

**5i 3/13/2056/FO Variation of Condition 1 of planning permission 3/11/1225/FP) to extend the change of use of the former cattle barn for a further 2 year temporary period to a function room, with toilets, office and associated facilities in the adjacent pole barn at Tewin Bury Farm Hotel, Hertford Road, Tewin AL6 0JB for Mr V Williams**

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**Date of Receipt:** 20.11.13

**Type:** Full – Minor

**Parish:** TEWIN

**Ward:** HERTFORD – RURAL SOUTH

**RECOMMENDATION:**

That, subject to the applicant or successor in title signing a legal agreement pursuant to a S106 of the Town and County Planning Act 1990 in respect of the following matters:

1. The temporary use hereby permitted shall cease to operate prior to the first use of the new function barn on the site as approved under planning permission ref: 3/10/1200/FP.

Planning permission be **GRANTED** subject to the following conditions:

1. Temporary permission – Buildings and Use (1T07) – ‘29 February 2016’.

**Directive:**

1. Other Legislation (01OL).

**Summary of Reasons for Decision**

The proposal has been considered with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development management Policies DPD 2012 and the saved policies of the East Herts Local Plan Second Review April 2007), the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012, (as amended). The balance of the considerations having regard to those policies and the previous permission granted for the temporary use of the building under ref: 3/11/1225/FP is that planning permission should be granted.

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**1.0 Background:**

- 1.1 The application site is shown on the attached OS extract and is located within the Metropolitan Green Belt on the northern side of Hertford Road (B1000) in an area of open countryside. Land to the south of the site is a designated Wildlife Site and SSSI between Hertford and Welwyn Garden City of 6.85 hectares comprising protected wetland/reed bed habitat for protected indicator European species managed by the Herts and Middlesex Wildlife Trust.
- 1.2 The main Tewin Bury Farm complex stretches from the original listed farmhouse and gardens to the east of the main entrance drive from Hertford Road, encompassing listed outbuildings, converted barns, stables and hay barns to provide facilities for weddings, meetings, conferencing and events etc. To the north of the group of buildings, in one of the original listed farm buildings now known as Tewinbury Pie, is a restaurant open to the public.
- 1.3 The complex of barns and outbuildings around the hotel form a cohesive historic group of buildings with intervening open spaces / car parks. All of the original buildings have been converted to alternative uses associated with the hotel site as a wedding venue and events/ conference facilities with associated service storage.
- 1.4 The facilities at Tewinbury Farm provide 29 hotel bedrooms, a restaurant, 9 function rooms/conference buildings with the former cattle barn and pole barn providing an additional temporary function venue since the removal of an earlier unauthorised marquee structure on the site.
- 1.5 Members may recall that the marquee was the subject of enforcement action in 2011 which was upheld on appeal. It was required to be removed from the site by the 5 January 2012 and this has been completed and all the unauthorised elements of the marquee have been removed from the site. Some limited unauthorised hard surfacing remains to the west of the Farm complex but Officers are in discussion with the applicants to resolve this situation as a separate matter.
- 1.6 Planning permission (ref: 3/10/1200/FP) was granted on 9 March 2011 for the construction of a new function barn to replace the marquee and this would provide 450sqm of function/conference events floorspace and 90 parking spaces on the adjacent land to the southwest of the application site. The construction of this building appears to have been commenced on site.

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- 1.7 In July 2011 the site owners applied for planning permission to use a former cattle barn and pole barn on the site as a temporary function room, pending the construction of the new building. Permission was granted for the temporary use, subject to conditions and a s.106 agreement that, inter alia, required the cessation of the use by 5<sup>th</sup> January 2014. The applicants had hoped that the new function barn would have been constructed by this time but, as mentioned above, work has only recently commenced on its construction.
- 1.8 This proposal therefore seeks a variation of condition 1 of that earlier permission to enable the temporary use of the former cattle barn to continue for a further two years, to allow sufficient time for the new function barn to be constructed and fitted out.
- 1.9 An amended section 106 agreement will also be required and is currently being prepared.

### **2.0 Site History:**

- 2.1 The planning history of the site is extensive, the main history is summarised as follows:
- 3/83/0774/FP Construction of agricultural workers dwelling on land next to Westley Wood - Approved
  - 3/87/0165/FP Conversion of existing barn into 4 No. Guest bedrooms – Approved
  - 3/89/0969/FP Change of use of agricultural building (Central barn) to form guest accommodation - Approved
  - 3/89/1116/LB Change of use of agricultural barn to form guest accommodation - Approved
  - 3/93/1118/FP and 3/93/1119/LB Change of use of redundant barn (The Stables) to meetings and conferencing & relocation of straw barn to provide additional parking - Approved
  - 3/95/0202/CL use of building as farm shop for the sale of farm produce, pet foods and other goods Approved
  - 3/95/0271/FP Retention of existing use of building for farm office, farm shop and vegetable preparation - Approved

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- 3/97/1549/FP Change of use: of the existing loft space above the shop for two bedrooms for letting. - Approved
- 3/99/1693/FP – Detached garage, amended access to Westley Lodge – Approved.
- 3/00/0978/FP – Change of use of agricultural land to garden – Approved.
- 3/05/2383/FP – A two storey extension to Westley Wood – Approved.
- 3/09/1407/FP – Retention of marquees, gazebos, umbrellas and car park – Withdrawn.
- 3/09/2003/CL - The siting of four umbrellas outside restaurant, Tewinbury Pie – Refused.
- 3/09/2004/CL – The siting of three umbrellas next to Stables – Refused.
- 3/09/2005/CL – A gazebo sited in the Millstream garden – Refused.
- 3/10/0130/FP and 3/10/0131/LB – Four umbrellas outside Tewinbury Pie restaurant, three umbrellas next to the Stables, a re-sited gazebo in the Millstream Gardens – Approved.
- 3/10/1200/FP – New function barn to provide entertainment space for weddings, charity fundraising events associated with hotel – Approved.
- 3/11/1225/FP – Use of former cattle barn and pole barn as a temporary function room – Granted for temporary 2 year period.

### **3.0 Consultation Responses:**

3.1 HCC Countryside Access has no comments on the proposal.

3.2 Highways do not wish to restrict the grant of permission. The proposal to extend the permission granted under 3/11/1225/FP does not raise any obvious highway concerns. Given the existing uses of the overall site, this particular application for use of the former cattle barn as a temporary function room is not significant in traffic generation terms when compared against the existing and approved developments.

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Ample space already exists within the site boundary to accommodate vehicle parking and turning space requirements. The submitted Planning Statement from the applicant makes it clear that there is no intention to continue to use the temporary facility once the permanent replacement building has been constructed. In this way trip generation to and from the site should not intensify over and above the existing levels.

3.3 HCC Countryside Access has no comments on the proposal.

3.4 Natural England advise that it is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. They therefore advise that the adjacent SSSI does not represent a constraint in determining the application.

3.5 Hertfordshire Ecology has no comments on the proposal.

3.6 The Ramblers Association has no comments on the proposal.

3.7 East Herts Footpath Society has no comments on the proposal.

3.8 The Council's Conservation Officer has no comments on the proposal.

#### **4.0 Parish Council Representations:**

4.1 Tewin Parish Council has made no comments on the proposal at the time of writing this report.

#### **5.0 Other Representations:**

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 No third party representation has been received.

#### **6.0 Policy:**

6.1 The relevant Local Plan 'saved' policies in this application include the following:

SD3	Renewable Energy
GBC1	Appropriate Development in the Green Belt
GBC9	Adaption and Re- Use of Rural Buildings

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GBC10	Change of Use of an Agricultural Building
ENV1	Design and Environmental Quality
ENV24	Noise Generating Development
BH1	Archaeology and New Development
TR7	Car Parking Standards

6.2 In addition to the above, the National Planning Policy Framework is a material consideration in determining the application.

#### **7.0 Considerations:**

##### Principle of Development

- 7.1 The principle of agreeing the temporary use of the barn while the new function room is under construction was established within the earlier planning permission. Officers therefore consider that an extension of time for the temporary use is acceptable in principle provided that there is proper justification for the additional time proposed.
- 7.2 The minor alterations to the building, approved under planning permission 3/11/1225/FP have been carried out satisfactorily and the barns have operated as a temporary replacement function room for events for the last two years. The inserted by-fold doors on the western elevation are not intrusive and are hidden by the adjacent landscaped embankment. They do not, in Officers view, adversely impact on the character and appearance of the barn and area at a distance from the listed buildings to the east and south such as not to affect their setting.
- 7.3 The Highway Authority raise no objection to the proposal and '*consider that given the existing uses of the overall site this particular application for use of the former cattle barn as a temporary function room is not significant in traffic generation terms when compared against the existing and approved developments*'. Ample space already exists within the site boundary to accommodate vehicle parking and turning space requirements. The submitted Planning Statement makes it clear that there is no intention to continue the use of the temporary facility once the permanent replacement function barn approved under Ref: 3/10/1200/FP has been constructed.
- 7.4 In view of the above considerations, it is Officers' opinion that the extension of the temporary use of the barn is justified for a further 2 year period to support the operation of this rural business while the delayed construction of the approved new function barn is undertaken. This is on the basis that the temporary function barn would not be used in addition to the new function building, but the use would cease upon

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first use of the new permanent function building. This would need to be secured by way of Section 106 legal agreement.

- 7.5 Officers concern in relation to any use of the temporary function room in addition to the new function building would be the level of intensification on the site generally and the potential for increased parking requirement and traffic generation which would be detrimental to the rural character and appearance of the area.
- 7.6 In summary, a permanent change of use of the barn would not, in Officers' view, be acceptable due to the likely cumulative impact and intensification of use that would be created if the new function hall is also erected. However, there is justification for the use of the temporary function room for a further limited period of two years to enable the construction of the new function room approved under ref: 3/10/1200/FP.

### **8.0 Conclusion:**

- 8.1 It is therefore considered that, subject to a new/revised section 106 legal agreement, the temporary change of use of the former cattle barn and attached pole barn for a further two year period to 29<sup>th</sup> February 2016 would be acceptable.
- 8.2 Accordingly, it is recommended that a temporary planning permission is granted subject to the imposition of a Section 106 legal agreement and condition as set out at the head of this report.