

5c 3/10/1200/FP – New function barn to provide entertainment space for weddings, charity fundraising events in association with Tewin Bury Farm Hotel at Tewin Bury Farm hotel, Hertford Road Tewin, AL6 0JB for Mr V Williams

Date of Receipt: 02.07.10

Type: Full – Minor

Parish: TEWIN

Ward: HERTFORD – RURAL SOUTH

RECOMMENDATION:

That planning permission be **REFUSED** for the following reasons:

1. Within MGB – EHLP (R021)
2. The proposed function barn and associated areas of hard standing/ parking, by reason of their scale and siting would intrude into the rural qualities of the surrounding area and impact on the openness of the Green Belt contrary to the 'saved' policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007 and national planning policy PPG2.

_____ (120010FP.SD)

1.0 Background:

- 1.1 Members will recall that this application was considered at the meeting of the committee on 17 November 2010. At that meeting it was decided that a decision on the application should be deferred to enable the outcome of the two enforcement appeals to be received which relate to the following unauthorised development at the site and which is similar in nature to that proposed by this application. The enforcement notices served set out the unauthorised development as:
 1. The erection of a double marquee building with an associated covered walkway, toilets and air conditioning units and the creation of hardstandings for the parking of vehicles.
 2. The material change of use of land from agricultural use to car parking uses incidental to the business of Tewinbury Farm Hotel.
- 1.2 The report that was submitted to the 17 November meeting is attached to the report as an appendix.

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- 1.3 The deferral was requested specifically to await the outcome of the Planning Inspectors decision on the joint enforcement appeals. It is appropriate now to consider the proposal for the new function barn at Tewin Bury Farm, subject of this application, taking into account to the Inspectors comments and the outcome of the Appeal.
- 1.4 The Planning Inspectors report on the joint Enforcement Appeal was received on the 5 January 2011. Both appeals were dismissed. (A copy is attached as an appendix to the report).
- 1.5 The unauthorised development subject of the joint appeals was the erection of a single storey double marquee with a capacity for providing 896.31sqm of floorspace with an associated covered walkway, toilet block, air conditioning units, the total floorspace 929.62sqm, and the change of use of land for hard standings/ parking of approximately 7,000 sqm.
- 1.6 The proposal before the committee (the current application), is for the construction of a new function barn constructed in brick and weatherboard with a clay tiled roof the highest part of the building 7.50m, external dimensions of 40.0m in length x 14.0m at its widest part. The building providing 458.60sqm of internal floorspace.
- 1.7 The application site for the proposal includes a garden area at a depth of 14m fronting the River Mimram and two areas of existing hard standing designated for car parking to the rear of the proposed barn of approximately 2,750 sqm. The large area of existing hard standing to the west of the proposed barn previously used for overflow parking and subject to the enforcement action is not included in the proposal.
- 1.8 The proposed function barn would be located on part of the footprint of the marquees, with a reduced footprint of 458.60sqm, to the west of the built envelope of the historic area of the farm complex. It would be of a greater height than the marquees and not dissimilar to a two storey building. The proposals include the change of use of part of the surrounding land to provide 2,750 sqm of hard surfacing /parking associated with the function barn.

2.0 Representations:

- 2.1 No further consultation has been undertaken subsequent to the presentation of this matter to the 17 November meeting of the committee. Further notification would not be required as no new plans, or amendments to the proposal have been submitted/or received in the interim period since the application was deferred.

3.0 Issues to be addressed:

3.1 The issues relevant to the consideration of this application were set out in the 17 November 2010 report attached. These remain relevant, Members are referred to them and they should be taken into account in decision making. The following part of this report summarises the issues which the Planning Inspector considered and provides a commentary on their relevance in relation to the proposals which remain under consideration. They are also material therefore in the decision making process.

3.2 The main issues considered by the Planning Inspector are as follows:

- Whether the developments are inappropriate for the purposes of PPG2: Green Belts
- The effect of the developments on (a) the openness of the Metropolitan Green Belt and the purposes of including land within it, (b) the character and appearance of the surrounding rural area, (c) the setting of the listed buildings at Tewin Bury Farm, and (d) the noise environment and the living conditions of nearby residents
- The weight to be attached to the other considerations including the contribution of the developments to the hotel business and the farm enterprise, local employment and businesses and the work of charities
- If the developments are inappropriate, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the developments.

For clarity and ease of identification the Planning Inspector's comments quoted from the Appeal Decision Notice are in italics and with the paragraph reference numbers.

These are material and relevant considerations that carry weight in terms of the determination of the current proposal as they address the same issues of the harm to the Green Belt, the harm by reason of inappropriateness of development within the Green Belt and any other harm including the impact of the current proposal on the character and appearance of the surrounding rural area and the provisions of the relevant local plan policies GBC1, ENV1 and GBC8 and national

planning guidance PPG2.

Inappropriate development

- 3.3 The marquee and associated infrastructure are not essential for outdoor sport, for the purposes of agriculture or forestry or any other of the purposes identified in paragraph 3.4 of PPG2 and by Policy GBC1 of the East Herts Local Plan. Therefore as such “*inappropriate development has taken place*”. (para 12).
- 3.4 The surrounding agricultural land has been replaced with extensive hard surfaced areas, used for the parking of vehicles where the openness of the Green Belt has not been maintained. “*There has been encroachment into the countryside. Again inappropriate development has taken place*”. (para 13).
- 3.5 As by definition inappropriate development is in itself harmful to the Green Belt, the Inspector attached substantial weight to this harm in view of the presumption against such development as set out in PPG2.
- 3.6 The current proposal for the function barn and hard standing/parking does not fall within the purposes identified in paragraph 3.4 of PPG2, or Policy GBC1 of the Local Plan, and as such it must be considered to be ‘inappropriate development’ and harmful to the Green Belt, in the same way that the Inspector concluded.

Effect on the development

- 3.7 The double marquee is a large structure, whose physical presence in terms of its size and scale “*resulted in a harmful loss of openness to the west of the main hotel complex*”. (para 15).
- 3.8 The car park car park to the northern and western areas of the site, to accommodate 220 cars, introduces large areas of hard surfacing, which are lit during the hours of darkness are a marked contrast to the adjacent countryside further contributing to the impact, and despite the planting to the boundaries. The Inspectors comments that “*the loss of openness has been severe.*” (para 16).
- 3.9 “*One of the purposes of including land within the Green Belt is to assist in safeguarding the countryside from encroachment. Clearly the developments conflict with this because of the very significant change in the use and appearance of the land and the considerable extension of the developed site into the countryside to the west*”. (para 17).

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- 3.10 The current proposal for the function barn would introduce a large structure with a height to ridge of 7.5m, to the west of the main historic farm complex which would result in a loss of openness. Whilst the area of land to be devoted to parking is less than that of the enforcement situation, its area and hard surface treatment is such that it is still considered to significantly undermine and exacerbate the impact and loss of openness of the Green Belt in this location where development would encroach into the countryside. Whilst the proposed building has a smaller footprint than the marquees, it is considered that its height ensures it has a similar harmful impact on openness.

Character and appearance

- 3.11 The developments of the marquee and car parking areas extend the complex to the west. *"As a result the development now sprawls along the valley..... the visual intrusion of the developments is most clearly seen from the public footpath that follows a route up the hill towards Tewin"*. (para 19). Even within a longer timescale it would not be possible to screen the development with new planting.
- 3.12 The double marquee structure is basically constructed of a lightweight frame covered with white plastic coated material. The nature and appearance of the structure is such that: *"It does not compliment or relate well to the traditional building forms and materials on the site"*. (para 20).
- 3.13 The Inspector concludes that: *"the developments have a harmful effect on the character and appearance of the landscape and surrounding rural areas"*. (para 22).
- 3.14 The current proposal would introduce a new area of built development extending beyond the confines of the historic limits of the farm complex, contrary to the main provisions of including land within the Green Belt which is to assist in safeguarding the countryside from encroachment. The barn would be a prominent and visually intrusive structure sited along the River Mimram, encroaching into the rural character and appearance of the land, viewed from public footpaths and surrounding countryside.
- 3.15 Whilst the Inspectors use of the phrase 'sprawls along the valley' is quite dramatic, it is considered that the proposals, with a building of 40m in length, continue to have the impact of extending the built form considerably beyond the initial grouping of buildings at the site.

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- 3.16 Clearly the materials to be used in the building now proposed are traditional in nature and appropriate for its surroundings. A judgement needs to be made with regard to the weight that can be assigned to this issue given the other significant impacts of the development.

Setting of the Listed Buildings

- 3.17 The new developments are a little distant from the listed buildings that form the original historic complex of farm buildings, but nevertheless they form part of the Tewin Bury Farm site. However, "*the marquee, associated facilities and car parks make little reference in their design to the historic setting. They have a negative impact on the significance of the heritage assets*". (para 23).
- 3.18 The current proposal would provide a traditional barn style building reflecting in its materials of construction the historic and architectural detail and form of existing listed barns and listed buildings on the hotel complex.
- 3.19 However, it is considered that the size and scale of the proposed function barn still has an impact, intruding into the existing setting of buildings surrounding the original farmhouse and farmyard, competing with historic barns and diluting their significance as heritage assets.
- 3.20 Once again, in terms of the current proposal, the introduction of the barn would be in concert with the change of use of land to provide large areas of new hard standing for parking. As the area of parking that is proposed to remain is closest to the heritage asset it is considered that the view of the Inspector, that the proposals make little reference in their design to the historic setting, must still have some relevance. Overall, in relation to this issue it is considered that there is a more benign impact than the current marquees have.

Noise

- 3.21 A noise report was submitted with the original application accepted that the limited sound insulation provided within the construction of the marquee would have little effect on noise breakout. Suggested noise mitigation measures could be secured by condition. However, the Inspector comments that the low standard of insulation remains a concern and is not "*therefore unable to rule out noise nuisance to nearby residents and noise intrusion into a quiet rural environment in the future*". (para 25).

3.22 As regards noise, the current proposal would construct a building of brick and weatherboard with tiled roof of a more conventional form than the plastic marquees. It is reasonable to presume that noise attenuation would be included/ addressed in the design of such a permanent structure which would need to meet the provision of relevant Building Regulation Standards and could be secured by condition. Any harmful impact in relation to this can therefore be overcome.

Other considerations

3.23 The Inspector noted the applicant's position that the marquee allows them an additional business element of Tewin Bury Farm to cater for large events and functions, which could not be accommodated in the smaller previously converted buildings on the site. The extra capacity, makes a significant contribution to turnover, but the Inspector noted that the applicant declined to comment on its contribution to the profitability of the business and therefore to conclude that *"the marquee is an important but not essential aspect of the business"*. (para 28).

3.24 The Inspector noted generally that the Hotel and conference business at Tewin Bury Farm has grown to a large scale enterprise, but it has not been made clear how it relates to the farm in terms of business structure, or adequately and explicitly how the developments would support the continuation of the farm enterprise as a whole. The position now reached is that the scheme cannot re-use existing buildings. The provision of the marquees would not satisfy the design requirements of policy GBC7 and the criteria of Policy GBC8 as regards rural diversification are not satisfied.

3.25 The inspector concludes *"that the developments form part of a successful and expanding business that makes a positive contribution to the local rural economy and employment. I attach significant weight to these considerations, bearing in mind the possibility that the same benefits could be derived from an alternative form of development that is more sympathetic to its surroundings"*. (para 31).

3.26 The Inspector also noted the applicant's view that the size of the marquee is an advantage for the provision of larger fund raising events for charities, with the ability to accommodate large numbers of guests. There may not be similar venues in the area. The Inspector noted however, that the fall in bookings over the last year, during which there was uncertainty about availability due to the pending enforcement action, suggests that there are alternatives available in the wider area. The Inspector attaches some weight to the community support.

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- 3.27 The appellant's say that the profitability associated with the marquee would enable the restoration of the river frontage. The Inspector is not satisfied this type of gain expressed in general terms meets the tests of planning obligation or planning condition and attaches no weight to this consideration.
- 3.28 With regard to these other considerations the Officer's view is that a similar conclusion can be reached. There remains no clear position on the contribution of the function use to the profitability of the business nor any indication of how the provision of this use would relate to the farm in terms of business structure or how it would support the continuation of the farm enterprise.
- 3.29 The proposal does not support farm diversification as in the re-use of an existing redundant agricultural /farm building and would not meet the provisions of policy GBC8 in terms of rural diversification. It does have greater merit in relation to the design criteria set out in Policy GBC7.
- 3.30 As the Inspector concluded, some weight can be attached to the community support and positive contribution to the local rural economy and the possibility that some alternatives to this type of use at this site remain.

4.0 Conclusion - Balancing Exercise:

- 4.1 The Inspector then undertook a balancing exercise weighing up the impacts in relation to all the issues identified. She commented that the double marquee, associated infrastructure and car parks cause harm to the Green Belt by reason of inappropriateness. Then there is the additional actual harm to the open character of the Green Belt and the encroachment into the countryside. The large structure and extensive car parking areas are intrusive in the rural surroundings and out of place within the setting to the listed buildings. The poor quality of the noise insulation of the marquee remains a concern and the weight against the operational developments is very substantial.
- 4.2 The Inspector felt that the considerable harm to the Green Belt and local environment, is not clearly outweighed by the development's positive contribution to the local rural economy and employment, community support and broader environmental projects.
- 4.3 The Inspector concludes that the very special circumstances necessary to justify the development do not exist and the enforcement notice appeals were substantively dismissed.

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- 4.4 It is now necessary to undertake this same balancing exercise in relation to the proposals now in front of the committee. There remains harm to the Green Belt by reason of the inappropriateness of the proposals; they also cause additional harm to the openness of the Green Belt and the adverse impact of the encroachment of the new development into the countryside.
- 4.5 The building, whilst smaller in footprint terms than the marquees, remains significant and it is considered that it remains intrusive and prominent within the countryside. It continues to have an impact on the heritage assets of the site, particularly the parking area, and this cannot be considered to be beneficial.
- 4.6 Your officers' view is that the weight to be assigned has shifted with regard to the impact on the nearby listed buildings, design characteristics of the building and the potential for it to create noise disturbance issues. With regard to the latter this has been resolved. The design of the building is a more favourable one. The impact in relation to the listed buildings is considered to be less harmful.
- 4.7 In favour of the development the issues of business and community support remain. Your Officers conclusion however is that the change in weight that can be assigned to the issues cannot be seen as significant in the same way that the clear inappropriateness of the development and harm to the Green Belt is. The conclusion then must be that the weight to be assigned has not changed more than marginally and that the harm caused by the proposals considerably outweigh the benefits. There are no very special circumstances submitted that justify the development or mitigate for the harm by reason of inappropriateness of the proposal contrary to the provisions of Local Plan policy GBC1 and national planning guidance PPG2. It is recommended therefore that permission is refused.