

**5b 3/11/1225/FP – Change of use for a temporary period from 5 January 2012 to 5 January 2014 of former barn to a function room, replacement roof to main barn with photovoltaic panels covering the whole of the south facing roof slope, toilets, refrigerators, and office provided within the adjacent pole barn at Tewin Bury Farm Hotel, Hertford Road, Tewin, AL6 0JB for Mr V Williams**

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**Date of Receipt:** 11.07.11

**Type:** Full – Major

**Parish:** TEWIN

**Ward:** HERTFORD – RURAL SOUTH

**RECOMMENDATION:**

That, subject to the applicant or successor in title signing a legal agreement pursuant to a S106 of the Town and County Planning Act 1990 in respect of the following matters:

- The temporary use shall not commence until the unauthorised marquee, with associated structures and services has been removed as set out in the Planning Inspector's Appeal Decision dated the 5 January 2011 and the land reinstated accordingly.
- The temporary use shall cease to operate prior to the first use of the new function barn on the site as approved under planning permission ref: 3/10/1200/FP.

Planning permission be **GRANTED** subject to the following conditions:

1. Temporary permission – Buildings and Use (1T07) – '5 January 2014'
2. Materials of construction – (2E13)
3. Construction of the development hereby approved shall not commence until details of construction vehicle movements and construction access arrangements are submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the impact of construction vehicles on the local road network is minimised.

**Directive:**

1. Other Legislation (01OL)

**Summary of Reasons for Decision**

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC1, GBC9, GBC10, ENV1, and TR7 and national Planning Policy Guidance 2 Green Belts. The balance of the considerations having regard to those policies and the previous approval 3/10/1200/FP is that permission should be granted.

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**1.0 Background:**

- 1.1 The application site is shown on the attached OS extract located within the Metropolitan Green Belt on the northern side of Hertford Road (B1000) in an area of open countryside. Land to the south of the site is a designated Wildlife Site and SSSI between Hertford and Welwyn Garden City of 6.85 hectares comprising protected wetland/reed bed habitat for protected indicator European species managed by the Herts and Middlesex Wildlife Trust.
- 1.2 The main farm complex of the application site stretches from the original listed farmhouse and gardens to the east of the main entrance drive from Hertford Road, encompassing listed outbuildings, converted barns, stables and hay barns to provide facilities for weddings, meetings, conferencing and events etc. To the north of the complex, in one of the original listed farm buildings now known as Tewinbury Pie, a restaurant open to the public.
- 1.3 The farm complex of barns and outbuildings around the hotel forms a cohesive historic group of buildings and intervening open spaces / car parks. All of the buildings are converted to alternative uses associated with the hotel site as a wedding venue and events/ conference facilities with associated service storage.
- 1.4 The facilities at Tewinbury Farm provide 29 hotel bedrooms, a restaurant, 9 function rooms/conference buildings and an unauthorised marquee structure as an additional venue for weddings, conference, charitable events and music nights.
- 1.5 Located as the furthest element of building at the western end of the site is the unauthorised marquee measuring 30m x 35m constructed in plastic coated canvass over a metal frame made up of two separate bays

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joined together with walkways and hard surfaced areas with an internal floorspace of 875sqm. This was the subject of an enforcement appeal for its removal which was dismissed in 2011 and the marquee structure and associated air conditioning elements, toilets and all service infrastructure plant associated with the unauthorised use are required to be removed from site by the 5 January 2012.

- 1.6 Further to the northwest is a leveled shingle car park area with post and rail fenced boundaries capable of accommodating approximately 70 parking spaces.
- 1.7 Members may recall that planning permission (ref: 3/10/1200/FP) was granted at committee on 9 March 2011 for the construction of a new function barn providing 450sqm of function/conference events floorspace and 90 parking spaces on the adjacent land to the southwest of the application site.

#### **Proposal**

- 1.8 The proposal is for the temporary use of the former cattle barn and attached pole barn on the site from 5 January 2012 to 5 January 2014 as a function/events/ conference space with ancillary facilities, toilets, kitchen area, food preparation area, bar servery, cloakroom, lobby with internal stud walls, new doorways, new full height glazed external entrance doors/ by-fold doors.
- 1.9 This is to replace the function facilities within the existing unauthorised marquee and covers the estimated building period required for the construction of the new function barn recently approved on the 9 March 2011 under ref: 3/10/1200/FP.
- 1.10 A draft Section 106 legal agreement has been submitted by the applicant with obligations regarding the cessation of the use of the former cattle barn and pole barn on or before a period 2 years from the 5 January 2012.
- 1.11 The barns proposed for the re-use are ancillary structures associated with the operation of Tewin Bury Farm hotel, currently used for housekeeping/ laundry storage, general storage, staff canteen and maintenance. The pole barn is the older structure previously used for the storage of hay/straw and part of the original historic building group.
- 1.12 The cattle barn was constructed in the latter part of the 1970's and was used for agricultural purposes. The proposal is to use part of the barn as a function area of approximately 500 sqm with additional space allocated to a kitchen area, food preparation area, bar servery and cloakroom

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facilities. The adjacent pole barn would house portable toilets, refrigerators, a staff area and conference office. The attached service yard would contain 6 air conditioning units and oil tank.

- 1.13 Externally, limited alterations are proposed to existing openings with the exception of an eight section glazed by-fold door access to the main function area with double door full height glazed entrance and side panels to the lobby entrance of the main barn.
- 1.14 The roof of the barn is to be replaced with insulated plastisol sheeting, with 80 photovoltaic solar panels to be installed on the southern facing roof plane of the former cattle barn.
- 1.15 There are no other external changes, the application site includes the existing parking area providing 56 spaces and a further parking area of 38 spaces (94 in total) to be created when the unauthorised marquee is removed from the site. The perimeter landscaped fenced boundary to the parking area is retained and there are no other areas of parking/hard surfacing identified on the submitted plans.

## **2.0 Site History:**

- 2.1 The planning history of the site is extensive, the main relevant history is as follows:-

3/83/0774/FP Construction of agricultural workers dwelling on land next to Westley Wood - Approved

3/87/0165/FP Conversion of exiting barn into 4 No. guest bedrooms – Approved

3/89/0969/FP Change of use of agricultural building (Central barn) to form guest accommodation - Approved

3/89/1116/LB Change of use of agricultural barn to form guest accommodation - Approved

3/93/1118/FP and 3/93/1119/LB Change of use of redundant barn (The Stables) to meetings and conferencing & relocation of straw barn to provide additional parking - Approved

3/95/0202/CL use of building as farm shop for the sale of farm produce, pet foods and other goods Approved

3/95/0271/FP Retention of existing use of building for farm office, farm

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shop and vegetable preparation - Approved

3/97/1549/FP Change of use of existing loft space above shop for two bedrooms for letting. - Approved

3/99/1693/FP detached garage, amended access to Westley Lodge. - Approved

3/00/0978/FP Change of use of agricultural land to garden - Approved

3/05/2383/FP Two storey extension to Westley Wood – Approved

3/09/1407/FP Retention of marquees, gazebos, umbrellas and car park - Withdrawn

3/09/2003/CL Four umbrellas outside restaurant, Tewinbury Pie - Refused

3/09/2004/CL Three umbrellas next to Stables - Refused

3/09/2005/CL A gazebo in the Millstream garden - Refused

3/10/0130/FP and 3/10/0131/LB Four umbrellas outside Tewinbury Pie restaurant, three umbrellas next to the Stables, a re-sited gazebo in the Millstream Gardens – Approved

3/10/1200/FP New function barn to provide entertainment space for weddings, charity fundraising events associated with hotel - Approved

### **3.0 Consultation Responses:**

3.1 HCC Archaeology advises that the proposal is unlikely to have an impact upon significant heritage assets, and therefore no specific comments are forthcoming.

3.2 Highways do not wish to restrict the grant of permission subject to conditions that construction traffic and access arrangements are submitted to and approved by the highway authority. In reference to this application for a temporary function room pending construction of an approved scheme elsewhere they comment that, given the purpose of the application and the existing uses of the overall site, this particular application is not significant in traffic generation terms when compared against the existing and approved developments. The establishment is accessed direct from the B1000, a main distributor road, via a junction of appropriate layout and construction. Ample space already exists within

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the site boundary to accommodate vehicle parking and turning space requirements.

- 3.3 HCC Countryside Access has no comments on the proposal.
- 3.4 Conservation Section: comments that as the proposed solar panels will be attached to a modern structure of no special interest, their comments have been assessed solely on the impact of the proposal on the setting of the Grade II listed agricultural buildings forming part of the Tewinbury Farm Complex. The solar panels will be set on a former cattle barn and partly screened by the adjacent pole barn. Due to this screening and the position of the cattle barn the panels will not interfere with the views of the listed buildings on the site. In order to further mitigate the visual impact on the character of the farmstead I would recommend a condition to regulate the appearance of fittings and frame and low reflective panels.
- 3.5 The Environment Agency advises that based on the information submitted they have no comments to make on the proposal.
- 3.6 Herts Biological Records Centre advises that the existing cattle barn is of a 'modern' construction and the proposed barn is within an area of existing hard standing. Therefore there are no ecological concerns regarding the proposed development.
- 3.7 Natural England advises that the application site is close to the Tewinbury Site of Special Scientific Interest SSSI. Based on the information provided, natural England has no objection to the proposed development subject to the proposal being carried out in strict accordance with the details of the application. The reason for this view is that they consider that the proposal will not have a significant effect on the interest features of the Tewinbury SSSI.
- 3.8 The understanding is that the purpose of the current application is to provide a temporary replacement events venue during the period of construction of the new barn described in application 3/10/1200/FP which was granted permission in March 2011. The new barn described in 3/10/1200/FP is significantly closer to the SSSI than the existing barn which is the subject of the current application and consequently, the potential for any unintentional adverse impact upon the SSSI is likely to be greater.

## **4.0 Parish Council Representations:**

- 4.1 Tewin Parish Council have made no comments

**5.0 Other Representations:**

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 A letter has been received from Hertfordshire Chamber of Commerce and Industry in support as it will provide continued funding of the business and the retention of employment during the construction of the recently approved barn.

**6.0 Policy:**

- 6.1 The relevant Local Plan 'saved' policies in this application include the following:

SD3	Renewable Energy
GBC1	Appropriate Development in the Green Belt
GBC9	Adaption and Re- Use of Rural Buildings
GBC10	Change of Use of an Agricultural Building
ENV1	Design and Environmental Quality
ENV24	Noise Generating Development
BH1	Archaeology and New Development
TR7	Car Parking Standards

- 6.2 In addition to the above it is considered that PPS1 (Delivering Sustainable Development), PPG2 (Green Belts), PPS5, (Planning and the Historic Environment), PPS7 (Sustainable Development in Rural Areas)

**7.0 Considerations:**

**Principle of Development**

- 7.1 The determining issues in this case are:
- The appropriateness of the change of use in the Green Belt and whether there are any special circumstances to offset the harm to the Green Belt by reason of inappropriateness.
  - The cumulative impact of the change of use of buildings on the character of the Green Belt.
  - Whether the change of use with associated parking would result in an intensification or duplication of uses on the site detrimental to the character and openness of the Green Belt

- 7.2 The site is located within the Green Belt wherein development will be considered to be inappropriate where it does not fall within the criteria set out in PPG2 and within policy GBC1 of the Local Plan. Policy GBC1 however provides that the adaption and re-use of rural buildings in accordance with Policies GBC9 and GBC10 of the Local Plan is appropriate within the Green Belt and therefore there is no policy objection to this proposal, subject to compliance with those policies.
- 7.3 Under policy GBC9 the proposed re-use of the existing building for business purposes is considered by Officers to be appropriate for the following reasons:
- (a) The existing barns are of a form, bulk and general design such that they are in keeping with and sympathetic to their surroundings;
  - (b) The barns are permanent and soundly constructed, not requiring complete or substantial reconstruction before their adaption to the new use; internally the barns require some additional insulation, and surface finishing but the layout and form of the building will be largely utilised as existing.
  - (c) The proposed use is sympathetic to the rural character and appearance of the locality, not requiring extensive alterations or anything other than minor extensions to accommodate it; modest alterations are required to existing openings to provide pedestrian entrance(s) and the replacement of the main cattle barn roof is required due to its poor condition but these are not considered to be extensive in nature. The installation of the photo voltaic panels is considered to be an opportunity facilitated by the replacement of the roof on the former cattle barn and the units would remain after the use has transferred to the new function building as the renewable energy would be used to provide power to other buildings and established uses on the site.
  - (d) The conversion would not lead to dispersal of activity on such a scale as to prejudice town and village vitality; the site is in an isolated rural setting and the use of the barns is proposed as a temporary alternative use for a limited period, not an intensification of an existing use.
  - (e) The proposed use is sympathetic to its surroundings and provided that it is used in place of the existing marquee and before the new function building comes into use, would not result in the creation of visually intrusive hard standings or visually distinct curtilages or



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involve significant levels of outdoor working and storage; the building is to be used as existing with minor external changes, there are no new areas of hard surfacing proposed and parking spaces already provided within the site are to be utilised for the duration of the temporary use.

- 7.4 Policy GBC10 is a material consideration which indicates that the proposal is required to demonstrate that it meets the relevant criteria:
- (a) Both barns were originally erected to serve a genuine agricultural need; both the former cattle barn and pole barn had originally been used to serve a genuine agricultural need, and then subsequently used for purposes ancillary to Tewin Bury Farm Hotel.
  - (b) The temporary use of the barns relates to established rural diversification on the application site and the larger Tewin Bury Farm and hotel complex;
  - (c) The building is not operationally important to the holding but is an intrinsic part of the rural diversification of the site. This is in principle considered to be acceptable where the barn does not come into use until the marquee and its associated services have been removed and the land reinstated, and provided that the proposed use of the barn ceases prior to the first use/operation of the new function barn approved under ref: 3/10/1200/FP. Therefore there is no intensification of use of the site or potential for harmful additional parking.

#### **Design and layout**

- 7.5 As regards Policy ENV1, the layout and design of the existing barn is retained with only minor alterations and roof replacement of the former cattle barn and as such are not considered to materially affect the size, scale, massing or height of the barns or their impact on the adjacent buildings or surrounding area.
- 7.6 The insertion of the by-fold doors on the western elevation, while domestic in character, are hidden by the adjacent landscaped embankment, would not adversely impact on the character and appearance of the barn and is at such a distance from the listed buildings to the east and south as not to affect their setting.
- 7.7 The addition of the photovoltaic panels over the entire length of the south facing roof plane of the former cattle barn provides a source of renewable energy in line with government guidance PPS 22: Renewable Energy and Local plan Policy SD3. The roof requires replacement in any

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event as it is in poor condition and not weather tight. The solar panels have a black powder coated frame and semi matt finish to the glazed panels to minimise and limit their visual impact.

- 7.8 The south facing slope of the barn is largely screened by the roof of the attached pole barn, is not visible from the original courtyard area to the east where the listed barns, listed farmhouse and the original listed stables (now Tewinbury Pie Restaurant) are sited. Neither would the solar panels be seen from longer views into the site or on approach along the drive and adjacent public highway the B100.
- 7.9 There would be a limited view of the solar panels over the pole barn roof from the Tithe Barn to the south. These views would have little impact on the visual amenity of the locality and are not of sufficient impact to reject the provision of in renewable energy in accordance with policy SD3 of the Local Plan. The solar panels would be retained on the former cattle barn, after the temporary use has ceased as they do not detract from the character and appearance of the locality and provide an alternative renewable energy source for other areas of the site.

#### Parking

- 7.10 The proposal provides 94 dedicated parking spaces in the adjacent car park area and additional parking area on the marquee footprint area, following the marquee removal. Internally approximately 500sqm of conference space and 22sqm of bar space is provided. Under the Council's adopted maximum parking standards, 1 space per 5 sqm of conference/ function space and 1 space per 3sqm bar space would generate 111 parking spaces where the proposed scheme offers 106 spaces.
- 7.11 The shortfall of 5 spaces is negligible as the proposed use is for a limited period of two years and other car parking areas with capacity within the larger site can accommodate the limited shortfall.
- 7.12 Highways raise no objections to the proposal and '*consider that given the purpose of the application and the existing uses of the overall site the application is not significant in traffic generation terms when compared against the existing and approved developments*'. The proposed parking provision is considered to be acceptable in principle provided that the temporary use of these areas ceases when the new function building is first used. Otherwise the increase in car parking requirement would be harmful.

#### Viability

- 7.13 The applicant's wish to retain an element of the function activity currently

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operating in the unauthorised marquee for the Tewin Bury Farm hotel. Between the cessation of use of the marquee on 5 January 2012, and the construction of the approved new function barn there is a wish to maintain some of the conference/event facility to support a loss in revenue.

- 7.14 The existing barns are surplus to need and can be converted at a minimal cost of approximately £30,000 to provide a conference/events floorspace provision of approximately 524sqm which is larger than the 450sqm approved under the extant permission ref: 3/10/1200/FP for the new function barn. Officers have considered therefore why these barns were not considered suitable for conversion previously and whether there is a need at all for the building approved under ref: 3/10/1200/FP.
- 7.15 The applicant's has responded that these barns were considered for re-use prior to application 3/10/1200/FP, but they considered that they have no future as a permanent function facility due to possible noise implications as the barns are sited next to hotel bedroom accommodation and adjacent to the service access route through the site. The visual aspect and location of these barns meant they were not a suitable provision for weddings having no access to outside garden areas or river frontage for outside photography. Whilst they consider this acceptable for a temporary period, they do not consider the barns appropriate for long term conference accommodation.
- 7.16 The applicant states that the Tewinbury Farm enterprise depends on the temporary change of use of these barns. However, prior to the use of the unauthorised marquee the farm was operating successfully as a popular venue for weddings, and conferencing, with restaurant and hotel accommodation. Furthermore, financial information submitted in respect of previous applications on the site do not appear, to your officers, to support this claim. Officers therefore consider that on the issue of viability, while there may be a loss of income, if this development were not permitted, it would not materially jeopardise the future of the other enterprises on the site.
- 7.17 Nevertheless, it is Officer's opinion that it would be reasonable to consider a change of use of the barns, for a temporary period only, to support facilities while the construction of the approved new function barn is undertaken. This is on the basis that the barns would not be used or operated in conjunction with either the unauthorised marquee or the new function building. This would need to be secured by way of a Section 106 legal agreement to establish restrictions for the temporary nature of the change of use, and to ensure that upon cessation of the temporary period of use full reinstatement is carried out.

- 7.18 The officer's concern for the temporary use of the barns in conjunction with either the marquee or the new function building is the level of intensification of the conference/ events function facilities on the site generally and the level of cumulative adverse impact the additional facilities would have if the use of the two barns were to continue after the temporary period has expired, and the new function barn is completed and fully operational.
- 7.19 Normally such a duplication of uses would prompt a revocation of the extant planning permission for the same facilities. In this case there is merit and justification in the temporary change of use, provided that the Section 106 legal agreement, as agreed in principle by the applicant, can achieve the necessary safeguards and control over the limitations of the temporary change of use.
- 7.20 The costs of £30,500 for the conversion of the two barns are not considered to be substantial. The applicant states that it makes good business sense to invest the finance to retain a larger turnover over the 2 year temporary period, allowing him to retain staff who service larger functions.
- 7.21 As regards fittings and fixtures, the portable male and female toilets, the kitchen facility, food preparation area, bar server, lobby and cloakroom areas and the new fully glazed entrance doors to the lobby including all added stud walling and internal decoration apart from wall insulation would be removed, and the previous uses within the barns reinstated.
- 7.22 In summary, a permanent change of use of the barn would not be acceptable due to the likely cumulative impact and intensification of use that would be created if the new function hall is also erected. The substantial additional parking would be unacceptably intrusive, resulting in a concentrated area of new development at a distance from the original historic built envelope of the site adversely impacting on the openness of the Green Belt and the rural locality contrary to Local Plan Policy.
- 7.23 It is therefore considered that, subject to details of a section 106 legal agreement, the temporary change of use of the former cattle barn and attached pole barn for a period 5 January 2012 to 5 January 2014 in accordance with relevant policies of the Local Plan would be acceptable.

## **8.0 Conclusion:**

- 8.1 In conclusion, having regards to the above considerations, the proposed development is considered to accord with the relevant policies of the

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Local Plan and would provide a temporary change of use of existing barns which have regard to the character and appearance of the locality . Accordingly it is recommended that a temporary planning permission is granted subject to the imposition of a Section 106 legal agreement and conditions set out at the head of this report.