

E/08/04897/B

9. **E/08/0497/B – Unauthorised developments in the form of a) a double marquee, associated covered walkway, associated air conditioning units, associated toilets, b) timber gazebo in the garden area to the rear of the unauthorised marquee, c) 4 jumbo umbrellas outside the Tewinbury Pie Restaurant and 3 jumbo umbrellas to the south of the Stables, d) the material change of use of land to car park and associated engineering works, e) a material change of use of the dwelling house, known as Westley Wood Farmhouse to hotel accommodation in association to the Tewinbury Farm Hotel, at Tewinbury Farm Hotel, Hertford Road, Welwyn, AL6 0JB**
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Parish: TEWIN

Ward: HERTFORD – RURAL SOUTH

RECOMMENDATION

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to; a) secure the removal of the unauthorised marquees and associated unauthorised developments; b) secure the removal of the timber gazebo in the garden area to the rear of the unauthorised marquee, c) secure the removal of the 4 jumbo umbrellas outside the Tewinbury Pie Restaurant and the 3 jumbo umbrellas to the south of the Stables, d) the cessation of the unauthorised use of the land for car parking and the reinstatement of the land, e) the cessation of the unauthorised use of the dwelling on site, known as Westley Wood Farm House, as an annexe to the hotel on site.

Period for compliance: 2 months.

Reasons why it is expedient to issue enforcement notices:

1. The site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation, limited extensions to existing dwellings or for other uses appropriate to a rural area. The development of the marquees; associated structures; gazebo; umbrellas; car parking areas and associated engineering works however represent inappropriate development in the Green Belt and no very special circumstances are apparent in this case to justify an exception to Green Belt policy. The buildings, car parking areas and structures are

therefore contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and PPG2.

2. The marquee and its associated developments and structures by reason of their scale, bulk, detailed design and appearance are detrimental to the openness and character of the surrounding countryside; are of a poor standard of design; unsympathetic to the context of the site and fail to take the opportunities available for improving the character of the area. They are therefore contrary to Policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS1 'Delivering Sustainable Development' paragraph 34.
3. The jumbo umbrellas obscure important elevations of the listed buildings to the detriment of their setting and historic character and appearance. As such, they are contrary to policy BH12 of the East Herts Local Plans April 2007.
4. The change of use of the dwelling to an annexe and extension to the hotel is inappropriate development in the Green Belt by reason of an encroachment of the business into the open countryside and the unrestricted sprawl of the hotel complex. There are no special circumstances apparent in this case to justify the development contrary to Green Belt policy and the material change of use is therefore contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and PPG2.

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1.0 Background

- 1.1 The site lies to the north of the B1000 Hertford Road, a classified road running from Hertford to Digswell and Welwyn villages. It was previously a farm with a farmhouse and barns which, over the many years, has been converted into a hotel and venue for weddings and functions, catering for parties of between 35 and 600 persons.
- 1.2 In October 2008 concerns were expressed to the local planning authority about the permanent erection of a double marquee, with a covered walk way, on the western side of the Tewinbury Farm Hotel site. There were also concerns about new car parking facilities, a timber pergola, and a number of permanent jumbo umbrellas.
- 1.3 During the investigations officers were advised that the commencement

of the work to erect these marquees started on the 1st February 2006 and was completed on the 14th February 2006. During a site visit it was found that, to the rear and side of the double marquee, there were air conditioning units, toilets and a covered walkway. Officers also saw and noted the pergola, and umbrellas.

- 1.4 The two linked marquees measure 10m by 35 metres and 15m by 35m and are constructed of white plastic sheeting and, according to the venues web site, can accommodate up to 600 persons. The inside is well fitted with internal partitioning, flooring, internal fabric walls and ceiling, a permanent bar, heating and air conditioning and stage and dance floor lighting. To the rear is a covered walkway to allow access to the toilet facilities and new car parking is provided to the front of the marquee.
- 1.5 The car parking areas appear to have been provided by an engineering operation by way of levelling the land, forming bunding and by a change of use of adjacent agricultural fields.
- 1.6 To the south of both The Stable venue and the Tewinbury Pie Restaurant, both listed buildings, there are large permanent jumbo umbrellas which are considered to detract from the historic and architectural character of these listed buildings.
- 1.7 During the investigations it was also found that the dwelling, to the north of the site, known as Westley Farm House, which is subject to an agricultural workers condition and was previously occupied by the owner of the farm, was now being used as additional hotel accommodation in association with the Tewinbury Farm Hotel. Despite requests to the agent for the submission of a planning application that could be considered by the Council, at the date of writing this report, no such application has been received.
- 1.8 On the 1st September 2009 an application reference 3/09/1407/FP was received. This application sought retrospective planning permission for the retention of the existing marquee, gazebo and umbrellas and the use of the existing car park in association with the marquee.
- 1.9 The case officer had recommended that planning permission be refused for the developments. However, the agent withdrew the application on 27th October 2009 prior to a decision being issued.
- 1.10 In view of the fact that the application was for the retention of the unauthorised developments this enforcement report is submitted to the

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Development Control Committee to enable officers, if authorised, to issue and serve notices before the 1st February 2010 when the marquee and other unauthorised developments may become immune from enforcement action by the passage of time.

2.0 Planning History

3/83/0774/FP	Agricultural Workers Dwelling	Approved
3/87/0165/FP	Conversion of existing barn into 4 guest bedrooms and tea room.	Approved
3/89/0969/FP	Change of use of existing agricultural building into farm accommodation and alterations.	Approved
3/93/1118/FP	Change of use of redundant farm building to meetings/conference room and re-positioning of barn to provide additional car parking.	Approved
3/95/0271/FP	Retention of building for farm office, farm shop and vegetable preparation purposes	Approved
3/96/1306/FP	Change of use of and alterations to farm shop and store to 5 additional guest bedrooms.	Approved
3/99/1693/FP	Detached garage and amended access.	Approved
3/97/1549/FP	Change of use of loft space to provide additional bedrooms for letting.	Approved

3.0 Policy

3.1 The relevant policies of the East Herts Local Plan April 2007 are:

GBC1 Appropriate Development in the Green Belt

ENV1	Design and Environmental Quality
BH12	Development affecting the setting of a listed building

4.0 Considerations

- 4.1 The site lies within the Metropolitan Green Belt wherein, in accordance with policy GBC1 of the Local Plan, permission will not be given for inappropriate development unless it is for the purposes outlined within the policy (a) to (i). The unauthorised developments at this site do not fall within the purposes outlined within the policy and as such constitute inappropriate development in the Green Belt. As such, they are harmful to the aims and objectives of Green Belt policy and should not be permitted unless there are very special circumstances for setting aside the normal Green Belt policy.
- 4.2 However, no such very special circumstances were put forward as apart of the retrospective application for the retention of these unauthorized developments.
- 4.3 In addition to the harm caused to the Green Belt by reason of inappropriateness, Officers also consider that the developments are harmful to the openness, character and appearance of the surrounding area. In terms of size, scale, materials of construction and overall design the structures do not contribute positively to the character and appearance of the site and do not sit comfortably within the complex of rural barn structures and listed buildings. In fact the marquees cannot be considered to be of a high quality of design, contrary to policy ENV1, and are not well designed or sensitive to the character of the countryside contrary to paragraph 1(vi) of PPS7.
- 4.4 The car parks by reason of their size and scale have a major impact on the character and appearance of the overall site and detract from the compact complex of outbuildings and listed barns, with relatively small car parking areas spread around the site, and have a significantly detrimental impact on the Green Belt character by reason of their scale and urban nature. There are also further areas of car parking with flood lighting along either side of the farm track that do not have planning permission, further eroding the landscape. This is contrary to both national guidance in PPG2 and to policy GBC1 of the Local Plan.
- 4.5 Turning to the umbrellas or jumbrellas, four of which front the single storey listed restaurant building and three of which are sited on the southern elevation of the listed Stables, they obscure important elevations of the listed buildings to their detriment, failing to respect the

historic character of the buildings or accord with the provisions of policy BH12 of the Local Plan.

- 4.6 In regard to the change of use of the dwelling, known as Westley Wood Farm, sited to the north of the site, despite requests for the submission of an application seeking planning permission for the change of use to accommodation associated with the hotel, no such application has been received.
- 4.7 On the 20th July 1983 planning permission was granted for an agricultural workers dwelling; however, condition 4 attached to the permission requires:-

‘The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in s290(1) of the Town and Country Planning Act 1971 or in forestry (including any dependants of such a person residing with him) or a widow or widower of such a person’.

- 4.8 This building was specially granted planning permission because there was a justifiable need for an agricultural workers dwelling. By the change of use to hotel accommodation there is an assumption that there is no longer a need for an agricultural workers dwelling. This change of use also represents a further extension and expansion of the hotel/function facility into the Green Belt. The development is thereby contrary to policy GBC1 of the East Herts Local Plan April 2007.

5.0 Recommendations

- 5.1 It is therefore recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised developments and the cessation of the changes of use of the land and dwelling.