

**Town & Country Planning Act 1990**

**Notification of Full Planning**

**Application Reference Number: 14/04854/FUL**

<p><b>Agent</b> Mr Daniel Hurring Thoulstone Sustainable Event Company Alexandra House Church Street Upton Noble Shepton Mallet Somerset BA4 8AS</p>	<p><b>Applicant</b> Mr Daniel Hurring Thoulstone Sustainable Event Company Alexandra House Church Street Upton Noble Shepton Mallet Somerset BA4 8AS</p>
<p><b>Parish: CHAPMANSLADE</b></p>	
<p><b>Particulars of Development: Change of use of part of former golf course to Yurt campsite</b></p>	
<p><b>At: Thoulstone Park Golf Club, Thoulstone, Chapmanslade, Wiltshire BA13 4AQ</b></p>	

In pursuance of its powers under the above Act, the Council hereby grant **PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

**Subject to the following conditions:**

- 1 Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Use Classes (Amendment) Order 2005 (or any Order revoking and re-enacting those Orders, with or without modification), the use and stationing of yurts and tent pitches hereby permitted shall be for holiday accommodation only and for no other purpose and the caretaker accommodation shall be permitted for a temporary period only so as to coincide with the operating period of the camp site as contained in condition 2.

**REASON:**

This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent accommodation.

- 2 The campsite use hereby permitted shall be open to guests only between 1st April and 30th September in any year of operation and all temporary accommodation and structures shall not be brought on to site before 15th March and shall be removed

from the site by 15th October in that year.

**REASON:**

In accordance with the application proposals and to ensure that the site is vacant outside of the permitted annual period of operation.

- 3 The use hereby permitted including the caretaker accommodation shall be discontinued and the land restored to its former condition on or before 15th October 2019, in accordance with a scheme of work to be submitted to and approved by the Local Planning Authority.

**REASON:**

In accordance with the application proposals and to ensure that the site is restored at the end of the temporary permission.

- 4 No more than 40 pitches for tents, 4 yurts to a maximum diameter of 7m, 3 ancillary tents/temporary structures in accordance with the submitted details (kitchen, "ceremonial space" and reception), the shower and toilet facilities in accordance with the submitted details and temporary caretaker accommodation, which may take the form of a caravan, may be on site and in use on the land at any time. For the avoidance of doubt the caretaker accommodation shall be removed from site together with all other temporary structures in accordance with the time limits contained in Condition 2.

**REASON:**

In order to define the terms of this permission, highway safety and protect the rural scene.

- 5 No sound reproduction or amplification equipment (including public address systems, in-vehicle sound systems or loudspeakers) shall be installed or operated on the site unless in association with an event being held under a Temporary Events Notice (TEN) and/or licensed where required under the Licensing Act 2003 (or any legislation revoking or re-enacting or amending that Act with or without modification).

**REASON:**

In order to safeguard the amenities of the area in which the camp site is located.

- 6 Guest vehicular access to and egress from the parking area shall be restricted to the hours between 07:00 and 23:00 unless during an event being held under a Temporary Events Notice (TEN) and/or licensed where required under the Licensing Act 2003 (or any legislation revoking or re-enacting or amending that Act with or without modification).

**REASON:**

In order to safeguard the amenities of the area in which the access, camp site and parking area are located.

- 7 The parking of all motor vehicles, barring that of the site manager, which may be parked in the vicinity of the manager's temporary accommodation, shall be confined to the existing parking area serving the old golf course and club house.

**REASON:**

In order to safeguard the amenities of the area in which the camp site is located.

- 8 Within two months of the date of this permission an Ecological Landscape Scheme and Management Plan shall be submitted to the local planning authority for written approval. The landscape scheme and management plan shall provide full details of habitat creation, planting/seeding methodologies, aftercare and management. Habitat

creation and management shall be carried out in full accordance with the plan.

**REASON:**

In the interests of promoting biodiversity and to avoid harm to the local ecology.

- 9 The development hereby permitted shall be carried out in accordance with the following approved plans:
- Location Plan (Revised) received on 1 August 2014;
  - Site Plan (Revised) received on 9 August 2014;
  - Access Plan received on 12 May 2014;
  - Ceremonial Temple Design received on 12 May 2014;
  - Typical Yurt and canvas structure image received on 12 May 2014;
  - Compost Lavatory design received on 12 May 2014; and
  - Shower cubicle design received on 12 May 2014.

**REASON:**

For the avoidance of doubt and in the interests of proper planning.

- 10 **INFORMATIVE:** The Rights of Way Officer invites the applicant's attention to the presence of Right Of Way USCU5 in the vicinity of the site and advises that at no time may the legal line of any public footpath be obstructed.

**Signed**



**Director for Economic Development & Planning**

**Dated: 11 August 2014**

## **Thoulstone Park – summary of events held in 2014**

### **Beltain Unity Event**

This was a 4 day event in May that attracted about 400 people organised by Dan Hurring and Sun Bird. Online publicity caused Environmental health to serve an abatement notice in advance of the event. Despite complaints, no action was taken regarding the abatement notices.

### **Cinema Sleepover**

This took place on 13 June 2014 and was covered by a TEN given by Mr Hurring. Approximately 100 attendees and no known complaints

### **Hootsuite Summer Camp**

This was a private corporate event between 4<sup>th</sup> and 6<sup>th</sup> July 2014 with about 80 persons camping on site. There were complaints about noise from car horns etc at the end of the event.

### **BBC Party**

This was a private event organised by the BBC in Bristol and attracting about 300 guests from 12<sup>th</sup> July for 3 days in all. The organisers brought their own sound equipment and ignored all requests to turn down the music volume. As a result, TSEC staff disconnected the power generator only to then find that one of the many engineers on site reconnected the same. Described by Mr Lepingwell (who was not on site for the event) as a “catastrophic disaster” the organisers of the event will never again be permitted on the site and this event led to further enforcement action.

### **Wowcher**

Another corporate event – this time for 1 day on 18<sup>th</sup> July for about 150 persons, all of whom were bussed into and then away from the site with few issues.

### **Whispering Wood Folk**

This was a one day event on 19<sup>th</sup> July for about 120 attended and was a children focussed theatrical event held in the woodlands part of the site which did not end late. Curiously, there appear to have been complaints about this evening which we have been unable to verify.

### **Sound Healing Retreat**

A 4 day private event starting on 31<sup>st</sup> July involving about 40 people staying on site and a lot of “chanting and meditation”. No known complaints.

### **Off-Grid**



This was a comparatively large event with about 700 persons attending between 14 and 17<sup>th</sup> August. A TEN was given by Mr Hurring but only for part of the site (which did not accommodate more than 500 persons). An abatement notice was again served specifically in respect of this event and before it occurred.

**Private 40<sup>th</sup> Birthday party**

A two day private event for 100 persons. There were some issues over parking and music running on late but this was not a licensable event.

**Sarah L B wedding**

The first (and so far only) wedding at Thoulstone Park 2 days at the end of August with about 250 guests in all and no issues arising.

**Sharper Sounds**

2 day event on 12 and 13 September for which Mr Hurring gave a TEN. The set up of sound systems and the nature of music played caused issues at Thoulstone Cottages. Approximately 350 attendees.

25 July 2014

Mr Daniel Hurring  
Alexandra House  
Church St  
Upton Noble  
Somerset  
BA4 6AS

Public Protection Services  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Our Ref: 201419548

Dear Mr Hurring

**Environmental Protection Act 1990  
Complaint of Alleged Noise Nuisance from Loud Music at Thoulstone Park,  
Thoulstone, Chapmanslade**

I regret to inform you that I have received a number of complaints with regard to noise from events that have occurred at Thoulstone Park, notably, the weekends of 12<sup>th</sup> and 13<sup>th</sup> July and 19<sup>th</sup> and 20<sup>th</sup> July.

I have, therefore, enclosed two legal Notices served under the Environmental Protection Act 1990, which require you to ensure the activities on the site which involve any form of music do not cause a statutory noise nuisance.

We have served two separate notices; one with respect to the Off Grid Festival and one with respect to parties and other events held at the premises.

**Abatement Notice Ref: 201419556**

This notice applies solely to the Off Grid Festival that is to run from 14<sup>th</sup> to 17<sup>th</sup> August 2014 and places various restrictions on the site, including the hours during which amplified music, recorded music and or musical instruments may be played and also sets maximum music noise levels.

You will note that the times match the times you submitted with your application for a Temporary Event Notice and the MNLs moreover match the ones submitted with your draft Noise Management Plan.

You should be able to demonstrate and provide evidence that the notice and specified Music Noise Levels have been complied with.

To clarify section 7 of the schedule of the notice (and which forms part of the notice) refers to drumming workshops. This type of activity caused significant disturbance to those living in the locality during the Beltain Gathering event organised by "Sun Bird".

.....continued overleaf

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**Abatement Notice Ref: 201419548**

This notice applies to the whole site on all dates apart from 14<sup>th</sup> to 17<sup>th</sup> August 2014 and requires you to take such measures as may be necessary to prevent statutory noise nuisance from being caused.

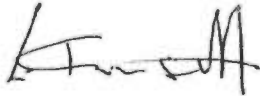
We will be monitoring the site including the Off-Grid Festival and would advise that if breaches are witnessed legal action may be taking having regard to our enforcement policy. Fines, on summary conviction in a Magistrates' Court, are up to £20,000 each time a notice is breached.

As stated previously, you are advised to review your proposals for the site and your Noise Management Plan. We would also suggest you apply for a premises licence for the site as this has the potential to bring clarity for all. We would propose a debrief meeting for September to review this year's activities, the impact on the community and future events.

Please note you will, of course, need to ensure that you have planning permission that covers you to carry out the activities/events you run/hold on site prior to running them.

Please do not hesitate to contact me should you seek further clarification or wish to discuss this matter.

Yours sincerely



PP Mrs Annabel Wilkinson  
**Environmental Health Officer**

tel no 01225 770219

email: [annabel.wilkinson@wiltshire.gov.uk](mailto:annabel.wilkinson@wiltshire.gov.uk)

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## ENVIRONMENTAL PROTECTION ACT 1990, Section 80

### Abatement Notice in respect of Noise Nuisance

Ref: 201419548

To: Mr Daniel Hurring  
Alexandra House  
Church St  
Upton Noble  
Somerset  
BA4 6AS

**TAKE NOTICE** that under the provisions of the Environmental Protection Act 1990 the **WILTSHIRE COUNCIL** being satisfied of the ~~(existence)~~ likely occurrence ~~(recurrence)~~ of noise from music amounting to a statutory nuisance under Section 79(1)(g) of that Act at:

1. 1 and 2 Thoulstone Cottages, Chapmanslade BA13 4AQ
2. Thoulstone Park House, 1 Thoulstone, Chapmanslade BA13 4AQ
3. Dilton Court, Hisomley , Dilton Marsh, BA13 4DE
4. Chalcot House, Chalcot Lane, Dilton Marsh BA13 4DF

(within the district of the said Council) arising from noise from the playing of amplified, recorded and musical instruments at Thoulstone Park former golf course, Thoulstone, Chapmanslade Wiltshire.

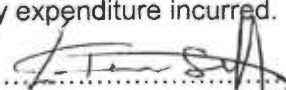
**HEREBY REQUIRE YOU** as the person responsible for the said nuisance and occupier of the premises from which the noise is or would be emitted forthwith from the service of this Notice, to take such measures as may be necessary to prevent statutory noise nuisance from being caused

**This notice shall not apply between the 14<sup>th</sup> August 2014 and the 17<sup>th</sup> August 2014**

**IF** without reasonable excuse you contravene or fail to comply with any requirement of this Notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale\*\*, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this Notice, the Council may execute the works and recover from you the necessary expenditure incurred.

**DATED 25 July 2014**

Signed:  .....  
Environmental Health Officer

Address for all communications:-  
Public Protection  
Wiltshire Council  
County Hall Bythesea Road  
Trowbridge BA14 8JN

NB: The person served with this Notice may appeal against the Notice to a Magistrates' Court within twenty-one days beginning with the date of service of the Notice. See notes on the reverse of this form.

\*\*Currently £5,000 subject to alteration by Order

Linda Waugh  
NO022

Version 1.1

15.06.09

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## APPEALS UNDER SECTION 80(3) OF THE ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

- 2 (1) The provisions of this regulation apply in relation to an appeal brought by any person under Section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under Section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case.
- (a) that the abatement notice is not justified by Section 80 of the 1990 Act (summary proceedings for statutory nuisances);
- (b) that there has been some informality, defect, or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
- (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
- (e) where the nuisance to which the notice relates -
- (i) is a nuisance falling within Section 79(1)(a),(d),(e)(f) or (g) of the 1980 Act and arises on industrial, trade, or business premises; or
- (ii) is a nuisance falling within Section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney; or
- (iii) is a nuisance falling within Section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes.
- (f) that, in the case of a nuisance under Section 79(1)(g) of (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
- (i) any notice served under Section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises); or
- (ii) any consent given under Section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone); or
- (iii) any determination made under Section 67 of the 1974 Act (noise control of new buildings);
- (g) that, in the case of a nuisance under Section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of Section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
- (h) that the abatement notice should have been served on some person instead of the appellant, being -
- (i) the person responsible for the nuisance; or
- (ii) the persons responsible for the vehicle, machinery or equipment; or
- (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises; or
- (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being -
- (i) in the case where the appellant is the owner of the premises, the occupier of the premises; or
- (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
- (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
- (i) a person also responsible for the nuisance; or
- (ii) a person who is also owner of the premises; or
- (iii) a person who is also an occupier of the premises; or
- (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under Section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph 2(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may -
- (a) quash the abatement notice to which the appeal relates; or
- (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit; or
- (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit.
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work; or
- (b) as to the proportions in which any expenses which may become recoverable by the Authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above the court -
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required; and
- (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

## SUSPENSION OF NOTICE

- 3 (1) Where -
- (a) an appeal is brought against an abatement notice served under Section 80 or Section 80A of the 1990 Act; and
- (b) either -
- (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal; or
- (ii) in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant; and
- (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) The paragraph applies where -
- (a) the nuisance to which the abatement notice relates -
- (i) is injurious to health; or
- (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect; or
- (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice -
- (a) shall include a statement that paragraph (2) applies and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court; and
- (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

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**LICENSING ACT 2003**  
**Notice of Application for a Premises Licence**

NOTICE is hereby given that Sustainable Land and Events Limited has applied to Wiltshire Council for the grant of a premises licence for part only of the former **Thoulstone Park Golf Club, Thoulstone, Chapmanslade BA14 4AQ**.

The application is permit the performance of plays and dance (08:00 - 23:00 hours), films, live and recorded music (12:00 - 02:00 hours), late night refreshment (23:00 - 05:00 hours) and the supply of alcohol (08:00 - 02:00 hours).

The application is subject to a series of conditions including a capacity restriction of 500 for all events other than "Community Events." A maximum of 4 one day Community Events will be permitted and the hours restricted to a latest time for licensable activities of 22:30 hours.

Anyone who wishes to make representations concerning this application must do so in writing to The Licensing Team, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire BA14 8JN no later than 17<sup>th</sup> March 2015.

The full application may be inspected during normal office hours at the offices of Wiltshire Council at the above address (or [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)). It is an offence to knowingly or recklessly make a false statement in connection with this application, the maximum fine for which a person is liable on summary conviction is £5,000.

*Horseley Lightly Fynn*

**3 Poole Road, Bournemouth BH2 5QJ**

**Solicitors for the Applicant**

**Ref PJD/Thoulstone**

**Tel 01202 444545**

**Email [pday@hlf-law.co.uk](mailto:pday@hlf-law.co.uk)**

**From whom copies of the full application may also be obtained**



# Wiltshire Council

Where everybody matters

APPLICATION SUBMITTED UNDER THE LICENSING ACT 2003	
Application Reference	WK/201504448
Type of Application	New Premises Licence
Applicant's Name	Sustainable land and Events Limited
Address of Premises to be Licensed	Part of the former Thoulstone Park Golf Club Thoulstone Chapmanslade BA13 4AQ
Details of Application including licensable activities and hours requested	<p>Licensable activities will take place on the premises between 1<sup>st</sup> April and 30<sup>th</sup> September each year.</p> <p><b>Plays</b> Mon – Sun 08.00-23.00  <b>Films</b> Mon - Sun 12.00 – 02.00  <b>Live Music</b> Mon – Sun 08.00 – 02.00  <b>Recorded Music</b> Mon – Sun 08.00 – 02.00  <b>Performance of Dance</b> Mon-Sun 08.00 – 23.00  <b>Late Night Refreshment</b> Mon – Sun 23.00 – 05.00  <b>Supply of Alcohol</b> Mon – Sun 08.00 – 02.00</p> <p>Except for “Community Events” which licensable activities will take place between 08.00 – 22.30. Apart from films which will be shown between 10.00 – 22.30</p> <p>A “community event” is defined as:  An event involving licensable activities taking place on the licensed premises at which all the following apply:</p> <ol style="list-style-type: none"> <li>1)The event shall not be run for the private benefit of any individual, company or other organization</li> <li>2)Any and all profit from the event shall be applied for charitable purposes or good causes</li> <li>3)The event shall be held for the primary benefit of the local community, meaning residents and organizations living or based within a 5 mile radius from the premises.</li> </ol> <p>Attendance at any event involving licensable activities taking place at the premises, other than Community Events shall be limited to 500 persons at any one time. Community Events shall be restricted to 5000.</p>
Date Representations must be received by the Council	17 <sup>th</sup> March 2015



The full application can be viewed at the address given below during normal working hours and an appointment will need to be made by calling 01249 706555.

Representations must be made in writing and sent to the following address or via email:

**The Licensing Officer  
Wiltshire Council  
Licensing Department  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN**

Email: [publicprotectionnorth@wiltshire.gov.uk](mailto:publicprotectionnorth@wiltshire.gov.uk)

It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is up to £5000.

