

3/14/2013/FP – Proposed retention of Meadow Barn and associated Pole Barn as a permanent function facility and change of use of the approved Function Barn (ref: 3/10/1200/FP) to provide a spa for hotel guests and visitors, with the insertion of a first floor to provided two residential family units for recuperative neutropenic children at Tewin Bury Farm Hotel, Hertford Road Tewin AL6 0JB for Mr V Williams

Date of Receipt: 11.11.14

Type: Full – Major

Parish: TEWIN

Ward: HERTFORD – RURAL SOUTH

RECOMMENDATION:

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

1. Three year time limit (1T12)
2. Approved plans (2E10)
3. The building known as Meadow Barn and shown on drawing 3614 101 Rev. C shall be used solely for events and conferences in conjunction with the adjoining Tewin Bury Farm Hotel.

Reason: To ensure that the development provides sufficient parking for the proposed uses at Tewin Bury Farm and that it continues to meet the very special circumstances put forward for the development in the Green Belt in terms of supporting the hotel business, rural diversification and the retention of local employment in accordance with policies GBC1 and GBC8 of the East Herts Local Plan Second Review April 2007 and the NPPF.

4. The ground floor of the Leisure Barn shown on drawing 3614 101 Rev. C shall be used solely as a spa facility in conjunction with the adjoining Tewin Bury Farm Hotel as set out in paragraph 2.2 of the revised Design, Access and Planning Statement (January 2015) received by the Council in 23rd January 2015.

Reason: To ensure that the development provides sufficient parking for the proposed uses at Tewin Bury Farm and that it continues to meet the very special circumstances put forward for the development in the Green Belt in terms of supporting the hotel business, rural diversification and the retention of local employment in accordance with policies GBC1 and GBC8 of the East Herts Local Plan Second Review April 2007 and the NPPF.

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5. The first floor of the Leisure Barn shown on drawing 3614 101 Rev. C shall be used solely as a recuperation centre for neutropenic children, including the provision of two units of overnight accommodation to be occupied solely in conjunction with that use, as set out in paragraphs 2.3 and 2.4 of the revised Design, Access and Planning Statement (January 2015) received by the Council in 23rd January 2015.

Reason: To ensure that the development provides sufficient parking for the proposed uses at Tewin Bury Farm and that it continues to meet the very special circumstances put forward for the development in the Green Belt in terms of supporting the hotel business, rural diversification and the retention of local employment in accordance with policies GBC1 and GBC8 of the East Herts Local Plan Second Review April 2007 and the NPPF.

6. Programme of archaeological investigation (2E02)
7. Levels (2E05)
8. Samples of materials (2E12)
9. External timberwork (2E16)
10. Refuse disposal facilities (2E24)
11. Lighting details (2E27)
12. Hard surfacing (3V21)
13. Parking provision (servicing and parking (3V18)
14. Access to and egress from the site during demolition and construction works shall only be obtained from the main existing access onto the B1000.

Reason: To ensure a satisfactory route for construction traffic

15. Landscape design proposals (4P12)
16. Landscape implementation (4P13)
17. Notwithstanding the details shown on the approved plans, details of any solar panels proposed to be installed within the approved development shall be submitted to and approved by the local planning authority prior to their installation. The panels shall be completed in accordance with

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the approved details.

Reason: To ensure a satisfactory external appearance to the building in the interests of the character and appearance of the surrounding rural area and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Informatives

1. Other legislation (01OL)
2. Ownership (02OW)
3. You are advised to consider the installation of bat boxes within the construction of the Leisure Barn as requested by Hertfordshire Ecology in their letter dated 02/02/2015 and in the interests of encouraging the species' habitat in the area.

Justification

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 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 2015. The balance of the considerations having regard to those policies and the previous permissions ref: 3/10/1200/FP, 3/11/1225/FP and 3/13/2056/FO is that 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 a SSSI situated between Hertford and Welwyn Garden City of 6.85 hectares comprising protected wetland/reed bed habitat managed by the Herts and Middlesex Wildlife Trust.
- 1.2 The main complex of Tewin Bury Farm includes the original listed farmhouse and gardens to the east of the main entrance drive from Hertford Road, and encompasses various other listed outbuildings,

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converted barns, stables and hay barns to provide facilities for weddings, meetings, conferencing and events etc. To the north of the complex, in one of the original listed farm buildings, is a restaurant, known as Tewinbury Pie which is open to the public.

- 1.3 The group of barns and outbuildings around the hotel forms a cohesive group of buildings and intervening open spaces and car parks. All of the buildings are now converted to alternative uses associated with the hotel site as a wedding venue and events/ conference facility with associated service storage.
- 1.4 Tewin Bury Farm Hotel provides 36 hotel bedrooms, a restaurant and 10 function rooms/conference buildings used as venues for weddings, conference, charitable events and music nights.
- 1.5 In 2009 enforcement action was taken in respect of the erection of an unauthorised marquee and associated car park within the western part of the Tewin Bury Farm site as it was considered to be inappropriate development in the Green Belt and of an inappropriate form, design and appearance. The Council was, nevertheless, supportive of the proposals of the applicants to provide extended conference/event accommodation in order to support the rural business and to sustain local employment and the diversification of the farm, and planning permission was subsequently granted in March 2011 for a function barn to replace the unauthorised marquee.
- 1.6 That permission (Ref: 3/10/1200/FP) was conditional upon the removal of the unauthorised marquee and so, to ensure that the hotel business was not adversely affected during the course of the erection of the new function building, the applicants proposed that a former cattle barn on the site be converted to a temporary function room. Planning permission was subsequently granted for the use of Meadow Barn as a temporary function room, for a period of two years, whilst the new function building was constructed. The temporary nature of the use was secured by condition and by legal agreement.
- 1.7 Works to commence the building of the new function barn were undertaken in the form of the construction of the foundations, but the building itself has not yet been constructed. In view of the delay in building the function barn, a further permission was granted (3/13/2056/FO) to extend the permitted use of Meadow Barn as a temporary function room until 29th February 2016.
- 1.8 To the northwest of the site is a leveled shingle car park area with post and rail, fenced with planted boundaries and capable of

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accommodating approximately 93 car parking spaces.

- 1.9 Further to the west is an area of open area of hard standing, which is designated agricultural land.
- 1.10 The current application seeks planning permission for:
 - a) The retention of the use of Meadow Barn as a permanent function/events/conference space, and
 - b) The use of the approved Function Barn (including alterations to the approved design) as a Leisure Barn with ground floor spa facilities for hotel guests, and with an inserted first floor of 140sqm to provide a play area, and two residential family units for neutropenic children.
- 1.11 In respect of the recuperation unit proposed within the first floor of the Leisure Barn, the applicant explains that the applicant had personal experience of the difficulties associated with providing rest, entertainment and recuperation for a child who is seriously immuno compromised. Over the years the function space at Tewin Bury Farm hotel has been used to raise money for many charities, one of which is the 'Play Barn Project' (Reg. Charity no. 1137895) which raised funds to provide a recuperation centre for such children and their families. The proposal is to create two self-contained suites to provide overnight accommodation for parents and their children in a germ free environment to provide respite for the parents whilst the children are entertained in the play area and can have spa treatment as appropriate. The suites will not be available for general hotel guests.
- 1.12 Externally, there are limited changes proposed to the approved Function Barn design, such as a full height glazed entrance with retained braced doors; three sections of full height glazing on the southern elevation; minor alterations to and additions of casement windows and doors, and the insertion of 8 rooflights on the northern roofscape.
- 1.13 The roof of the main barn would be clay plain tiles with slate tile on the shallower roof planes between the north facing gables and the rear southern single storey element. It is indicated that solar panels are to be affixed on the southern roof plain but details of the extent, design and number of solar panels have not been submitted. A condition is recommended to secure the approval of the details of any proposed panels.
- 1.14 There are no other external changes proposed; the application site

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includes the existing parking area providing 93 spaces in front of the Function (Leisure) Barn and a further parking 23 spaces next to the Meadow Barn. The perimeter landscaped fenced boundary to the parking area is retained and there are no other areas of parking/hard surfacing identified on the submitted plans. The overall parking provision for whole of the wider site would be 254 parking spaces.

- 1.15 The application has been submitted as a 'change of use' of the approved Function barn. However, as the building has not yet been constructed, it is not possible to change its use. The application has been considered therefore as the erection of a building (albeit very similar to that previously permitted) for use as a spa on the ground floor and a recuperation unit on the first floor.

2.0 Site History

- 2.1 The planning history of the site is extensive; the main relevant history is as follows:

- 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 Change of use for a temporary period of two years from 5.01.12 to 5.01.14 for part of former cattle barn and pole barn to function room with ancillary facilities of toilets, including replacement roof covering to the main barn and installation of pho voltaic panels on south facing slope. Approved
- 3/13/2056/FO Variation of Condition1 of planning approval ref: 3/11/1225/FP to extend the period of time allowed for the use of the cattle barn and pole barn as a temporary function barn with associated toilets including replacement roof covering to the main barn and installation of pho voltaic panels on south facing slope. Approved
- 3/14/1273/FP Creation of seven additional en-suite guest bedrooms from conversion of existing buildings - Approved

3.0 Consultation Responses

- 3.1 The County Historic Environment Unit advises that the proposal is unlikely to have an impact upon significant heritage assets, and therefore no specific comments are forthcoming.

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- 3.2 County Highways do not wish to restrict the grant of permission. In reference to this application for the permanent retention of the Meadow Barn and associated Pole Barn for functions facility; including the change of use of the approved function barn to a spa for hotel guests and the insertion of a first floor to provide a recuperation centre for neutropenic children, there would be 15 additional parking spaces, including 4 for the neutropenic centre. The parking reconfiguration subject of the proposed change of use is considered acceptable and note is taken of the ambulance drop off point. Given the wider use of the site, the Highways Authority considers that the proposal does not have a material impact in a highways context.
- 3.3 HCC Countryside Access has no comments on the proposal.
- 3.4 The East Herts Footpath Society has no comments on the proposal
- 3.5 The Environment Agency comments that, although the proposed development is within 20m of a watercourse and partly in Flood Zone 2, in this instance there are no concerns that cannot be addressed by use of the Environment Agency's Flood Risk Standing Advice (FRSA) under cell F5 to ensure that sustainable surface management is achieved as part of the development and does not increase flood risk either on-site or elsewhere.
- 3.6 The Council's Conservation Consultant has no comments on the proposal.
- 3.7 The Ramblers Association has no comments on the proposal.
- 3.8 Herts Biological Records Centre comment that measures should be put in place to safeguard and enhance the ecological receptors at the site, with the provision of three Schwegler Bat boxes to be installed on the walls of the new building; a 3.0m buffer zone, free of development to be provided adjacent to the River Mimram, and any lighting of the new facility is controlled with external lighting turned off at 23.00hrs.
- 3.9 The Council's Environmental Health Officer does not wish to restrict the grant of permission.
- 3.10 Natural England advises that the application site is close to the Tewinbury Site of Special Scientific Interest SSSI. Based on the information provided, Natural England has no objection to the proposed development subject to the proposal being carried out in strict accordance with the details of the application. The reason for this view is that they consider that the proposal will not have a significant effect

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on the interest features of the Tewinbury SSSI.

4.0 Parish Council Representations

4.1 Tewin Parish Council has made no comments on 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 A letter has been received from Hertfordshire Chamber of Commerce and Industry in support of the application for a new function barn at Tewin Bury Farm.

5.3 62 letters in support of the application proposal have been received, 38 letters that specifically support the play barn for neutropenic children, 17 letters that support the proposal generally and 7 letters that have no objections to the scheme.

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
GBC8	Rural Diversification
GBC9	Adaption and Re- Use of Rural Buildings
GBC14	Landscape Character
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV13	Development and SSSI's
ENV14	Local Sites
ENV16	Protected Species
ENV19	Development in areas liable to Flood
ENV21	Surface Water Drainage
ENV24	Noise Generating Development
BH1	Archaeology and New Development
TR2	Access to New Developments
TR7	Car Parking Standards

6.2 In addition to the above, the National Planning Policy Framework (NPPF) and the national Planning Practice Guidance (NPPG) are material considerations in the determination of the application.

7.0 Considerations

Green Belt policy

- 7.1 The site lies within the Green Belt wherein Members will be aware that there is a general presumption against 'inappropriate development' as set out in policy GBC1 of the adopted Local Plan and in the NPPF.

The retention of Meadow Barn as a function room

- 7.2 The NPPF states that the re-use of buildings within the Green Belt is not to be considered as 'inappropriate' development and policy GBC1 of the Local Plan also indicates that the adaptation and re-use of rural buildings is not inappropriate where the proposal complies with policies GBC9 and GBC10. In respect of the continued use of Meadow Barn as a function room, Officers consider that the existing building is of sound construction, and of a design that is in keeping with its surroundings. It has not required extensive alterations to accommodate the function room use and the use is sympathetic to the rural character of the area and does not result in any adverse impact on the surrounding area or on town or village vitality. Meadow Barn was originally erected to serve a genuine agricultural need; and subsequently used for purposes ancillary to Tewin Bury Farm Hotel. The use of the Meadow Barn as a function room relates to an established rural diversification of Tewin Bury Farm and hotel complex in accordance with the provisions of policy GBC8, and the building is not operationally important to the agricultural holding but is an intrinsic part of the rural diversification of the site. Officers are satisfied, therefore, that this element of the proposal complies with policies GBC9 and GBC10 of the Local Plan and does not therefore constitute inappropriate development in the Green Belt.

The erection of the new 'Leisure Barn'

- 7.3 The erection of new buildings in the Green Belt is considered to be 'inappropriate development' in the Green Belt, except in certain specified circumstances. As mentioned above, the applicant has referred to the proposal as simply to a change of use of the building. However, as the building has not yet been substantially completed it is not possible to consider a change in its use. The proposal therefore falls to be considered as the erection of the building and its use as a spa and recuperation unit. As such, it is considered to be 'inappropriate development' in the Green Belt, as indeed was the case with the previously approved Function barn.

- 7.4 Both national and local planning policy indicate that 'inappropriate

development' is harmful to the Green Belt and that substantial weight must be given to that harm. Members will be aware that inappropriate development should not be permitted except in 'very special circumstances'. The NPPF is clear that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 7.5 In the case of the proposed Leisure Barn and the neutropenia unit on the first floor, there would, in addition to the harm caused by the inappropriateness of the building, also be a loss of openness as a result of the construction of the building. It would also generate some additional activity at the site and potentially additional traffic generation, although that may be considered minimal as discussed later in the report. Some additional harm is, therefore, identified in this case.
- 7.6 It is therefore necessary to consider whether there are any other considerations in this case that 'clearly outweigh' the harm identified to the Green Belt by the erection of this building. This was also considered previously in the determination of the application to the new Function Barn. At that time, the Council considered that the proposed building was necessary to support the diversification of the farm and to support the hotel business and the provision of valuable rural employment. These matters were considered to be material considerations of significant weight that clearly outweighed the harm that would be caused to the Green Belt. Officers consider that the same benefits can be said to occur as a result of the provision of a spa facility in this location, particularly as the applicant indicates that, in order to remain competitive, particularly for weddings, the hotel needs to offer a leisure facility of this nature.
- 7.7 The NPPF states that local planning authorities should support sustainable rural tourism and leisure developments which respect the character of the countryside and Officers consider that the proposed spa building would comply with that policy and therefore that weight should be given to the benefits that the use would have in supporting the rural economy and the provision of rural jobs.
- 7.8 In addition to those considerations, the existence of an extant planning permission for a very similar development – the Function Barn – is also a material consideration of significant weight in this case. It would be possible for the applicants to build the approved Function Barn which would have much the same visual impact as the proposed Leisure Barn and the same impact on the openness of the Green Belt. Furthermore, the use of the first floor of the building at a later date for the proposed

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neutropenic unit would have no impact on the openness, character or appearance of the Green Belt and would then constitute appropriate development in the Green Belt.

- 7.9 Taking all these considerations into account, Officers are satisfied that the harm to the Green Belt identified above would be 'clearly outweighed' by the benefits of the proposal in supporting rural tourism and the promotion of a strong rural economy. That, and the existence of the extant permission are sufficient to provide the 'very special circumstances' necessary to justify the development in the Green Belt. Conditions are suggested to control the nature of the uses such that they continue to meet these very special circumstances.

Impact on the character and appearance of the surrounding area

- 7.10 As regards the continued use of Meadow Barn, Officers are satisfied that this would have no material impact on the character or appearance of the surrounding area.
- 7.11 The form and design of the Leisure Barn remains the same as the originally approved Function Barn, with some minor alterations to the fenestration. Officers remain satisfied that its design is appropriate for this location within the rural area and that it would reflect the character of the remaining buildings on the wider site. No adverse impact on the setting of any of the listed buildings on the site is anticipated.
- 7.12 Conditions are recommended to ensure that appropriate materials are used for the development and that further details are submitted regarding landscaping, lighting and the proposed solar panels.

Access and Parking

- 7.13 Access will continue to be taken from the B1000 and through the hotel complex.
- 7.14 The proposal, under the amended site plan submitted in June 2015, would provide 254 dedicated parking spaces throughout the whole of the Tewin Bury Farm Hotel complex, with approximately 116 parking spaces in close proximity to Meadow Barn.
- 7.15 Officers have carefully considered whether the continued use of Meadow Barn and the use of the Leisure building would result in any significant increase in traffic generation at the site. This had been a concern previously and was the reason why the use of Meadow Cottage was restricted to a temporary period only whilst the Function

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room was being built. It was considered that the creation of two additional function rooms at the site would lead to an increased demand for additional parking provision and that this would result in the creation of further hard standings which would be detrimental to the character and appearance of the surrounding area and the openness of the Green Belt.

7.16 However, Officers consider that the current proposal, would not result in the same level of traffic generation as two functions rooms. The spa facilities are intended primarily for use by hotel guests, who would be parked at the site in any event, and other non-resident visitors via a loyalty card scheme. Unlike a function room use, the use of the spa would be less intensive and would be spread across the day and into evening. It is unlikely therefore to generate the same demand for large scale parking provision as a function room. The parking required for the neutropenic unit on the first floor is likely to be very limited and would not significantly impact on parking provision across the site as a whole.

7.17 The applicants have indicated that parking provision is made on the following basis:

36 spaces for bedrooms
24 spaces for non-resident diners
14 spaces for The Stables
41 spaces for Tithe Barn
92 spaces for Meadow Barn
30 spaces for staff
15 spaces for the spa and neutropenic unit, leaving
2 spaces surplus

7.18 Officers consider this parking provision to be adequate to meet the needs of the hotel and its associated facilities and the parking can be provided within the existing parking areas at the site. The Highway Authority also raises no objection to the proposal on highways grounds.

7.19 Having regard to the above considerations, no objection is raised to the proposals on parking and access grounds.

Other matters

7.20 The request by Herts Ecology for bat boxes to be fitted within the Leisure Barn is noted. However, the proposed development does not include any demolition of existing buildings and no loss of accommodation for bats. Officers consider that a condition requiring bat boxes to be installed would not meet the relevant tests set out in

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paragraph 206 of the NPPF and should not be imposed. Furthermore, no such condition was imposed on the previous extant planning permission. Officers have however suggested an informative encouraging the provision of boxes.

- 7.21 The applicant has referred to the need to revoke the previous legal agreement which prevents the use of Meadow Barn as a function room once the Function Barn, approved under reference 3/10/1200/FP, has been completed. However, as it is necessary to consider this application as the erection of the Leisure building rather than a change of use of the approved Function Barn, a new permission will exist for the building as whole – under reference 3/14/2013/FP. The use of the Meadow Barn together with the Leisure Barn under reference 3/14/2013/FP would not, in Officers view, be contrary to the previous legal agreement. There is no necessity therefore to revoke that earlier agreement and indeed it remains necessary in order to ensure that the earlier permission for the Function Barn is not implemented together with the permanent use of Meadow Barn such that both buildings are used as function rooms.

8.0 Conclusion

- 8.1 In conclusion, the proposed permanent use of the Meadow Barn as a conferencing and events room is considered to be appropriate development in the Green Belt and accords with the relevant policies of the Local Plan and the National Planning Policy Framework. Its use is in keeping with the character of the area and would not, of itself, result in any significant level of traffic generation or car parking such as to warrant the refusal of planning permission.
- 8.2 Whilst the erection of the Leisure Barn, and neutropenic unit within the first floor, constitutes inappropriate development in the Green Belt, there are considered to be other matters in this case that clearly outweigh the harm caused by inappropriateness and any other harm such as to provide the very special circumstances necessary to justify the grant of planning permission. The principle of the building has already been agreed by the granting of planning permission ref: 3/10/1200/FP and construction has commenced. The permission therefore remains extant and this is a material consideration of significant weight. The Leisure building proposed is the same as the approved building in relation to its size, scale, height, materials of construction and footprint. The visual impact of the building is considered therefore to be very much the same as that previously granted permission and there would be no harm to the setting of any listed buildings on the site or to the character or appearance of the

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surrounding area generally. The provision of a neutropenic unit on the first floor would not have any material impact on the openness, character or appearance of the Green Belt and is considered to be an acceptable use, given the wider benefits of the building to supporting the rural economy.

- 8.3 The combined uses would not result in any significant increase in traffic generation or car parking provision at the site.
- 8.4 It is therefore recommended that planning permission should be granted, subject to conditions at the head of this report.