

DEVELOPMENT MANAGEMENT COMMITTEE – 23 MARCH 2016

Reference Number	E/15/0366/ENF
Development	a) Unauthorised change of use of the building from hotel (C1 Use) to a wedding venue (Sui-Generis Use); b) Unauthorised operational development to change the levels of the land; erect light columns, security lighting poles and lights; and the erection of gate pillars and entrance gates. c) Unauthorised works to a listed building by way of the attachment of security lights and CCTC cameras.
Location	Briggens House Hotel, Briggens Park Road, Stanstead Abbots, Ware, SG12 8LD
Parish	Hunsdon CP
Ward	Hunsdon

RECOMMENDATION

That enforcement action be authorised 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. The lawful use of the site is as a hotel although that use ceased approximately 10 years ago.
- 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 In October 2015, concerns were expressed to the Council that there had been an unauthorised change of use of the listed building from a hotel use to solely a wedding venue and that unauthorised works had been carried out at the site to facilitate that new use. Those works included significant ground works to level the land at the rear of the listed building (to facilitate the erection of a marquee); and the erection of a large number of lighting columns and lighting bollards along the entrance driveway.
- 1.4 An initial site visit was made on 5 October 2015 where it was noted that plastic 'imitation street lamps' approximately 2 metres in height had been installed along both sides of the drive to the main house from the A414 entrance. As well as the lamp posts, a large number of plastic

bollard lights, approximately 1 metre high, had been installed around the perimeter of the house. It was also apparent that there were on-going works inside the property, although no access to the property was possible at this time.

- 1.5 Following contact with the tenants' agent, a further site visit was made on 3 November 2015 where access to the interior of the property was made available. It was evident that significant re-decoration had taken place in the basement, ground floor, and parts of the first floor.
- 1.6 To the rear of the property, and beyond the terrace, the land had been cleared of vegetation and the levels had been reduced by over 1 metre in certain parts. At the time of the visit the tenant stated that they had not carried out the works to the land and advised Officers that the works may have been carried out by the owner of the estate.
- 1.7 Following the site visit, Officers contacted the agent for the tenants of the property and advised that the following information should be submitted to the Council for consideration:
 - A Schedule of Works showing the works undertaken to the interior and exterior of the building, so that the authority could determine what may require listed building consent;
 - An application for planning permission for the change of use of the hotel to a wedding venue;
 - An application for planning permission for the lighting columns lining the driveway and the lighting bollards around the immediate perimeter of the property.
 - An application for the gate posts and gates that had been installed at the A414 entrance.
- 1.8 An email was also sent to the owners of the estate on 4 November 2015 advising them that the earth works, that they had apparently carried out to the rear of the property, would require planning permission.
- 1.9 On 11 November 2015 a further site visit was made; on this occasion with the owners of the estate, rather than the tenant company. The owners advised Officers that they had not carried out the earth works to the rear of the property and that in fact the tenant had instigated these works. It was also noted at the site visit that a number of security spotlights had been fixed to the exterior of the building, along with CCTV cameras and, in addition, large metal lighting columns had been erected to the rear of the property to allow floodlighting of the site.

Following the meeting, the tenant’s agent was advised that they should also submit an application for planning permission for the earth works to the rear of the property and for the new spotlights and lighting columns which they had erected.

- 1.10 An application was subsequently submitted for a large temporary marquee to be situated to the rear of the premises between April and November (Ref: 3/16/0048/FUL). However, no applications for any of the other unauthorised works were submitted and no Schedule of Works has been submitted as requested. Application ref: 3/16/0048/FUL, for the marquee was, in any event, withdrawn on 2 March 2016.
- 1.11 All the unauthorised works remain in situ at the time of writing this report.

2.0 **Planning History**

- 2.1 The most relevant 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
Impact of the works on the listed building, its setting, and registered historic parks and gardens	Section 12	ENV 1 BH16

Other relevant issues are referred to in the ‘Consideration of Relevant Issues’ section below.

4.0 Consideration of Relevant Issues

- 4.1 The determining issues in this case relate to the acceptability of the wedding venue use of the property and the impact of the unauthorised works on the special architectural and historic interest of the Grade II listed building and registered park and garden.
- 4.2 In respect of the use, Officers have queried the exact nature of the current use with the tenants of the site. Although very limited information has been put forward as a result, it appears that the property no longer functions as a hotel. Whilst there are apparently rooms available within the property, these are only booked out to wedding parties/guests as part of an overall wedding package. A member of the public is no longer able to book a room separately as with a normal hotel use.
- 4.3 Officers consider therefore that there has been a material change in the use of the property for which planning permission is required. That change of use results in large numbers of guests arriving for events at the same time (unlike the more limited traffic generation associated with a hotel use). It has also resulted in the need for additional function space (hence the unauthorised ground works to the rear of the house and the application for a marquee) and it is not clear how the parking arrangements function on those days when a wedding is taking place. Additional parking pressure; lighting and internal alterations/works to facilitate the new use may also have an adverse impact on the setting and appearance of the heritage assets.
- 4.4 Whilst a wedding venue use may not be unacceptable, in principle, in this location, Officers consider that the uncontrolled and unauthorised use of the site may result in significant harm being caused to the listed building and its setting. In view of the failure of the owner and/or tenant to submit an application to enable the Authority to properly consider and control the use, it is considered appropriate to serve an enforcement notice requiring the use to cease in its entirety. The owner or tenant would then have to submit an application for planning permission in order to set aside the requirements of the notice and this would enable conditions to be imposed on the use to ensure that it properly respects the historic character and appearance of the site and its registered gardens.
- 4.5 As regards the unauthorised works to the interior of the building, Officers consider that, although the interior redecoration that has been undertaken is unsympathetic to the historic character of the property, it

appears only superficial and temporary/removable. It is not considered therefore that separate enforcement action is necessary in this respect at present, although it is recommended that any enforcement notice issued in respect of the use of the property would also require the reinstatement of the interior to the condition that existed prior to the commencement of the unauthorised use.

- 4.6 As regards the unauthorised development within the grounds of the building, it is important to note that the building sits on an elevated position and is widely visible from the A414 where the imitation lighting columns lining the drive to the house can clearly be seen, particularly at night when they are illuminated. They are visually intrusive in the setting of the listed building, and are out of keeping with, and detrimental to, the historic character and appearance of the heritage asset.
- 4.7 The larger lighting columns to the rear of the property, installed to house floodlighting, are of a plain steel 'industrial' design and are similarly unsympathetic to the historic character and appearance of the house and detrimental to its setting. The unauthorised gates and fencing at the entrance to the site have been erected in place of original features which were covered some years ago in order to protect them. The replacements are poorly designed and do not respect the historic character and appearance of the property.
- 4.8 The unauthorised lights and CCTV cameras attached to the listed building are also unacceptable, having an adverse impact on the character and appearance of the Grade II listed building.
- 4.9 The unauthorised engineering works to the rear of the property, to reduce the level of the land in order, apparently, to facilitate the erection of a marquee has adversely impacted on the historic character of the gardens and appears out of keeping with, and detrimental to, the setting of the listed building.
- 4.10 To ensure a satisfactory resolution to all these matters, Officers consider it necessary to serve the relevant Enforcement Notices to secure a) the cessation of the use and the proper regulation of any wedding venue use of the site through the later submission of a planning application, and b) the removal of the unauthorised works to the building itself and those within its grounds.

5.0 Recommendation

- 5.1 For the above reasons it is recommended that the Head of

Planning and Building Control, in consultation with the Head of and Democratic and Legal Services, and other Officers as appropriate, be authorised to:

- a) take enforcement action under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps as may be required to secure the removal of the unauthorised lights and CCTV cameras attached to the building, and
- b) take enforcement action under section 172 of the Town and Country Planning Act 1990 and any further steps as may be required to secure:
 - the cessation of the unauthorised wedding venue use,
 - the reinstatement of the interior of the building to its condition prior to the commencement of the unauthorised use,
 - the removal of all the unauthorised lighting columns in the grounds of the building,
 - the removal of the unauthorised gates and fencing, and
 - the reinstatement of the land levels to the rear of the property.

Period for Compliance:

- 2 months in respect of the removal of lighting columns; gates, fencing, lighting and CCTV cameras attached to the listed building.
- 4 months in respect of the use of the property as a wedding venue and for the restoration of the land levels to the rear of the building.