

5f 3/13/0922/FO – Variation of Condition 3 (LPA ref 3/11/1103/FP) – '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 two years after the date of decision' to allow the date to be extended until 14/09/14 at The Henry Moore Foundation, Dane Tree House, Perry Green, Much Hadham, SG10 6EE for The Henry Moore Foundation.

Date of Receipt: 29.05.2013

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 14th September 2014.

Reason: To enable an accurate assessment to be made of the impact of the development on highway safety and the amenities of neighbouring occupiers.

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 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 permission granted under LPA reference 3/11/1103/FP is that permission should be granted.

_____ (092213FP.NB)

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 and there are no changes proposed to the landscape features within the site.
- 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 is in September 2013. The current proposal is to vary this condition to enable the use of the site for weddings to continue for another 1 year period.

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- 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 180 guests and have stated that they intend to limit the number of weddings to a maximum of 12 per year. 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 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 B1 Office and wedding ceremony/reception (sui generis) use in September 2011 under LPA reference 3/11/1103/FP.
- 2.3 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 proposal is not likely to have an impact from a highway point of view as the applicant intends to limit the number of weddings to twelve per annum.

4.0 Parish Council Representations:

4.1 Much Hadham Parish Council object to the planning application as they feel that there is no justifiable reason for relaxing the condition unless a proper assessment has been undertaken.

5.0 Other Representations:

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 2 representations have been received which can be summarised as follows:

- The use has generated noise disturbance from music during the evening celebrations which last until midnight;
- Noise disturbance has also been experienced due to increased traffic before and after the events, guests in the grounds, occasionally guests wandering into the lanes at night and taxi drivers trying to find their passengers;
- The proposal should not be considered in isolation to more extensive plans that the HMF has for development at the site. Due to visitor numbers. Associated traffic volumes generated by the existing and pending applications it would seem imperative that the applications are considered simultaneously;
- There should be a restriction on the number of ceremonies and receptions to no more than 12 per annum and a curfew of midnight;

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
ENV24	Noise Generating Developments
TR7	Car Parking - Standards

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.

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, Officers consider that the proposal for the re-use of an existing building for this rural enterprise complies with the aims of the NPPF for sustainable economic development rural locations.

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 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 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 additional noise and activities within the site. However, the Foundation has intermittently held wedding receptions for the past 6 or 7 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.
- 7.9 Dane Tree House and the Aisled Barn are situated within the wider Henry Moore Foundation site which comprises large area 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 No representations were received from local residents in respect of the previous planning application approved for the temporary change of use. However, two representations have now been received from a neighbouring resident in respect of the current application. These representations state that they have experienced noise disturbance generated by music from the evening celebrations and due to increased traffic.
- 7.12 The Council's Environmental Health Department have confirmed however that they have not received any complaints from local residents in respect of noise and disturbance caused at the site. The HMF has sought advice from Environmental Health and use a decibel meter, which would enable music to be cut off automatically if a specified noise level is reached. Furthermore, it is considered that the proposed activities associated with the mixed use would be subject to extra control under the Licensing Act 2003 in terms of late night music, entertainment and food/refreshments.
- 7.13 Whilst the representations received from local residents have been noted, there is no evidence available to demonstrate that the existing temporary use has resulted in unacceptable noise and disturbance to neighbouring residents. Both of the representations received raise concerns in respect of the noise disturbance caused by evening music. The playing of music can be controlled through the Licensing Act and Officers consider that this would be the appropriate legislation, together with the Council's controls through Environmental Health legislation, to ensure that the playing of music and any other noise disturbance caused is controlled to an acceptable level.
- 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 and as the permission would be extended by just 1 year, 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 for an additional 1 year period 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

- 7.16 It is noted that County Highways do not wish to restrict the grant of permission; however their written comments do specifically refer to the applicant's intentions to hold no more than 12 weddings a year. Officers have subsequently discussed this matter with the Highways Engineer who has confirmed that, as the use is only for a further 1 year period, they would not wish there to be a condition imposed to also restrict the number of weddings that takes place. Having regard to these comments Officers do not consider it to be necessary to restrict the permission to the number of weddings that can take place per annum.
- 7.17 The concerns that have been raised by the neighbouring resident in respect of visitor numbers and traffic volumes associated with this and other proposals that the HMF have for the site have been considered. As the current proposal is to extend the existing permission by just one further year, it is unlikely that any further planning applications made for development at the site, if approved by the Council, would be constructed and ready for occupation within this time period. Furthermore, without the benefit of an application to consider in respect of other works to the site, the current application must be determined upon its own merits.
- 7.18 Officers maintain 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.

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

- 7.19 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 change of 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.

7.0 Conclusion:

- 7.1 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 of 1 year. The continued use for 1 year 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.
- 7.2 Officers consider that it is necessary and reasonable in this case to restrict the continued use to a period of just 1 year to enable any further evidence available after this time in respect of noise and traffic generation to be assessed.
- 7.3 The application is therefore recommended for approval subject to the conditions set out above.