

DEVELOPMENT MANAGEMENT COMMITTEE – 27 APRIL 2016

Reference Number	E/15/0366/ENF
Development	Unauthorised erection of Marquee
Location	Briggens House Hotel, Briggens Park Road, Stanstead Abbots, Ware, SG12 8LD
Parish	Hunsdon CP
Ward	Hunsdon

RECOMMENDATION:

That Members a) note, and confirm their agreement to, the enforcement action already taken in respect of the unauthorised marquee, and b) authorise the service of any further notices, if required, as set out at the end of this report.

1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract and is located between Harlow and Stanstead Abbots with one entrance from the A414 and a second (un-used) entrance located adjacent to Roydon train station.
- 1.2 The main house is Grade II listed and there are a number of other structures and buildings within the park that are also listed separately. The grounds are also included on the register of parks and gardens at Grade II status.
- 1.3 Members may recall that some unauthorised works to this listed building, and within its grounds, were considered by the Committee at the last meeting in March. A copy of that previous report is attached to this report as **Essential Reference Paper 'A'**. The Committee resolved to take enforcement action as set out in that report.
- 1.4 Following the last Committee, however, it was brought to Officers attention that the tenants of the site were in the process of erecting a large marquee (approximately 8 metres x 25 metres) to the rear of the property in the same location as a previously withdrawn application for a marquee.
- 1.5 This was considered to be a serious of breach of planning control within the grounds of the listed building, undertaken without consent in the knowledge that planning permission was required for the structure (one similar application having recently been withdrawn). To prevent any further unauthorised works being undertaken in connection with the

marquee Officers, with the agreement of the Chairman, served a Temporary Stop Notice on the site on the 31 March 2016 and this came in to force immediately. The Temporary Stop Notice will only remain in effect for a period of 28 days and therefore it will cease to have effect on the 27 April 2016.

- 1.6 To ensure that works cannot re-commence after that date it was also necessary for Officers to subsequently serve an enforcement notice requiring the removal of the unauthorised structure, so that the Council is then able, if necessary, to serve a second Temporary Stop Notice after 27 April 2016. With the further agreement of the Chairman, therefore, an enforcement notice requiring the removal of the marquee structure, together with the notices previously authorised at the March Committee, was served on the 7 April 2016 and all notices will come into effect on 9 May 2016 unless appeals are lodged against them in the meantime.

2.0 Planning History

- 2.1 The most relevant and up to date planning history for the site can be summarised as follow:

3/16/0048/FUL	Proposed installation of a temporary marquee to the rear of Briggens House Hotel, between 1st April and 30th November for a 5 year period.	Withdrawn
3/02/0344/FP	Erection of a marquee	Refused

3.0 Policy

- 3.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

Key Issue	NPPF	Local Plan policy
Metropolitan Green Belt policy; whether the development constitutes appropriate development; and consideration of very special circumstances	Section 9	GBC1
Impact of the works on the setting, character and appearance of the listed building, and registered historic parks	Section 12	ENV 1 BH16

and gardens		
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Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

4.0 Consideration of Relevant Issues

- 4.1 The site is located within the Green Belt wherein planning permission will not be granted for inappropriate development except in very special circumstances. The NPPF requires that Local Planning Authorities attach substantial weight to any harm to the Green Belt. 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.
- 4.2 Policy GBC1 and the NPPF set out a range of development which may be considered appropriate development in the Green Belt. The provision of a marquee structure, however, does not meet any of those exceptions and therefore represents inappropriate development in the Green Belt. By definition then, the unauthorised marquee is harmful.
- 4.3 Other harm is also identified in this case in relation to a loss of openness and the adverse impact of the unauthorised structure on the setting of the listed building and its historic character and appearance. The unauthorised marquee is in a prominent position and there are various views of the building and the site from the surroundings.
- 4.4 The NPPF sets out that the fundamental aim of Green Belt is to keep land permanently open and the essential characteristic of Green Belt is its openness and permanence. The unauthorised development is clearly contrary to this requirement of Green Belt Policy.
- 4.5 In relation to the earlier application for a marquee on this site (ref: 3/16/0048/FUL) representations were received from Historic England, the Council's Conservation and Design Team and the Historic Gardens Trust all raising concern with the impact of that development on the setting of the listed building and the impact on the historic garden. Officers are satisfied that the same, or similar, concerns are relevant to this unauthorised marquee. Its proportions, design, appearance and materials of construction are out of keeping with the character and appearance of the building and adversely affect its historic setting. Together with the earthworks necessary to level the land (also the subject of enforcement action) the marquee intrudes into the gardens immediately to the rear of the listed building and the important inter-

relationship between the listed building and the registered parklands is harmed.

- 4.6 The tenants of the site have argued that there are material planning considerations that clearly outweigh the harm by inappropriateness and the other identified harm in this case, such that there are very special circumstances to justify the erection of the unauthorised marquee. These considerations relate to the fact that the marquee would provide some income to secure works to the listed building and will provide increased access to the building and its garden which members of the public would not otherwise have access to. Large functions such as weddings can place stress on existing buildings and the provision of a marquee will help to avoid this.
- 4.7 The tenants have also previously set out their fall-back position that a temporary structure can be erected under 'permitted development' rights without the need for a planning application.
- 4.8 In respect of these matters, Officers consider that the income that could be raised by the use of the marquee would be insufficient to make any meaningful improvement to the condition of the listed building. Public access to the building, and its grounds, could be maintained through the lawful use of the building as a hotel without causing damage to its historic character and that of its setting. The fall-back position of a temporary marquee would be limited to a maximum of 28 days a year and would not grant consent for any of the earthworks that have been undertaken at the site. There would not be the same harmful impact on the setting of the listed building therefore.
- 4.9 Given the representations from statutory consultees previously and, having regard to paragraph 88 of the NPPF, Officers consider that substantial weight should be attached to the harmful impact that this development has on the setting of the listed building and the historic park and garden.

5.0 Conclusion

- 5.1. The unauthorised marquee represents inappropriate development in the Green Belt and is therefore harmful by definition. The proportions, appearance and materials of the proposed building result in harm to openness and on the significance of the listed building, its setting and designated parks and gardens. Substantial weight is attached to that other harm, as required in paragraph 88 of the NPPF.

- 5.2 Officers have considered the material considerations put forward by the tenants of the site but do not consider that any very special circumstances exist which clearly outweigh the inappropriateness of the development and the harm which has been identified.
- 5.3 Officers are therefore satisfied that the enforcement action taken to date in this matter was appropriate, proportionate and reasonable. Members are asked therefore to support that action. In addition, authorisation is sought for the service of a further Temporary Stop Notice, if necessary, and any other steps that may be required in order to secure the removal of the marquee and the reinstatement of the land.

6.0 Recommendation

6.1 For the above reasons it is recommended that:

- a) Members note, and confirm their agreement with, the enforcement action taken to date in consultation with the Chairman; and
- b) That the Head of Planning and Building Control, in consultation with the Interim Head of Democratic and Legal Services and other Officers as appropriate, be authorised to take any further enforcement action under Sections 171E; 172 and/or 183 of the Town and Country Planning Act 1990 and any further steps as may be required to secure the removal of the unauthorised marquee and any associated works.

Period of Compliance: 2 Months

Reason for Enforcement Action:

The proposal represents an inappropriate form of development in the Metropolitan Green Belt. The proposal is therefore harmful by definition and, by virtue its size, siting, form, design and materials of construction results in substantial harm to the openness of the Green Belt and the setting of the listed building and its associated gardens and parklands. No very special circumstances are apparent which would outweigh the inappropriateness of the development and the other harm associated with the proposal. The unauthorised development is therefore contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and section 9 of the National Planning Policy Framework.