

**3/14/1626/FO – Variation of Condition 3 (LPA ref 3/13/0922/FO) requiring the use of the Aisled Barn and the conservatory for wedding ceremonies and receptions to cease on or before 14 September 2014 – to allow the use to continue until 30/05/2017 at The Henry Moore Foundation, Dane Tree House, Perry Green, Much Hadham, SG10 6EE for The Trustees of The Henry Moore Foundation**

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**Date of Receipt:** 05.09.2014

**Type:** Variation of Condition – Major

**Parish:** MUCH HADHAM

**Ward:** MUCH HADHAM

**RECOMMENDATION:**

That planning permission be **GRANTED** subject to the following conditions:

1. Three year time limit (1T12)
2. Approved plans (2E10) (1141/SD/100, 1141/PD/200)
3. The use of the Aisled Barn and the conservatory at Dane Tree House for wedding ceremonies and receptions hereby permitted shall cease on or before 31<sup>st</sup> May 2017.

Reason: To enable an accurate assessment to be made of the impact of the development on highway safety and the amenities of neighbouring occupiers, in particular following the implementation of planning permission 3/13/2036/FP.

4. The car parking areas as indicated on Plan No. 1141/SD/100 shall only be used in conjunction with the use of the Aisled Barn and the conservatory of Dane Tree House hereby approved. The car parking areas pursuant to this condition shall be permanently maintained as soft landscaped areas, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the openness and rural character of the site and its surroundings, in accordance with the saved policies GBC3, ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.

**Summary of Reasons for Decision**

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management

## 3/14/1626/FO

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 permissions granted under LPA references 3/13/0922/FP and 3/11/1103/FP is that permission should be granted.

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### **1.0 Background**

- 1.1 The application site is located within the Rural Area Beyond the Green Belt as designated within the Local Plan, within the settlement of Perry Green as shown on the attached OS extract.
- 1.2 The application site is part of the wider Henry Moore Foundation (HMF) site which comprises a large area of agricultural land, woodland and a number of residential and other buildings which accommodate a museum, studio, gallery and storage spaces. These areas are open to visiting members of the public. The application site itself, which is situated adjacent to the Grade II\* Listed Building known as Hoglands, is occupied by Dane Tree House in the east of the site and the Aisled Barn to the west. The remainder of the site is open gardens and woodland which is used to exhibit sculptures by the late Henry Moore. There is an access track which runs along the northern and western boundary of the site which leads to the Aisled Barn. There is existing car parking adjacent to Dane Tree House and the Aisled Barn which could accommodate approximately 16 vehicles. It should also be noted that there is vehicular access from the main track to the adjacent field to the west which the applicant has indicated is occasionally used as overflow parking for up to 84 vehicles. There are mature trees and hedgerows along the boundary of the site which screens the exhibits and other buildings from the surrounding area.
- 1.3 In September 2011 planning permission was granted for the change of use of the Aisled Barn to a mixed use comprising an Art Gallery (Use Class D2) and wedding ceremony/reception (sui generis) use and the change of use of the conservatory in Dane Tree House from Office use (Class B1) to a mixed use of office and wedding ceremony/reception (sui generis) use. This permission was granted subject to a condition which required the use to cease 2 years after the date of the decision, which was September 2013. Permission was later granted in August 2013 for a variation of this condition to enable the use to continue for a further 1 year. A condition was imposed upon this consent to state that the use shall cease in September 2014. The current proposal is to

## **3/14/1626/FO**

vary this condition to enable the use of the site for weddings to take place between June 2016 and May 2017. The applicant has explained that they do not propose for any weddings to take place during the course of 2015 and the early part of 2016 as they intend for construction works to be taking place during this time in connection with the planning permission granted for extensions to the existing buildings granted in March 2014.

- 1.4 It should be noted, as was the case with the previous approval, that the outdoor gardens would also be used in association with the wedding ceremony/reception use and the field within the western part of the site would be used intermittently for car parking associated with the mixed uses of the Aisled Barn and Dane Tree House.
- 1.5 It was previously indicated that the HMF had used the Aisled Barn, the conservatory at Dane Tree House and the surrounding gardens intermittently for weddings for 6 to 7 years prior to the submission of an application to formalise this use. The HMF aim to continue their existing temporary use of these two buildings for wedding ceremonies and receptions for up to 120 guests and have stated that they intend to limit the number of weddings to a maximum of 12 per year and not during bank holidays. The existing use of the two buildings for an Art Gallery and B1 Offices would continue alongside the proposed sui generis use.

## **2.0 Site History**

- 2.1 The relevant planning history for the site is as follows:-
- 2.2 Members will recall that planning permission was granted at the March 2014 Development Management Committee meeting for extensions and alterations to Elmwood and Danetree House and extension and alterations to the existing car parking facilities, submitted under LPA reference 3/13/2036/FP.
- 2.3 In August 2013 permission was granted, under LPA reference 3/13/0922/FO, for a variation of condition to the permission granted for the use of the Aisled Barn and Dane Tree House for wedding ceremonies (LPA reference 3/11/1103/FP) to allow this use to continue until September 2014.
- 2.4 Planning permission was granted, for a temporary period of two years, for the use of the Aisled Barn to a mixed use comprising of D1 Art Gallery and wedding ceremony/reception (sui generis) use and the change of use of the conservatory in Dane Tree House comprising of

### **3/14/1626/FO**

B1 Office and wedding ceremony/reception (sui generis) use in September 2011 under LPA reference 3/11/1103/FP.

- 2.5 Planning permission was granted for an extension to the existing W.C. and kitchen at Dane Tree House together with the provision of new car parking under LPA reference 3/88/1480/FN. More recently planning permission was granted for internal modifications to Dane Tree House and extension of the existing building to provide entrance space and environmentally controlled store room (LPA Ref: 3/00/0743/FP). There was also planning permission granted on the site for the rebuilding of a barn (LPA Ref: 3/80/1346/FP), which is now known as the Aisled Barn.

### **3.0 Consultation Responses**

- 3.1 County Highways do not wish to restrict the grant of permission and have commented that the continued occasional wedding use at the site, alongside the marginal increase in traffic from the other recently approved development would not result in a severe impact to the free and safe flow of traffic along the surrounding public highway.
- 3.2 The Council's Environmental Health Department have verbally confirmed that they have not received any complaints from local residents in respect of noise and disturbance caused at the site as a result of the current use for wedding ceremonies and receptions.

### **4.0 Parish Council Representations**

- 4.1 Much Hadham Parish Council have no objections to the application.

### **5.0 Other Representations**

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 No representations have been received.

### **6.0 Policy**

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

GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
ENV1	Design and Environmental Quality
ENV2	Landscaping

### 3/14/1626/FO

ENV24	Noise Generating Developments
TR7	Car Parking – Standards
TR20	Development Generating Traffic on Rural Roads

6.2 In addition, the following sections of the NPPF are of relevance:

Section 3 – Supporting a prosperous rural economy  
Section 11 – Conserving and enhancing the natural environment  
Section 12 – Conserving and enhancing the historic environment.

## **7.0 Considerations**

7.1 The key considerations in the determination of this application are as follows:

- The principle of the development and the impact of the continued change of use upon the character of the Rural Area;
- The impact of the continued use on the amenities of local residents;
- Highways/ access considerations;
- The impact of the proposal on the setting of the nearby listed building.

### Principle of Development

- 7.2 The application site is situated within the Rural Area Beyond the Green Belt wherein permission will not be given for the construction of new buildings or for changes of use other than for those purposes as specified within policy GBC3. The proposed change of use would not fall within one of the specified developments or uses as outlined in the policy, thereby forming a departure from the Local Plan.
- 7.3 Section 3 of the NPPF states that local plans should support sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings and support sustainable rural tourism and leisure developments that benefit businesses in Rural Areas.
- 7.4 The application site forms part of the wider Henry Moore Foundation site which undertakes a range of activities including the storage of artwork, research centre, gallery and museum exhibitions. This attracts a number of visitors, including school groups, during the open season from April to October. Whilst the proposed use does not strictly fall within those uses that are listed as appropriate in the Rural Area by

policy GBC3, the Council has previously considered that the proposal for the re-use of the existing building for this use complies with the aims of the NPPF for sustainable economic development in rural locations. It was for this reason that planning permission was granted originally for the use, subject to a temporary period so that the impact of the use on the surrounding area could be assessed.

- 7.5 The applicant has indicated that they intend to limit the number of weddings to a maximum of 12 per year. It is understood that the site has been used for occasional weddings for 6-7 years previous to the original approval of the temporary change of use in 2011. Officers consider that the use of the site for up to 12 weddings a year would not result in such an intensification of the use of the site which would have any significant harm to the character of the Rural Area.
- 7.6 It is noted that the existing car parking within the site would be utilised and whilst the continuation of the use for weddings may lead to an increased use of the western field for overflow parking, having regard to the fact that the proposals do not include the hard surfacing of this area, Officers consider that the openness of this part of the site would be maintained. However, in the interests of the openness and the rural character of the site and its surroundings it is considered that a condition should be imposed to ensure the car parking is used in conjunction with the mixed uses of Dane Tree House and the Aisled Barn only and that it should not be hard surfaced without the permission of the Local Planning Authority.
- 7.7 It is therefore considered that the proposal would enable the continued diversification of a locally significant rural resource, supporting the local rural economy in accordance with the aims of the NPPF. Furthermore, the continuation of the use would not in itself result in a level of activity that would be detrimental to the openness and rural character of the site and its surroundings.

The impact of the proposed change of use on the amenities of local residents

- 7.8 It is acknowledged that the use of the Aisled Barn and the conservatory at Dane Tree House for wedding ceremonies and receptions is likely to generate some noise and activities within the site. However, the Foundation has intermittently held wedding receptions for the past 9–10 years and the Council is not aware that the previous use of the buildings has resulted in an unacceptable intensification of the existing use of the site or increased noise, disturbance or vehicles movements to a significant extent.

### 3/14/1626/FO

- 7.9 Dane Tree House and the Aisled Barn are situated within the wider Henry Moore Foundation site which comprises large areas of open fields, gardens and non-residential buildings. As such, the parts of the site where the proposed mixed uses take place are situated over 60 metres away from the nearest residential properties known as Gildmore and Muirfield to the east and 100 metres to Bourne Cottage to the south and other neighbouring dwellings to the north. Furthermore, the application site is well screened by mature trees and landscaping which screen the existing buildings from the surrounding area.
- 7.10 A temporary planning permission was originally granted for the wedding use(s) to enable the use to be trialled and for an assessment to then be made in respect of the impact of the use upon the character of the area and the amenities of neighbouring occupiers.
- 7.11 It is noted that no representations have been received from local residents in respect of the current planning application.
- 7.12 The Council's Environmental Health Department have confirmed that they have not received any complaints from local residents in respect of noise and disturbance caused at the site. Furthermore, it is noted that the proposed activities associated with the mixed use would be subject to control under the Licensing Act 2003 in terms of late night music, entertainment and food/refreshments.
- 7.13 There is no evidence available to demonstrate that the existing temporary use has resulted in unacceptable noise and disturbance to neighbouring residents.
- 7.14 In respect of the disturbance caused by increased traffic, based upon the applicant's aims to limit the number of weddings taking place to 12 per annum, Officers do not consider that this would cause unacceptable harm to the amenities of residents.
- 7.15 It is therefore considered, having regard to the distance to nearby neighbouring properties and the applicants intention that the use of the premises would occur for no more than 12 weddings a year that the proposed continuation of the use would not adversely impact upon the amenities of nearby residential occupiers to a degree that would justify the refusal of the current proposal. Furthermore, as stated above, there is other legislation that can be used to limit any noise and disturbance associated with the use.

Highways/ access considerations

### 3/14/1626/FO

- 7.16 It is noted that County Highways do not wish to restrict the grant of permission.
- 7.17 Since the consideration of the application approved in August 2013 under LPA reference 3/13/0922/FO to continue the temporary use of the site for weddings, the planning permission for the extensions to Elmwood and Danetree House have been approved (LPA reference 3/13/2036/FP). Having regard to the advice received from County Highways that the proposed extensions and alterations to these existing buildings would be likely to only marginally increase traffic, the Council concluded that the proposal would not have a severe impact. County Highways have taken into account this recent approval in the consideration of the current application and have commented that the continued, occasional use of the site for wedding alongside this would not result in a severe impact to the free and safe flow of traffic along the surrounding public highway.
- 7.18 Officers remain of the view that there would be a reasonable level of car parking for this type of development; there is existing vehicular access of acceptable standard and traffic generation will not be likely to impact upon highway safety and capacity.
- 7.19 Whilst the applicant has proposed the use of the site for weddings for 1 additional year between June 2016 and 2017, a permission to grant a future use such as this would not meet the necessary tests. Therefore, whilst the applicant does not intend to use the site for weddings until 2016, after which time the construction works in relation to application 3/13/2036/FP have finished, Officers recommend that a condition is imposed to require only that the use ceases in 2017. This has been discussed with the engineers at County Highways who have confirmed that they would have no objections to the wedding use being in place whilst construction works are taking place in respect of the extensions, subject to further details of this being agreed through the construction traffic management plan which is yet to be agreed by condition of the planning permission granted for the extensions and alterations to the existing buildings. Having regard to the current proposal for the wedding use to not re-commence until 2016, Officers anticipate that such details would include a commitment within the construction traffic management plan from the HMF that no weddings at all would take place at the same time as the construction works. However, this would allow some flexibility to take place, such as if the construction works were to finish ahead of time.

The impact of the proposal on the setting of the nearby listed building



7.20 It has been noted that the application site is situated adjacent to the Grade II\* Listed Building known as Hoglands, which is the former home of the late Henry Moore and is now used as a museum. Whilst it is acknowledged that this building and its setting has historic significance, it is considered that the proposed continuing use would not result in the creation of additional development or an increase in activities that would be detrimental to the setting of the listed building.

## **8.0 Conclusion**

- 8.1 In summary, it is considered that the extension to the approved temporary use for the site for weddings is acceptable for a further temporary period until May 2017. The continued use would not be detrimental to the openness and rural character of the site and its surroundings. It is also considered that the proposal would not be likely to result in a level of activity or noise disturbance that would be significantly harmful to the amenities of nearby residential occupiers and there would be sufficient access, parking and service arrangement to sufficiently accommodate the continued use.
- 8.2 Whilst a further temporary condition would not normally be appropriate as a trial run, given the changes that are likely to take place within the wider site over the next few years, Officers consider that a further temporary permission is appropriate in this case which will enable further evidence available after this time in respect of noise and traffic generation to be assessed. This would allow for any changes to the predicted number of visitors and traffic movements from the completion of the new extensions and alteration to Dane Tree House and Elmwood to be assessed.
- 8.3 The application is therefore recommended for approval subject to the conditions set out above.