant activity of a manner which would seriously harm its peaceful rural setting. Such activity would be particularly manifest in the comings and goings of visitor, staff and other vehicles and the likely difference in the type of activity arising with such people, as compared with those seeking peace and tranquillity in retreat, or simply visiting the church as at present.
24. For the reasons I have given, I conclude that the proposal as currently presented, would result in intrusion into the tranquillity and quietude of the countryside of the AONB (and SLA) and would in these respects be harmful to the character and amenity of the area. It would thereby conflict with policies RS5 and ENV3 of the Structure Plan, as well as with policies P3/5 and P3/6 of the Local Plan. Having in mind the advice in PPG2, notwithstanding that I have concluded that the proposal would not represent inappropriate development in the Green Belt, that conclusion is outweighed by the harm which I have found in my conclusion on the second issue. Whilst I note that permission was specifically sought for a four year period, I do not consider that this affects my conclusion that the proposal would be inherently harmful.

Other Matters

25. The Appellants have suggested that the Council has relied heavily upon interested parties' objections which they consider it has failed to substantiate with evidence, and that it has concentrated unduly upon the aspect of civil weddings. I have noted the local residents' concerns, including their allegations over the level of traffic generated and the inadequacy of the local roads to support that traffic safely and conveniently. However, their allegations are essentially assertions and I have not been supplied with substantiated evidence to support them. Accordingly, and noting the Appellants' indications (i) that all civil weddings have been attended by representatives of the Licensing Authority and (ii) that there are controls to address matters such as the numbers of attendees etc, the weight I have attached to the residents' correspondence on those matters is limited.
26. I have also noted the suggestions that the terms of the original permission and accompanying S106 Undertaking have not been complied with. Having seen neither of those documents nor substantive evidence concerning any alleged breaches, this is not a matter which has influenced my decisions.

Conclusions

27. For the reasons given above and having regard to all other matters raised, I conclude that neither appeal should succeed.

Formal Decisions

28. In exercise of the powers transferred to me, I dismiss both appeals.

Information

29. A separate note is attached setting out the circumstances in which the validity of either of these decisions may be challenged by making an application to the High Court.

