

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Attwell Farms Ltd	Variation of planning permission 19/01544/FUL dated 21/10/2020: conditions 2 (overspill parking area), 5 (external lighting), 6 (biodiversity/ecology/overspill parking area), 8 (variation of opening hours to visiting members of the public) Attwell Farm Park, Seafield Lane, Portway, Worcestershire, B98 9DB	08.12.2025	25/00612/S73

RECOMMENDATION:

- (a) **MINDED to GRANT FULL PLANNING PERMISSION**
- (b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning, Leisure and Cultural Services to determine the application following the receipt of satisfactory comments from the Tree Officer and WRS: Noise
- (c) That **DELEGATED POWERS** be granted to the Assistant Director for Planning, Leisure and Cultural Services following consultation with the Planning Committee Chairman, to agree the final scope and detailed wording and numbering of conditions as set out at the end of this report.

Consultations

Full copies of the responses from consultees are available to view on Public Access and Members are encouraged to review these.

Worcestershire Highways - Bromsgrove

- No objection – Travel plan condition recommended
- The Highway Authority would expect to see the most noticeable increases in traffic flows occurring during the evening period. As this will tend to be outside the weekday PM peak period, evening baseline traffic is likely to be lower, such that the local highway network will have the capacity to accommodate the increase in evening traffic flows.
- There is no reason to think that the existing access cannot cope with such extended hours of traffic. On this basis, the Highway Authority would not require the Applicant to make any improvements to the existing site access.
- Visibility splays are well established and are considered to be adequate.
- A review of personal injury collision (PIC) statistics on Seafield Lane has been undertaken by the Highway Authority. The analysis shows there have been no recorded PICs on Seafield Lane in recent years. This suggests that, whilst the Park has experienced significant increases in visitor numbers, the associated vehicular traffic has not resulted in any PICs. There are also no PICs associated with HGV vehicles. PIC analysis shows that there have been no PICS involving pedestrians, cyclists or horse riders. Hence, whilst there may be a perceived highway safety issue, there is no evidence to show that there is an existing highway safety issue associated with Seafield Lane.

- No concerns with overspill car park layout.

With regard to specific issues raised:

- *Unlit roads* – safety issue Seafield Lane and other surrounding roads have no street lighting. This does not mean the roads are inherently unsafe, such that the application should be refused. The roads are already being used during hours of darkness and there is no PIC history to suggest any highway safety issue. During hours of darkness, all road users need to take account of the situation and travel with due care and attention.
- *Conflict with Oakland International Site* It is claimed that there is potential for conflict with HGVs arriving at and leaving the Oakland International site, as its vehicle access is opposite the Park access. There is no PIC history to suggest such conflict has resulted in PICs occurring. As stated above, all road users need to take account of the situation and travel with due care and attention.
- *Overflow Car park gate onto Cherry Lane* It is claimed that the gate to the overflow carpark on Cherry Pit Lane is an extremely dangerous means of access/egress, with virtually no visibility for traffic approaching from Cherry Pit Lane or eastbound traffic on Seafield Lane. The Highway Authority is aware that this field access gate is well established, having been in place since at least 2009 and likely well before that. In addition, no evidence has been provided that this access point is used by Park visitor vehicles to either enter or exit the overspill car park. The Applicant would be entitled to use the access point for any general maintenance operations, given it is well established.
- *Cherry Pit Lane* It is claimed that Cherry Pit Lane is particularly unsuitable for increased traffic, as it is a narrow, single-track country lane with no lay-bys, no street lighting, sharp curves, steep inclines, and deep ditches on either side. Whilst the Highway Authority accepts that two way traffic along Cherry Pit Lane is likely to result in potential conflict at times, there are currently no legal restrictions to prevent any cars, including Park visitors, from using the road, if they so wish. Whilst the Applicant could advise Park visitors not to use Cherry Pit Lane to travel to and from the site, this would not be enforceable.
- *Lack of sustainable travel options* This issue was considered as part of the 2019 planning application. Farms and most farm parks are, in the main, not located close to urban locations, nor are they located close to high frequency public transport routes. The majority of visitors to this site will be school trips and family visits, which will either be by coach or private car with multiple occupants. Given the rural leisure use, it was previously recognised that visitors would be unlikely to travel as a single occupancy trip, by public transport or on foot. Some opportunities do exist for cycling, accepting this will be a minority of users. Hence, planning consent for the Park was granted, taking account of limited sustainable travel options. This application, to vary planning conditions, does not justify any recommendation of refusal on sustainable travel.
- UPDATED COMMENTS following Transportation Statement including traffic data:
- the Highway Authority is still content these increased flows can be accommodated, without causing any significant detrimental impact to the overall capacity and effective operation of the local highway network.

WRS - Noise

- No objection

- ORIGINAL COMMENTS: October 2024 12 complaints of breach of planning conditions received by WRS Planning Enforcement Team. 9 Halloween Events followed by 27 festive light trail events. A Community Protection Warning was served on 22/11/2024. Subsequently a Community Protection Notice (CPN) was issued on 19/12/2024.
- The original submission included a Noise Impact Assessment and Noise Management Plan.
- Noise measurements were taken during low-activity periods and do not represent peak or evening event conditions; no measurements were taken during amplified music sessions.
- The assessment lacks essential technical detail, including source measurements, predictive noise modelling, and noise mapping, and relies on a single unrepresentative monitoring location with no clear methodology.
- Low-frequency noise (40–160 Hz) is insufficiently addressed
- The assessment assumes current usage levels and does not consider cumulative impacts from increased evening opening, patron noise, vehicles, or peak-period amplified music.
- The Noise Management Plan is structured but lacks continuous monitoring, clear spatial mitigation measures, car park controls, and independent compliance mechanisms.
- No lighting impact assessment has been provided, despite its importance for Condition 5 and amenity protection.
- Further work is needed, including a lighting assessment, peak-period noise measurements, and a detailed operational noise map.

- UPDATED COMMENTS: following submission of noise assessment addendum, a draft Noise Management Plan (NMP), and a Transport Statement.
- Transport Statement shows extended hours unlikely to result in significant increase in peak hour traffic/parking demand.
- Noise Management Plan and addendum to the Noise Impact Assessment address concerns raised during consultation, particularly regarding amplified music and patron noise. Live music no longer proposed. Amplified sources set to inaudible levels at noise sensitive receptors.
- Monitoring will be conducted via audibility checks, and mitigation measures such as acoustic fencing, signage, and activity placement are planned. The updated NMP outlines procedures for staff training, complaints handling, and ongoing review, ensuring that noise impacts are effectively managed.
- The addendum confirms that the nature of activities will remain unchanged and that the proposed hours will not result in significant noise impacts, considering the proposed new changes and the proactive approach to mitigation.

- Further comments awaited on the amended Noise Assessment and Noise Management Plan draft and will be reported to Committee as an update.

Agricultural Advisor (Reading Agricultural Consultants Ltd (RAC))

- No objection
- ORIGINAL COMMENTS: Attwell Farm Park is an established farm visitor venue that benefits children and other community groups and families with a greater understanding and knowledge of farm animals connecting children and visitors

with farming and nature and can provide a greater understanding and experience of the countryside as well as where our food comes from and the value of nature and habitats.

- RAC accepts that high frequency and sudden loud noises and flashing lights and unusual lighting can affect the normal behaviour and welfare of cattle, causing stress and increased agitation. Such behaviour can affect the physical and productive performance of livestock. In the case of Heath Green Farm, for dairy cattle it could lead to a decrease in milk yield and quality, reproductive failure, and potential injury to livestock.
- Whilst cattle cannot identify colours, their vision is different to that of humans, they are dichromats, primarily seeing shades of yellow and blue. It is important that cows have a period of darkness in each 24 hour period, however many farms often retain a very low light level in livestock areas to avoid stress. Light that comes from above the cow is best to prevent shadows which can cause panic in herds.
- RAC would have concerns on any high intensity external lighting and the extension in height of any outdoor light trail or any loud noise live music event held at Attwell Farm Park on the potential for affecting animal behaviour of grazing cattle or housed livestock in close proximity to such events.
- RAC understands that the applicant has confirmed (Noise assessment – addendum 22/11/2025) that there will be no live or high level amplified music events in external areas of Attwell Farm Park at any point. It further confirms that any amplified music will be confined to low level sources which would be set up and monitored and any potential for noise impacts, would be managed through an agreed noise management plan (NMP). RAC would consider that if such a NMP can be agreed and approved by the Council as a condition in order to mitigate any external impact, RAC would consider that helpful.
- However, RAC is concerned that there is currently not a structured management proposal as to why or where noise levels may be amplified or any activities which would constitute non- ordinary lighting to the outdoor paddocks.
- In the case of Attwell Farm Park, RAC would accept an extension to their current opening times to 9:00pm Monday to Sunday. This would allow the farm park to facilitate and manage an increase in annual visitor numbers. 38. However, RAC does have some concerns on how the park will adjust its future management role and decision making in providing the current well-established educational aspects that are seen, observed and in which visitors actively participate in.
- UPDATED COMMENTS: following further representation from Heath Green Farm
- KFCL in their report also deal with shouting and screaming inducing stress together with different types of music which can affect cattle behaviour. Again, RAC would agree with such comments but would also note that in many dairy milking parlours, a radio is often and regularly on at a low level providing an acceptable background noise which the cattle are familiar with. It is the sudden unusual loud or unfamiliar noise which affects cattle behaviour
- RAC noted and would still hold the view that it had some concerns with regard to the above as there is currently not a structured management proposal as to why or where noise levels may be amplified or any activities which would constitute non-ordinary lighting to the outdoor paddocks. RAC would further note that this would extend to the outdoor concrete area and external building lights overlooking this area and potential closure of this outdoor concrete area during reduced daylight hours. If such issues could be overcome either through conditions or an agreed

and accepted management plan which minimises the accepted risks to animal welfare, then it would be RAC's view that an extension of opening hours would be acceptable.

Tree Officer

- The easterly and southerly boundaries of the site are defined by hedge and tree lines predominantly Hawthorn and Oak. Therefore 45% of the BS5837:2012 recommend Root Protection Area (RPA) of the trees in the hedge lines falls within the area of the site and currently under the hardcore area. A considerable proportion of the remaining RPA on the trees in this hedge line is influenced by the constraint of the carriageway of Seafield Lane or Cherry Pitt Lane which is an impermeable surface and therefore would be expected to constrain the root growth activity on the trees in that area. Therefore, the need for the trees to have suitable opportunity to develop and maintain healthy root activity within the area of the site has added importance.
- Tree Officer comments on the amended overspill car park proposal are awaited and will be reported to Committee as an update.

WRS: Contaminated Land

- No objection

WRS: Air Quality

- No objection

WRS: Light Pollution

- No objection (external lighting)
- Ensuring that any external lighting does not adversely impact the local wildlife should also ensure that local residents are not adversely impacted.

North Worcestershire Water Management ~~Consulted 09.07.2025~~

- No objection
- No drainage or flood risk implications of the variation of condition application

Beoley Parish Council

- Objection
- Noise nuisance – concerned at noise levels from previous evening events and adverse impact on residents and businesses resulting in Community Protection Notice. Amplified music and music events are not compatible with the planning use (educational facility), in a rural setting or with autism/ SEN events.
- Noise Management Plan - not suitable or appropriate in a rural setting. No independent monitoring or control of noise levels. No respite for residents.
- Traffic – access via narrow, unlit roads, unsuitable for increased volumes. Traffic on the surrounding lanes makes walking and cycling dangerous; no convenient public transport. Concerned at potential increase in traffic / risk to highway safety.
- Access - restricted visibility, poor markings and signage. Potential for conflict with HGV's arriving at and leaving the Oakland International site. The current access drive is entirely unsuitable for any increase in visitor numbers and traffic volume: the gate to the overflow carpark on Cherry Pit Lane is an extremely dangerous

means of access/egress, with virtually no visibility for traffic approaching from Cherry Pit Lane or eastbound traffic on Seafield Lane.

- Economic - no viability reasons put forward to justify why extra hours are needed
- Car Parking - revised car park spaces encroach into the root protection areas of the trees. Concerned regarding car parking numbers and use of the car park for non-Farm Park visitors.
- Visual Appearance – concerned that approved scheme has not been implemented.
- Ecology – concerned that approved ecological improvements and landscaping have not been carried out.
- Endangered Species - nocturnal endangered species locally, including various species of bats and badgers along with owls nesting in the woods. The Parish Council would like to see the external lighting condition remain in the interests of nocturnal wildlife, resident's amenity and the protection of adjoining agricultural businesses and their livestock.
- Flood risk – concerned at potential for increasing flood risk.
- Sewage - The proposed increased visitor numbers will result in an increase in sewage output. The Farm Park is not on mains drainage and many surrounding parishioners do not have access to mains water for their homes and rely on wells. The Parish Council would want to see robust analysis of how the sewage and waste water will be dealt with and what if any impact there is on local drinking water before any further increase in visitor numbers is permitted.
- Compliance with planning conditions - Historically, and by their own admission, compliance with planning conditions by the applicants has been poor with numerous breaches to the detriment of the Parish. We do not wish to see the lighting condition amended to something which is more complicated, subject to opinion and difficult to interpret, as this will make enforcement more difficult. We would like to see a clear planning condition imposed banning amplified music.
- Planning use - The Farm Park was granted planning permission as an educational facility and we do not believe that the 'seasonal events' proposed comply with the planning use granted.
- Animal Welfare – concerned at adverse impact on animals at the Farm Park from excessive handling / flash photography. Also, significant adverse impacts upon the livestock of adjoining and nearby agricultural businesses.

Publicity

1 letter sent 11/07/2025 (expired 04/08/2025)

Site Notice displayed 08/07/2025 (expired 01/08/2025)

Press Notice published 17/07/2025 (expired 03/08/2025)

- 153 responses in support
- 22 responses in objection

Matters raised in support:

Disability/SEND/Neurodiversity

- SEND sessions important for families with neurodivergent needs/disabilities - some families simply wouldn't be able to attend during a normal day session as it is too overwhelming for some children
- Opportunity for autistic children to build confidence and promote wellbeing.

- Inclusivity, accessibility, inclusive education and sensory friendly experiences
- Not many places for autistic children to visit – Attwell Farm Park is an excellent venue – it runs events that are very helpful for children with additional needs.
- Supports the NHS by providing a facility for neurodiverse children.

Economic

- Will help to create more jobs and help business thrive
- Attwell Farm Park works with local colleges, work experience programmes and SEND employment initiatives to help young adults build confidence and gain practical, career-ready skills.
- Evening openings allow for more collaboration with local food vendors, producers, schools, youth services, and wellbeing organisations, creating inclusive, safe, and welcoming events for all.

Matters raised in objection:

Residential amenity (Noise, light, health & wellbeing)

- Negative impact on local residents is likely given experience of noise and lights from events held outside of existing opening hours
- Previous evening noise/lighting resulted in Community Protection Notice (CPN)
- Adverse impact on health and well being of residents - 50% increase in hours during the week and 33% increase at weekends
- Noise nuisance – would be intrusive for existing residential properties
- No justification to amend lighting condition – no need to light paddocks
- Existing lighting is intrusive

Highway safety & Traffic

- Increase in traffic on rural lanes and potential conflict with traffic from Oakland International site - concern for highway safety of vehicles/pedestrians/cyclists/ animals
- Nearby field has been used for additional parking.

Animal welfare

- Impact on livestock at neighbouring farm – causing distress and panic in the animals. Implications for milk yield.
- Concern that noise prevents livestock from grazing the adjoining field and requires animals to be kept in barn. Implications for cost of additional feed in place of grazing.
- Concern that lighting adversely impacts livestock even when in barn

Rural character

- Harmful to rural character. New car park layout harmful to existing trees.

Water/Sewerage

- Residents that rely on local bore hole water have concerns about the treatment of sewage from these premises

SEND/Neurodivergent

- Unlikely children/families would visit in the evenings. Dedicated sessions could be provided for SEND/neurodivergent within existing opening hours.

- Also that any opening hours permitted beyond 6pm be restricted to autism friendly/SEND/Neurodiverse events only.

Other issues have been raised but these are not material planning considerations and have not been reported.

Copies of these representations are available to view on Public Access and Members are encouraged to do so.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP12 Sustainable Communities

BDP13 New Employment Development

BDP15 Rural Renaissance

BDP16 Sustainable Transport

BDP21 Natural Environment

BDP25 Health and Well Being

Others

National Planning Policy Framework (2024)

National Planning Practice Guidance

Relevant Planning History

Plan Ref.	Proposal	Decision	Decision Date
22/01241/S73	Variation of condition 8 planning permission 19/01544/FUL - Variation of opening hours to visiting members of the public	Granted	06.12.2022
21/01861/AGR	Replacement agricultural building	Permission required	13.01.2022
20/01279/AGR	Prior Notification under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) for the extension of an existing agricultural building.	Prior Approval not required	05.11.2020
19/01544/FUL	Continued use of land and farm buildings as a farm based Rural Educational and Interpretation Visitor Centre with associated facilities including visitor parking, the retention	Granted	21.10.2020

of outdoor play equipment, toilet blocks, animal enclosures, shelters and fencing, the wall filling the formerly open sided elevation of the southernmost building, pedestrian link between the café/play barn and winter barn and steel walling adjacent to the visitor parking area. Retention of a mobile office building for a twelve month period.

Current application under consideration:

25/01290/FUL Extensions and change of use of land and cattle barn to rural educational and interpretation visitor centre

Background

Planning permission 19/01544/FUL was originally granted by Planning Committee in 2020 for the:

Continued use of land and farm buildings as a farm based Rural Educational and Interpretation Visitor Centre with associated facilities including visitor parking, the retention of outdoor play equipment, toilet blocks, animal enclosures, shelters and fencing, the wall filling the formerly open sided elevation of the southernmost building, pedestrian link between the café/play barn and winter barn and steel walling adjacent to the visitor parking area. Retention of a mobile office building for a twelve month period.

Site Description

The site is located within the Green Belt. It is accessed off Seafield Lane approximately 100m north west of the junction with Chery Pit Lane. Footpath BE-552 (Beoley) is located opposite the main site entrance on Seafield Lane and leads to Alcester Road. Footpath BE-553 (Beoley) runs along the site's southern boundary, connecting Cherry Pit Lane and Carpenters Hill.

There are a number of residential dwellings in the vicinity. The Attwell Farmhouse is located along the access drive close to Seafield Lane. Adjacent to the overspill car park is Seafield Lodge which is accessed from Cherry Pit Lane. Heath Green Farm is located adjacent to the site to the west and accessed off Carpenters Hill. Oaklands International is located opposite the site on Seafield Lane.

Seafield Pedigree Ltd trading as Attwell Farm is a livestock and grass farm extending to 81 hectares which is owned and run by the Attwell family and as part of its farm diversification scheme has Attwell Farm Park.

Attwell Farm Park is a 'Rural Education and Interpretation Visitor Centre' with associated facilities granted retrospective planning permission in 2020.

Current Proposal

The current application seeks to vary the following existing conditions:

Existing Condition 2

2) Within 4 calendar months of the date of this decision notice a scheme of hard and soft landscaping to be applied to the Overspill Parking Area hereby approved shall be submitted for consideration to the Local Planning Authority. The soft landscaping scheme shall also be designed to soften the visual impact of the acoustic fencing required under condition 3. This landscaping scheme shall include:

- (a) planting plans (to a recognised scale and to be of native species appropriate to the character of the area) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- (b) the method and specifications for operations associated with planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting;
- (c) written specifications including cultivation and other operations associated with tree, plant and grass establishment;
- (d) any existing trees and hedges, which are to be retained, accurately plotted;
- (e) Overspill Parking Area layout;
- (f) Sympathetically constructed and drained hard surfacing of the Overspill Parking Area. The location, type and materials to be used for the Overspill Parking Area permeable hard surfacing including details of sustainable drainage integration and including specifications and details of manufacturer, type and design of the proposed surfacing. Samples may be required to be submitted and approved;
- (g) a timetable for the implementation of the soft and hard landscaping scheme.

There shall be no excavation or raising or lowering of levels within the prescribed root protection areas of retained trees and hedgerows unless previously approved in writing by the Local Planning Authority.

The approved soft and hard landscaping scheme shall be carried out strictly in accordance with the approved details and timetable of implementation and shall thereafter be protected, maintained and managed in accordance with the approved details.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to ensure the Overspill Parking Area can be used for visitor access and parking during wet weather conditions in the interests of highway safety.

and **Existing Condition 6:**

6) Within 4 calendar months of the date of this decision notice appropriate plans, specification and management scheme for the enhancement of the site for biodiversity and ecology through the provision of features including native hedgerow reinstatement, native tree planting and new bat and bird roosting/nesting boxes, shall be submitted for consideration to the Local Planning Authority. The submission shall include an implementation timetable. The scheme shall be completed in accordance with those details and implementation timetable that have been approved in writing by the Local

Planning Authority and shall be subsequently managed and maintained in accordance with the approved specification and scheme.

Reason: To ensure a net gain in biodiversity and ecology is achieved

Proposed Conditions 2 and 6

The application proposes that conditions 2 and 6 be varied to the following single condition:

Enhancement of the site for biodiversity and ecology and hard and soft landscaping to be applied to the overspill parking area shall be carried out in accordance with the Archer Ecology Landscape and Ecological Management Plan (AELEMP) dated March 2021 as amended by:

- The position of the acoustic fence, ditch and double hedge screen shown on drawing number WAA 061 / LP01 / 2000 / Rev C;
 - Plan 913/01/A Overspill Car Park; Implementation timetable and maintenance as set out in AELEMP and Plan 913/01/A Overspill Car Park.
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Existing Condition 5

5) There shall be no external lighting provided in connection with this development.

Reason: To safeguard the rural character of the area.

Proposed Condition 5

It is proposed to vary condition 5 as follows:

Prior to the installation of any external lighting associated with the development hereby approved, a Lighting Assessment for the provision of wildlife-sensitive external lighting shall be submitted to and approved in writing by the Local Planning Authority

Condition 8

The original condition 8 attached to planning permission 19/01544/FUL stated:

8) Visiting members of the public shall be limited to between 9:00am and 5:00pm.

Reason: To safeguard the amenities of neighbouring residents.

This was subsequently varied under 22/01241/S73 to:

8) Visiting members of the public shall be limited to between:

9:00am and 5:00pm Monday - Friday on non-official school holidays authorised by the Local Education Authority in the Bromsgrove District Council area (currently Worcestershire County Council).

9:00am and 6:00pm Saturday and Sunday and official school holidays authorised by the Local Education Authority in the Bromsgrove District Council area (currently Worcestershire County Council).

Reason: To safeguard the amenities of neighbouring residents.

Proposed Condition 8

The current application seeks to vary condition 8 as follows:

Visiting members of the public shall be limited to hours between 9:00am and 9:00pm.

Assessment of Proposal

Principle

Attwell Farm Park benefits from an existing planning permission granted subject to conditions. The current proposal is to vary four of the conditions attached to the planning permission. The principle of seeking to vary planning conditions is set out in S73(2) of The Town and Country Planning Act 1990 which states that:

S73 Determination of applications to develop land without compliance with conditions previously attached.

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

The grant of a S73 application is a grant of a new planning permission. This is in addition to any existing planning permissions at the site (19/01544/FUL and 22/01241/S73) set out in the planning history section above.

Conditions 2 and 6

Details submitted under conditions 2 and 6 were approved on 7 January 2022. The approved details include a timetable for planting, replacement of failures and maintenance which is replicated below. The approved details have been part-implemented. The planting that has been undertaken has largely not been successful. During a site visit, your Officers observed drainage pipes being installed. The overspill car park layout has not been implemented in accordance with the approved details and the maintenance/monitoring scheme (see table below) has not been adhered to.

APPENDIX IV – MAINTENANCE / MONITORING ACTIONS AND IMPLEMENTATION SCHEDULE

Action	Description	Activity	Year 1 (autumn/winter of 2021/2022)												Year 2	Year 3	Year 4	Year 5	Continue beyond 5 years?		
			J	F	M	A	M	J	J	A	S	O	N	D							
Action 3	Overspill parking area / soft landscaping	Plant trees														-	-	-	-	-	
		Monitor tree growth															May - August	May - August	May - August	May - August	Yes
		Replacement of failed trees															Nov-March	Nov-March	Nov-March	Nov-March	Yes
		Spot treat weeds															May to October	May to October	May to October	May to October	Yes
		Sow meadow grassland															-	-	-	-	-
Action 8	Hedgerow planting	Plant trees														-	-	-	-	-	
		Monitor tree growth															May - August	May - August	May - August	May - August	Yes
		Replacement of failed trees															Nov-March	Nov-March	Nov-March	Nov-March	Yes
		Spot treat weeds															May to October	May to October	May to October	May to October	Yes
		Trim height of hedgerow in front of acoustic fence	N/A												-	Sept-February	-	-	Yes, once every three years (i.e., years 3, 6, 9, etc)		
Action 9	Rhododendron management	Cut/control of infestation														Sept-February	Sept-February	Sept-February	Sept-February	Yes, or until infestation is eradicated	
		Application of herbicide															May to October	May to October	May to October	May to October	Yes, or until infestation is eradicated

The proposed variation seeks permission for an alternative parking layout on the overspill car park which provides 161 no. car parking spaces (compared to 151 no. in the approved layout); a greater number of spaces running parallel with the Seafield Lodge boundary and parking located closer to both Cherry Pit Lane and Seafield Lane. A double hedge and acoustic fence continue to be positioned alongside the boundary of the overspill car park with Seafield Lodge. WCC Highways has raised no objection to the proposed amendment of the overspill car park layout.

Permission is also sought in the proposed variation for an alternative surfacing material - to retain the dark, loose, non-crush surfacing that has been laid in place of the approved Cotswold stone. 15 no. new trees continue to be proposed; the positions within the overspill car park have been amended. Eight are proposed close to the entrance drive (none previously), 3 within the main body of the overspill car park (10 previously), 3 along the boundary with Seafield lodge (1 previously). 1 new tree is proposed alongside Seafield Lane (4 previously). The drainage remains the same as the approved scheme.

The overspill car park continues to be in the same location as that previously granted planning permission by Committee. The existing hedgerows to both Seafield Lane and Cherry Pit Lane are shown retained in both schemes. The current proposal introduces car parking spaces closer to the Seafield Lane/Cherry Pit Lane boundaries and much closer to the existing trees along those boundaries. Following concerns regarding the possible adverse impact on the boundary trees/hedge resulting from impaction, an amended layout has been submitted. This now includes notes that the proposed car parking located within the Root Protection Areas of adjacent trees and hedgerows located on the roadside boundaries of Seafield Lane and Cherry Pit Lane shall be implemented with a no-dig construction technique in accordance with BS5837:2012. At the time of writing this report re-consultation comments are awaited from the Tree Officer. An update will be provided to Members.

An acoustic fence continues to feature along the overspill car park boundary with Seafeld Lodge with hedge planting in front. The amended layout includes a proposal to increase the length of this fencing northwards to slightly beyond the end of the run of car parking spaces positioned adjacent to the south-western boundary. It is considered this would improve the barrier and mitigate the effect of car headlights which may otherwise shine towards the rear boundary of Seafeld Lodge.

A group of trees continue to feature within the car park bays. These are fewer in number, with more being concentrated around the perimeter of the car park in the revised layout compared to the approved layout. Ecological features of brush piles for Herpetofauna, bird and bat boxes with the inclusion of native planting continue to feature in the layout, landscaping and ecological enhancement of the overspill car park.

The supporting information sets out that the use of a dark stone is no more harmful than a lighter Cotswold stone and suggests that as the site is not located in the Cotswolds, such a light colour stone surface is not characteristic of the area. There are hard surfaces in the vicinity and the dark colour is not dissimilar.

Prior to the grant of planning permission 19/01544/FUL the area of the overspill car park was a grassed field. The introduction of an overspill car park introduces development where there was previously none and this is discernible in views from the adjoining lanes in both the approved planning permission and current proposed scheme. On balance, it is not considered that the revised layout would be significantly more harmful to justify a refusal of planning permission and subject to the awaited Tree Officer comments, is considered acceptable. The Tree Officer comments may influence the precise wording of suitable conditions.

Condition 5

The original application 19/01544/FUL did not include any proposal for external lighting. The existing planning condition states that there shall be no external lighting, with the associated reason to safeguard rural character.

The proposed variation does not include a lighting scheme. Instead, it proposes that prior to installation any external lighting associated with the development shall be subject to a lighting assessment for the provision of wildlife sensitive external lighting and retains the same reason: to safeguard rural character.

Since the grant of planning permission, there have been a number of events which have included lighting at this site in breach of the planning condition. These are referred to in the supporting documents submitted with the application; the planning statement explicitly states that it does not endorse the 2024/25 light trail or any type of light trail. These events have since ceased. The use of lighting at this site did result in the issuing of a Community Protection Notice. Several public comments have raised concerns regarding the adverse impact of lighting on residential amenity and the welfare of animals with reference made to the dairy herd at Heath Green Farm and many reference their adverse experiences with the previous light trail and use of a flood light to illuminate the overspill car-park. An objection has also referred to the Agent of Change Principle and that the development at the Farm Park is an Agent of Change that has implications for Heath Green Farm – regarding its ability to use its grazing fields and animal housing both of which would be affected by lighting and noise citing previous experience as an example.

Paragraph 200 of the NPPF states:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The Agent of Change principle provides that existing businesses should not be subject to unreasonable restrictions as a result of new development that has been permitted after they were established. The newly proposed development is the one that must include restrictions to mitigate any harm that may arise from the activities of the pre-existing use. Planning Committee would have considered this principle in granting planning permission for the Farm Park in 2020.

The existing Attwell Farm Park planning permission is for a farm based Rural Educational and Interpretation Visitor Centre with associated facilities. The existing condition requires that no external lighting shall be installed at the Farm Park, simultaneously having the effect of preventing any harm to Heath Green Farm that may arise from inappropriate types of lighting. That is not to say that a suitable lighting scheme could not be designed to integrate effectively.

Heath Green Farm has commissioned and submitted with their objection a report from Kingshay Farming and Conservation Limited which addresses the impact of noise and artificial light on cattle. Heath Green Farm has also provided its own comments raising concerns on these matters. These are available to view in full on Public Access. The Kingshay report advises that excessive artificial light can affect cattle welfare referencing disruption to circadian rhythms, melatonin suppression, behaviour disturbance and reduced productivity. It also points out that housing livestock indoors comes with additional costs to farmers of higher feed costs and increase expenses of bedding materials and machinery use for cleanings sheds and feeding animals. It further advises that there may also be conflict with requirements for livestock to be grazed outdoors for a minimum number of days. It expresses concern at potential music events and evening light trails posing a risk to the welfare of nearby livestock.

The Council's Agricultural Consultant has also provided comments on matters of livestock welfare, the preparation of which included both visits to Heath Green Farm and Attwell Farm Park. The Agricultural Consultant has had regard to the Kingshay comments and other comments provided relating to animal welfare.

The Agricultural Consultant has advised that livestock's vision primarily sees shades of blue and yellow; that it is important that cows have hours of darkness in each 24 hour period; that some farms retain very low light levels in livestock areas to avoid stress and that light from above the cow is best to prevent shadows that can cause panic. They advised flashing lights and unusual lighting can affect normal behaviour and welfare of cattle causing stress and increased agitation. They expressed concern at any high intensity external light level including that an outdoor light trail has the potential to affect animal behaviour.

The Agricultural Consultant noted that the supporting information states that 'there is no aspiration or necessity to introduce 'ordinary' lighting to the paddocks' and that there is

existing external lighting fixed to the building. The response expressed some concerns that there is no explanation of what would constitute any 'non-ordinary' lighting to the outdoor paddock, though goes on to advise that if this could be overcome by planning conditions, their view would be that an extension of opening hours would be acceptable.

Neither planning legislation, nor local or national planning policy impose a general prohibition on external lighting either in the Green Belt or elsewhere. Applications are to be assessed on their own merits. Imposing a planning condition is predicated on the assumption that its requirements are achievable. It must meet the 6 tests (necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects). A condition cannot be used to alter the operative part of the planning permission.

The agent has declined requests for a lighting scheme to be submitted as part of the current application, explaining that none is currently proposed and this is not considered necessary and instead has suggested 3 options:

- Option 1: Only impose the alternative condition 5 as set out above. It will be a matter of discretion if, when and how a lighting scheme is submitted for the overspill car park.
- Option 2: A planning condition may be imposed requiring a lighting scheme to be submitted to and agreed within 6 months for the overspill car park. This condition can be imposed in addition to the proposed alternative condition 5.
- Option 3: Planning condition prohibiting use of this car park between 6:00pm and 9:00pm. However, AFP cannot guarantee that no cars will ever park here after 6:00pm and complaints to the LPA due to occasional infractions is not welcomed.

Lighting in the Green Belt or rural area is not itself unusual and a condition can be imposed to ensure the impact is satisfactorily controlled. It is considered that imposing a suitably worded planning condition requiring lighting details to be submitted prior to installation would not alter the operative part of the planning permission. It can ensure that the impact on residential and neighbour amenity, on animal welfare both on-site and at Heath Green Farm and wildlife can be satisfactorily controlled.

During discussions regarding the wording of the proposed varied condition and reason, the planning agent has asserted that because the reason for the existing condition refers solely to rural character, it would be unreasonable of the LPA to introduce additional reasons relating to residential and neighbour amenity, animal welfare both on-site and including neighbouring farms and wildlife. The agent has inferred such an approach would not be compatible with the requirement to determine similar cases in a consistent manner and sought to link this to planning policy guidance advice which cautions that inconsistency could constitute behaviour that may give rise to a substantive award of costs against a Local Planning Authority at appeal. In this instance, the experience of unauthorised lighting has demonstrated that that lighting may have an adverse impact on residential amenity and animal welfare in addition to rural character. I consider these additional impacts to constitute a material planning consideration.

It is considered that condition 5 could be varied to require lighting details to be submitted however these should be required to ensure the satisfactory impact on residential amenity, livestock on site and at the neighbouring farm (Heath Green Farm), wildlife, and rural character. The following re-worded condition is suggested:

Prior to the installation of any external lighting in connection with this development, details including a Lighting Assessment demonstrating its suitability with regard to the

impact on animals at the Farm Park, livestock using the adjoining fields and barns at Heath Green Farm, wildlife, residential amenity of neighbouring properties, and with the rural setting shall be submitted to and be approved in writing by the Local Planning Authority. The submitted details shall include a specification, details of proposed location(s), times of operation and a timetable for installation. The details shall seek to minimise any light spill outside of the site including any upward spill. The lighting shall be implemented in accordance with the approved details and shall not be amended without the prior approval of the Local Planning Authority.

Reason: To ensure the satisfactory impact of the external lighting on animal welfare both at the Farm Park and the adjoining Heath Green Farm, wildlife, residential amenity and rural character.

Condition 8

Condition 8 restricts the hours that members of the public may visit the site. This condition was imposed to safeguard the amenities of neighbouring residents. The condition has previously been amended from 5:00pm to allow the public to visit until 6:00pm at weekends and official school holidays.

The current proposal seeks to vary the hours to enable the public to visit 9:00am – 9:00pm every day, all days of the year. The application submission states that the decision whether to open will be a management one taken by the operator of the Farm Park. Objections have been received from both the Parish Council and members of the public to the proposed increase in hours.

Use

The existing planning permission grants permission for the 'Continued use of land and farm buildings as a farm based Rural Educational and Interpretation Visitor Centre with associated facilities including visitor parking, the retention of outdoor play equipment, toilet blocks, animal enclosures, shelters and fencing, the wall filling the formerly open sided elevation of the southernmost building, pedestrian link between the café/play barn and winter barn and steel walling adjacent to the visitor parking area. Retention of a mobile office building for a twelve-month period.'

There has been reference in the application to a music event. Reference has also been made in some of the supporting information to 'entertainment, events and leisure'. This was queried given that the authorised planning permission description does not include any of these. The agent has responded that there is no inconsistency and that '100% of visitors 100% of the time experience "entertainment, events and leisure" whilst being educated about farming at AFP' and has referred to Use Class F1. The submitted Noise Assessment and Noise Management Plan draft have been amended to specifically exclude external 'live' music events and loud amplified music. Subsequent supporting information submitted with the application confirms that the nature of farm park usage will not change during the proposed extended hours. The application has been assessed on that basis. For Members information, a venue for live music performance is *Sui Generis* i.e. it is not included in any Use Class.

An education and visitor centre is considered to fall within Use Class F1 (Learning and Non-Residential Institution). Use Class F1 includes the following:

Any use not including residential use:

(a) for the provision of education

- (b) for the display of works of art (otherwise than for sale or hire)
- (c) as a museum
- (d) as a public library or public reading room
- (e) as a public hall or exhibition hall
- (f) for, or in connection with, public worship or religious instruction

The existing planning permission does not include any conditions that limit its use only to that specified in the description. The Use Classes Order 1987 (as amended) states that use of a building or land for any other purpose in the same class is not to be taken to involve development of the land.

Highway Matters

There are no restrictions on visitor numbers within the existing planning permission, nor restrictions on the use of the main or overspill car park areas.

Annual visitor numbers are stated in the submission as 100,000 in 2022, 200,000 in 2023 and 230,000 in 2024. There are currently 50 members of staff, with many staff living locally. The agent has confirmed that a motivation for the application is an intention to increase visitor numbers.

The Transport Statement explains that from 2022 to 2024, for about 10 to 15 days each year, an adjacent field was used for additional parking when the overspill car park was full. Learning from this experience, the Park adapted its pricing structure to spread visitor numbers more evenly over the day. This strategy proved successful, and no visitor cars parked in this field in 2025.

Public concerns have been received on the potential generation of traffic and matters of highway safety particularly during dark evenings. The Highway Authority has raised no objections. It has confirmed that in preparing its comments Personal Injury Collision Statistics (PICs) have been reviewed and there have been no recorded PICs on Seafield Lane in recent years. This suggests that, whilst the Farm Park has experienced significant increases in visitor numbers, the associated vehicular traffic has not resulted in any PICs. There are also no PICs associated with HGV vehicles. Seafield Lane has no street lighting or footways. However, the PIC analysis shows that there have been no PICs involving pedestrians, cyclists or horse riders. Hence, whilst there may be a perceived highway safety issue, there is no evidence to show that there is an existing highway safety issue associated with Seafield Lane.

The Transportation Statement includes traffic data from Monday 22 June and Sunday 28 June 2015 on Seafield Lane at the Woodside Farm junction (this is located 400m to the south-west of the Attwell Farm Park junction) and traffic data from Thursday 11 April and Wednesday 17 April 2024 on Seafield Lane at the same location. The Transport Statement concludes that over the 9 year period there is no evidence of a major increase in traffic or the average speed (stated as 40mph). The Highway Authority response advises this headline statement is to be treated with caution. It notes the two sets of 85th percentile speeds are generally consistent with each other, being approximately 40mph in both directions, well below the posted speed limit of 60mph. This reflects the alignment of Seafield Lane, being relatively narrow, with passing places, which may lead drivers to travel at lower speeds. It is considered that this will be a contributing factor to a lack of PICs occurring along Seafield Lane.

The Highway Authority notes the weekday AM 8:00am-9:00am peak hour two-way trips have remained the same over the 9-year period. Whilst some increase might have been expected, to allow for some growth in background traffic, the results suggest much of this traffic is probably similar origin-destination trips over the nine years. Also, the Highway Authority would not expect much Park-related trips during the AM peak hour, given the development does not open to the public until 9:00am.

The weekday PM 5:00pm-6:00pm peak hour two-way trips have increased by approximately 13% over the 9-year but from a low base, so whilst the percentage increase might be considered significant, the actual number of trips, being 11, is not deemed significant and can be readily accommodated on the local highway network. It is likely some of this increase is related to traffic leaving the Park.

Comparing the two-way 5-day and 7-day average daily flows, there have been increases of 5.4% and 10.8%, respectively. These might be considered low, given the 9-year period and the opening of the Park, with recorded significant increases in visitor numbers.

ATCs are snapshots of traffic flows and may not always show travel patterns on a daily or monthly basis. Hence, the Highway Authority analysed the ATC results in more detail. It was noted the 6:00pm-10:00pm 7-day average two-way flows showed a more noticeable increase between 2015 and 2024, with 807 two-way trips in 2015 and 969 two-ways in 2024, being a 20% increase.

It was also noted that Thursday 11 April to Sunday 14 April 2024 was the end of the Easter holidays. The ATC results show that traffic flow on Thursday 11 April 2024 was noticeably higher than for the rest of that recorded week. For the 6:00am-10:00pm time period on Thursday 11 April, 1151 two-way trips were recorded, which is a 29.2% increase on the 2015 6:00am-10:00pm 5-day average two-way flows of 891 and a 42.6% increase on the 807 6:00am-10:00pm-day average two-way flows in 2015.

The above shows how selective reporting can influence a narrative. It is clear there will be days when traffic flows along Seafield Lane are significantly higher than the baseline flows were before the Farm Park opened and noticeable to the local community. However, the Highway Authority is still content these increased flows can be accommodated, without causing any significant detrimental impact to the overall capacity and effective operation of the local highway network.

The Highway Authority acknowledges that the main impact of this planning application is to allow more visitors during the evening period. As base flows will be lower during the evening, the increase can be readily accommodated, with minimal detrimental impact.

NPPF paragraph 116 states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'

The Highway Authority has raised no objection, no unacceptable impact has been identified on highway safety nor that any impact would be severe. It is considered that there is no justification to refuse the application on highway grounds.

Noise

The applicant has submitted a Visitor Management Policy. This includes information on existing and proposed management during evening hours. It explains that one motivation

to increase the hours is to increase visitor numbers and states that daily visitor numbers will be spread across a longer working day. With regard to seasonal use it states that:

It does not automatically follow that AFP will open all parts of the Park, all year until 9pm. That is a management decision. For example:

- During the summer, visitors will access the paddocks until 9:00pm. The paddocks will have animals in the evening.
- During the winter, AFP is likely to prevent the public from accessing the paddocks in the evening, when it is too dark and when most animals (emus and ducks) are accommodated indoors all day. In other words, in the winter, AFP will be open until 9:00pm and guests can witness animals kept indoors. Guests will not have access to the paddocks after dark. This restriction will be enforced by using gates to close the paddock walk. AFP currently manages the paddocks in the winter in this manner because:
 - 1) Without any external lighting in the paddocks it would not be sensible or safe to allow people to walk around in the dark.
 - 2) No animals are kept outside in winter other than ducks and emus, meaning there is little enjoyment in walking empty fields.

Many of the objections express concern about noise. Beoley Residents Association has submitted its own acoustic representation letter objecting to the application and criticising that the original Noise Assessment as inadequate and referred to WRS comments identifying deficiencies in the original submission. Subsequently, additional information was provided by the applicant in an Addendum and the Noise Assessment and Noise Management Plan draft were updated. WRS commented that the proposal may be suitable subject to conditions relating to noise management. More recently an updated Noise Assessment (version 2) and updated Noise Management Plan – draft (version 2) has been submitted that include nearby dwellings that were previously not included. This has been referred to WRS: Noise and comments are awaited. Members will be provided with an update.

BDP19 seeks to deliver high quality development by ensuring sufficient appropriate landscaping and to maximise distance between noise sources and noise sensitive receptors. This is an existing Farm Park and other than the alternative layout for the overspill car park, the site layout is not proposed for change in this application.

NPPF paragraph 198 states that planning decisions should mitigate and reduce to a minimum potential adverse effects from noise and avoid significant adverse effects. It is recognised that the NPPF does not seek to prevent noise in its entirety. Both the NPPF and the National Planning Policy Guidance (PPG) on Noise refer to the Noise Policy Statement for England (NPSE). The NPSE states that the level above which significant adverse effects on health and the quality of life occur is the 'Significant Observed Adverse Effect Level (SOAEL) and that it is not possible to have a single objective noise-based measure that defines SOAEL

The first stated aim of the NPSE is to avoid significant adverse effects on health and quality of life. The second aim is to mitigate and minimise noise where the impact lies somewhere between the 'Lowest Observed Adverse Effect Level' (LOAEL) - which is the level that adverse effects on health and quality of life can be detected - and the SOAEL. This does not mean that adverse effects cannot occur.

The PPG Noise identifies LOAEL noise as present and intrusive and gives an example where noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise, potential for some reported sleep disturbance, affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life. In contrast SOAEL is present and disruptive and the noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep, quality of life is diminished due to change in acoustic character of the area.

The PPG advises that above the LOAEL noise starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).

Committee would have been required to consider these matters when it granted planning permission for this development. Noise mitigation in the original planning permission required the introduction of an acoustic fence along the boundary of the overspill car park, to protect Seafeld Lodge from the noise impact arising from use of the overspill car park. The fence has been installed. There are no restrictions to the maximum number of vehicles or visitors to the site, no restrictions to the approved use itself and no requirement for a management policy for how the site operates or how noise is managed. The current application confirms that the nature of activities will remain unchanged. No change of use is being applied for.

A Noise Assessment (WA/0325/NA-738-v2) has been submitted. This is available to view on the website and members are encouraged to do so. It includes a mitigation summary for each noise sensitive receptor and includes those nearest no-applicant owned properties at Seafeld Lodge and Heath Green Farm. It states that amplified music will be confined to low level sources and will be set up and monitored to achieve inaudibility at the nearest noise sensitive receptors. The submitted Noise Management Plan draft (WA/1025/NMP-365-draft-v2) is also available to view on the website and members are encouraged to do so.

It is considered that a condition requiring a Noise Management Plan would mitigate and minimise effects above the LOAEL. In coming to this conclusion, it is recognised that there may be Lowest Observed Adverse Effect Level noise and that planning policy recognises this may occur.

Paragraph 198 also advises consideration to be given to identify tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason. Although this is a Green Belt location, this is not considered to be a tranquil area for the purpose of paragraph 198. For example, there are existing businesses in close proximity and roadway noise is audible.

Impact on animal welfare

Consideration of the impact of lighting on animal welfare is included under the condition 5 assessment above. This section will focus on impact of noise.

Heath Green Farm has commissioned and submitted with their objection a report from Kingshay Farming and Conservation Ltd. It reports that cattle have a different hearing range to humans; the threshold for discomfort is 90-100dBA with one study showing levels exceeding 70dBA impacted milk quality; shouting and specifically screaming children is identified as a stressor in livestock.

The Agricultural Consultant has provided advice and taken into account objections received including the Kingshay report. They have advised that sudden loud noises or any loud noise music event held at Attwell Farm Park has the potential for affecting the behaviour of grazing cattle or housed livestock. Having considered these in the site context the consultant has commented that it would accept an extension to the current opening hours and suggested a structured management plan regarding why or where noise levels may be amplified with a conditioned noise management plan to mitigate the potential noise impacts.

In conclusion, it is considered that the impact on animal welfare can be mitigated and this could be incorporated in a management plan as discussed in the preceding section of this report.

SEND/Neurodivergent Consideration

Many letters of support have been received from and on behalf of SEND people and their families explaining the benefit of the facility for those with SEND needs. The supporting information makes clear that the additional hours would enable better access by those with SEND and their families/carers, Molly Ollys, for those receiving end of life care as well as by the general public. Supporting information states that in 2024 eight days were specifically for SEND/neurodivergent people. In explanation of why these events cannot take place during existing opening times the application explains:

Peak daytime hours, including half-term breaks and special events, can be overwhelming for many neurodiverse visitors, resulting in heightened stress and anxiety. To address this, since 2022 Attwell Farm Park has occasionally extended opening hours until 9pm to provide a quiet atmosphere for such visitors. These evening hours create a supportive and safe environment that is better suited to the needs of neurodiverse individuals. Attwell Farm Park has received positive feedback from attendees to confirm the benefit of evening events to the neurodiverse community. Opening until 9:00pm gives more scope to accommodate those with special needs, on days when other groups and the general public are precluded from visiting until 9:00pm.

It does not wholly explain why specific times could not be made available during the authorised opening hours. These SEND/neurodivergent evenings have ceased since the CPN was issued. The agent has advised that it is difficult to predict how the ratio of later opening times until 9:00pm that will be split between each of the following:

- SEND/neurodivergent
- Local school and other community groups
- Members of the general public

Due regard is required to be had to the Public Sector Equality Duty (PSED) under s149 of the Equality Act 2010 in which disability is a relevant protected characteristic. It requires decision-makers to have "due regard" to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different groups.

The information received and numbers of letters in support of the application demonstrate the support for Attwell Farm Park for use by SEND/neurodivergent people. Some of the representations were of the view that without the increased opening hours the venue may close. The applicant's agent has confirmed this is not the case. The applicant has advised that on 20/03/2026 Attwell Farm Park has won the WCC Tourism awards for the Accessible and Inclusive category and the Large Visitor Attraction. These have been won whilst the CPN is in operation and whilst operating the authorised hours. Some objections have included a caveat that they do not object to limited additional hours for use by SEND/neurodivergent groups.

In conclusion, it is considered that the increase in opening hours would accord with the PSED with regard to disability insofar as it applies to SEND/neurodiverse people. This is a consideration in favour of the proposal. However, Members should be aware that the application makes clear that the attendance by certain sectors is an operational management consideration.

Economic Considerations

The Planning Statement explains that increasing visitor numbers would in turn increase the revenue of Attwell Farm Park, local businesses and local tradespeople. No figures are provided though it estimates that 20 additional jobs will be created at the Farm Park.

Although not submitted formally as part of the application, a public comment made by an employee of the Farm Park also explains that the company works with local colleges, work experience programmes, and SEND employment initiatives to help young adults build confidence and gain practical, career-ready skills.

Policy BDP15 states that the Council will support proposals that satisfy the social and economic needs of rural communities and requires all development to be sustainable. NPPF paragraph 85 requires that significant weight be placed on the need to support economic growth and productivity.

In the context of this application, the proposal represents an investment in the Farm Park and is seeking economic growth and under the NPPF should be given significant weight in the planning balance.

Other Matters

Concerns have been received that local residents rely on local bore hole water and have concerns about the treatment of sewage from these premises. This would be a matter to be directed to the Environment Agency. This application does not include any sewerage infrastructure. It is seeking to vary planning conditions.

Conclusion/ Planning Balance

There is a requirement for the Local Planning Authority to be positive and proactive during the determination of a planning application. In taking this approach, additional information has been sought and submitted. The current proposal has provided information in support of the application including Noise reports, a draft Noise Management Plan, Visitor Management Policy and Transportation Statement.

Planning permission was granted originally in 2020 for the use and its associated facilities. There are no planning conditions restricting the use. It is recognised that there have been times that the site has opened outside of its approved opening hours and during those times has used lighting in breach of planning conditions and that this has resulted in a CPN, the requirements of which reflect planning conditions.

Objections have been made raising material planning concerns together with supporting representations. These have been considered in this report together with consultee comments and require assessment in the planning balance. Planning conditions are to be used, where the relevant tests are met, to address concerns that would otherwise result in a refusal of planning permission and is relevant in the determination of this planning application.

In this instance and on balance overall, subject to the final satisfactory comments of the Tree Officer and WRS: Noise, it is considered that planning permission should be granted.

RECOMMENDATION:

(a) **MINDED to GRANT FULL PLANNING PERMISSION**

- (b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning, Leisure and Cultural Services to determine the application following the receipt of satisfactory comments from the Tree Officer and WRS: Noise
- (c) That **DELEGATED POWERS** be granted to the Assistant Director for Planning, Leisure and Cultural Services following consultation with the Planning Committee Chairman, to agree the final scope and detailed wording and numbering of conditions as set out at the end of this report.

Suggested Conditions:

- Prior to the installation of any external lighting in connection with this development, details including a Lighting Assessment demonstrating its suitability with regard to the impact on animals at the Farm Park, livestock using the adjoining fields and barns at Heath Green Farm, wildlife, residential amenity of neighbouring properties, and with the rural setting shall be submitted to and be approved in writing by the Local Planning Authority. The submitted details shall include a specification, details of proposed location(s), times of operation and a timetable for installation. The details shall seek to minimise any light spill outside of the site including any upward spill. The lighting shall be implemented in accordance with the approved details and shall not be amended without the prior approval of the Local Planning Authority.
- Visiting members of the public shall be limited to between 9:00am and 9:00pm
- Those attached to the original planning permission amended as appropriate by condition details previously approved including:
 - Acoustic fence
 - Landscaping maintenance
 - Electric vehicle charging
 - Accessible parking spaces
 - Cycle parking
- List of approved plans
- Overspill car park
- Hours

Plan reference

- Biodiversity/ecology
- Lighting
- Tree protection
- Noise management
- Travel plan

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