

## Planning & Heritage Statement

Planning Application

Erection of marquee

The Woodman & Olive PH, 20 West End Road, Wormley,  
Broxbourne EN10 7QN

DLA Ref: 23/030

February 2024

## CONTENTS

1.0	INTRODUCTION .....	1
2.0	SITE & CONTEXT ANALYSIS.....	2
3.0	RELEVANT PLANNING HISTORY .....	3
4.0	POLICY CONTEXT .....	4
5.0	DESCRIPTION OF DEVELOPMENT.....	5
6.0	PLANNING CONSIDERATIONS.....	6
7.0	CONCLUSIONS .....	12

## 1.0 INTRODUCTION

### 1.1.0 Background

1.1.1 This report relates to a planning application for the erection of a marquee at The Woodman and Olive Public House (PH).

### 1.2.0 Scope

1.2.1 This document comprises an overarching Planning Report. Sections 2 to 4 consider the physical, economic, social and historical context of the site, identifying the relevant local, regional and national planning policy framework; and Section 5 sets out the details of the proposal. All these sections inform the evaluation of the proposal in Section 6 against the identified planning policy framework. The overall conclusions are set out in Section 7 and which are summarised below at paragraph 1.3.0.

### 1.3.0 Summary

1.3.1 The actual harm caused to the openness and purposes of the Green Belt is relatively low for the proposed marquee, with the marquee only in situ temporarily for the months of March to September. Therefore, the benefit of supporting a local business is a very special circumstance that would outweigh any harm by reason of inappropriateness.

1.3.2 The marquee would provide a number of benefits for the business that operate on the site, as well as for its staff and for customers.

1.3.3 The applicant is also happy to accept a suitable hours of operation condition so as not to cause disturbance for neighbouring occupiers.

1.3.4 The structure would be subservient in nature and has been appropriately designed and considered so as not to cause harm to the setting of the Listed Building.

## 2.0 SITE & CONTEXT ANALYSIS

### 2.1.0 Location

2.1.1 The application site, shown in Figure 1 below, is located on the south side of West End Road to the west of Broxbourne and the A10.



Figure 1 - Site location

### 2.2.0 Application Site

2.2.1 The application site comprises a listed building in use as a public house. Parking is available to the east and west of the site and the rear of the site is a grassed area including tables for patrons. To the immediate rear of the building is a patio approved under reference 3/23/1785/FUL, with a small outbuilding which is used as an outside bar and storage, located adjacent to this.

### 2.3.0 Context

2.3.1 West End Road is semi-rural with sporadic housing. The nearest dwelling is No.22 to the east, with open fields and woodland located to the south and west of the site.

### 2.4.0 Planning Constraints

2.4.1 The application site is located within the Green Belt, has a Grade II Listed building, and is within Flood Zone 2.

### 3.0 RELEVANT PLANNING HISTORY

#### 3.1.0 Application Site

3.1.1 The relevant history of the application site is summarised below.

LPA Ref	Proposal	Outcome
3/23/2448/FUL	Retention of external bar (with external alterations)	Awaiting outcome
3/23/1785/FUL	Retention of patio	Approved
3/22/2037/CBBPN	Temporary marquee within the rear garden of the public house limited to 120 days per annum. The marquee will measure 6.0m x 8.3m x 3.0m high (49.8m plan area).	Prior Approval Required and Refused
3/22/2023/FUL	Construction of a new chimney to conceal existing kitchen mechanical extract vent	Granted
3/22/2024/LBC	Construction of a new chimney to conceal existing kitchen mechanical extract vent.	Granted
3/22/2008/FUL	Retrospective application for the retention of an external servery, within the rear garden	Refused
3/20/1386/FUL	Detached external glazed seating area	Withdrawn

## 4.0 POLICY CONTEXT

### 4.1.0 National Policy / Guidance

4.1.1 The National Planning Policy Framework (NPPF) 2023, sets out the Government’s planning policies for England. It is considered that Chapters 6 (Building a strong, competitive economy), 11 (Making effective use of land), 13 (Protecting Green Belt land), and 16 (Conserving and enhancing the historic environment) are considered directly relevant.

### 4.2.0 East Herts District Plan 2018

Policy No.	Title
DES4	Design of Development
HA1	Designated Heritage Assets
GBR1	Green Belt
NPPF	National Planning Policy Framework
ED2	Rural Economy

## 5.0 DESCRIPTION OF DEVELOPMENT

### 5.1.0 Use

5.1.1 The proposals do not result in the change of use of the site, and it would retain its existing use as a public house. The proposed marquee is a temporary structure and would only be erected between March – September, with the applicant willing to accept a condition to have this formally confirmed.

### 5.2.0 Layout

5.2.1 The proposed marquee would be located to the rear of the main pub, on top of the existing patio. The marquee would have an exterior footprint of 108m<sup>2</sup>, with an opening at one end.

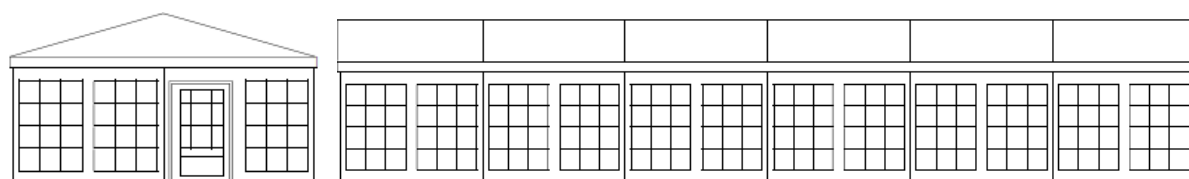


Figure 2 - Proposed front and side elevations

### 5.3.0 Appearance

5.3.1 The marquee would be modest in height, measuring 2.3m to the eaves and 3.4m to the ridge. The external appearance of the marquee would be white PVC, with a vast number of windows on all sides. The proposed front and side elevations are shown in Figure 2 above.

### 5.4.0 Landscaping

5.4.1 The proposals would not result in the loss of any existing landscaping features on the site. If required by the LPA, landscaped screening could be included as part of the proposals.

### 5.5.0 Access & Parking

5.5.1 The proposals would not result in any changes to the access arrangements of the site. The pub would still retain all 47x existing parking spaces.

## 6.0 PLANNING CONSIDERATIONS

Based on the analysis set out in Sections 2 to 5, the application proposal raises the following issues, which are considered in turn below:

1. Principle
2. Layout & Design
3. Heritage
4. Flooding

### 6.1.0 Issue No 1: Principle

6.1.1 As noted in Paragraph 2.4.0 of this report, the site is located within the Green Belt. Policy GBR1 of the District Plan states that planning applications within the Green Belt will be considered in line with the provisions of the National Planning Policy Framework (NPPF). In the NPPF, Paragraph 154 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. It is acknowledged that the proposed marquee does not meet any of the exemptions set out in the NPPF for development in the Green Belt. It is therefore necessary to demonstrate very special circumstances that would outweigh any harm caused by inappropriate development. In respect of this paragraph 153 of the NPPF states:

*“‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

6.1.2 In the context of paragraphs 153 and 154 of the NPPF, the starting point in respect of this issue is a consideration of the potential ‘other harm’ beyond the definitional harm.

6.1.3 **Openness** Whilst the marquee would have a physical presence, its size and appearance have been sensitively designed in order to minimise the impact on openness. The structure would have a low profile pitched roof, measuring only 2.3m to eaves and 3.4m to ridge. The marquee has also a significant number of windows along all elevations. This means that on all 4 sides of the structure, circa 64% of this external surface would be covered by a window – therefore allowing for views in and through the structure. The marquee has also been located to the rear of the site, behind the main pub, allowing for the mature landscaping on the boundaries and the pub to screen the marquee from public view. This is depicted in the CGI visuals in Figure 3 below. Furthermore, the marquee would only be erected for a temporary period between the months of March and September. It is proposed that a condition is used to ensure that it is taken down and removed from site outside of these months. This means that for just under half of the year, the marquee would not be present on the site. Considering the various factors raised above, it is therefore concluded that whilst the marquee would have a physical impact on openness, this impact is considered low.





Figure 3 - CGIs of the marquee in situ when viewed from public areas



6.1.4 **Purposes** Paragraph 143 of the NPPF sets out the five purposes of Green Belt land. Taking each of these in turn:

**a) to check the unrestricted sprawl of large built-up areas** The Woodman and Olive is separated from the settlements of Broxbourne and Cheshunt. The site is also contained by boundary hedges and trees and the proposal would not result in any new permanent buildings. For these reasons the proposal would not result in any urban sprawl.

**b) to prevent neighbouring towns merging into one another** For the reasons given above the proposal would not conflict with this purpose.

**c) to assist in safeguarding the countryside from encroachment** The site is part of an established pub use, wherein it is not unusual to have a variety of buildings, structures and activities. This, together with the enclosed nature of the site, would ensure that there is no conflict with this purpose.

**d) to preserve the setting of and special character of historic towns** The proposal would have no impact on the character and setting of any nearby towns.

**e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land** The proposal is small scale in nature and so would not reduce the demand for development within urban areas.

6.1.7 The actual harm caused to openness and the purposes of retaining land within the Green Belt is therefore very limited. It is considered that harm attributed to inappropriate development would therefore be outweighed by the following very special circumstance:

**The benefit supporting a local business**

6.1.8 Paragraph 88 of the NPPF states that planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas. Pubs especially are having a very difficult time at the moment for a number of factors, which has led to 512 insolvencies of pubs in 2022, and up to 332 for the first 6 months of 2023 (source: Business Rescue Experts). It is therefore vital that Planning decision should enable the growth of such business. Furthermore, Case law has established that the need for a business to have larger premises is capable of being a very special circumstance which can outweigh any harm to the openness of the green Belt. In *Herba Foods Ltd v Secretary of State for Communities and Local Government and South Cambridgeshire DC [2008]* the claimant sought to quash an Inspector's decision which dismissed an appeal against a refusal to allow an extension to a factory. The factory lay outside of the Green Belt but the proposed extension would have been inside. The Inspector had given less weight for the need for additional storage because

he regarded it as a commonplace consideration. The Court determined that the approach of looking for an unusual or rare factor was erroneous. The words ‘very special’ were not to be treated as the converse of ‘commonplace’. The Inspector’s decision was therefore quashed and a subsequent planning application was approved. There are similarities in this case. The existing business needs to expand in order to survive and the courts have deemed that this should be seen as a very special circumstance.

#### 6.1.9 **Benefits for business operations**

The proposed marquee is an essential element of the business that the owners would like to retain. Having previously had the marquee without Planning consent, it has been a vital part of their business and summer trade, allowing for parties and events for the local community to take place. Appendix 1 shows a letter from the accountants of the business, which confirms that *“The events hosted in this space contribute significantly to their annual turnover. Without the marquee, our client would lose a substantial portion of their income and the ability to host activities that draw in both locals and visitors. We estimate the use of marquee/events to be 70% of the business’ turnover. Due to the nature of where the pub/restaurant is located, it is dependent on these events and its use of the outdoors, and therefore, there is no business without it”*.

#### 6.1.10 **Improvements for employment**

As noted above, the proposed marquee accounts for a substantial percentage of the company’s turnover. This in turn has meant that when the marquee is in situ with events on, the number of staff required increases considerably. The applicant has confirmed that when there is no marquee up, the average requirement on a usual Saturday would be circa 5 members of staff, whereas when the marquee is up with an event on, it would be circa 15. This therefore demonstrates that the company would be able to employ around 3x more staff on regular occasions if the application were to be approved.

#### 6.1.11 **Improvements for customers**

The proposed marquee also provides a benefit to the regular customers of the pub, as well as visitors. The reason for this is that the marquee is used for a number of events throughout the warmer months, allowing for more useable floorspace and more efficient environment. This has led to the Woodman & Olive becoming an important community facility for events, for which there isn’t a similar venue in the local area.

#### 6.1.12 **Benefits to Listed Building**

The application site contains a Grade II Listed Building in the form of the main pub building. As the marquee is acknowledged by the businesses accountants to create *“70% of the business’ turnover”*, the marquee is therefore vital in allowing the business to continue to operate within the Listed Building to help ensure its long-term vitality and vibrancy.

Conversely, if the pub's operations and business model were to fail, this could ultimately result a significant and detrimental impact on the long term upkeep and condition of the Listed Building. The importance of obtaining consent for the marquee is emphasised by the applicant's accountants who note "*there is no business without it*". This implications of this are that if the existing business were to fail, then it's a very high likelihood that alternative uses of the building would be sought, all of which would have a material alteration to the fabric of the historic building.

#### 6.1.13 **Conclusion**

Given the limited harm to openness and the other purposes of the Green Belt that would occur, it is considered that the number of different benefits to the local business from the seasonal use of the marquee would outweigh any harm that would result by reason of inappropriate development.

#### 6.2.0 **Issue No 2: Layout & Design**

6.2.1 Policy DES4 of the East Herts Local Plan requires that all development proposals must be of high standard of design. It is considered that the marquee meets this high standard, as it utilises traditional materials for this type of structure, as well as being located behind the main pub to the rear of the site within the large garden area of the pub which, combined this with the mature landscaping, means the small building would not be prominent from public viewpoints. Furthermore, its setting within the backdrop of the large pub garden would not appear to have a detrimental impact on the street scene or character of the area as depicted in Figure 3. The marquee would also have a low impact on the setting of the listed building, as well as providing significant benefits to its long-term viability, something which is explored in more detail in 6.3.0 below.

6.2.2 In terms of impact on neighbouring occupiers, the applicants are willing to accept a suitable hours of operation conditions if required by the Council. The applicant would request something as per their current licensing allows, however this could be altered if so required. It is proposed that the patio and marquee would be closed to customers at 23:00 hours from Sunday to Thursday, and at 00:00 hours on Friday and Saturday. The premises will ensure that recorded music will be maintained at a volume defined as back-ground music, and this too would be stopped at the hours noted above. This would help ensure that disturbance to the small number of neighbouring occupiers is kept to a minimum.

#### 6.3.0 **Issue No 3: Heritage**

6.3.1 Policy HA7 states that proposals that affect the setting of a Listed Building will only be permitted where the setting of the building is preserved. As noted previously, the marquee

would be modest in both size, therefore being fully subservient to the Listed Building. The proposed design and materials of the marquee would be traditional for this type of structure. It must also be noted that the proposed structure would only be temporary and only in situ from the months of March to September – meaning that for just under half of the year the structure wouldn't be located on the site. Most importantly to consider however, as noted in Paragraph 6.1.9 of this report, the marquee is vital to the running of the business which operates at the Listed Building. As the structure would improve the facilities and operation of the business that operates within the Listed Building, it would further help ensure the long-term vitality and vibrancy of the pub.

#### 6.4.0 **Issue No 4: Flooding**

6.4.1 Although the application site is within Flood Zone 2, the proposals are a temporary structure only, with no formal built development. The structure would also be placed on top of the existing patio approved under reference 3/23/1785/FUL, meaning there would be no increase in impermeable surfaces on the site. Furthermore, when reviewing application reference 3/22/2008/FUL, the Council concluded that there would be no issue in terms of flooding, stating that *“This building would not provide a dining area for customers or accommodation and therefore cannot be considered as a vulnerable use. The environment agency have not been consulted on this application however due to the sizing and use of this building the proposal can be considered acceptable. The proposal is therefore considered to comply with Policy WAT1 of the East Herts District Plan 2018 in this regard.”*

## 7.0 CONCLUSIONS

### 7.1.0 Background

7.1.1 This report relates to a planning application for the erection of a marquee at The Woodman and Olive Public House. The proposal is promoted in the following circumstances:

- The actual harm caused to the openness and purposes of the Green Belt is relatively low for the proposed marquee, with the marquee also only be in situ temporarily for the months of March to September. Therefore, the benefit of supporting a local business is a very special circumstance that would outweigh any harm by reason inappropriateness.
- The marquee would provide a number of benefits for the business that operates on the site, as well as for its staff and for customers.
- The applicant is also happy to accept a suitable hours of operation condition so as not to cause disturbance for neighbouring occupiers.
- The proposed marquee would be subservient in nature and has been appropriately designed and considered as to not to cause harm to the setting of the Listed Building.

## 8.0 APPENDICIES

### 8.1.0 Appendix 1 – Letter from The Woodman & Olive’s accountants



05 February 2024

To Whom It May Concern,

**RE: The Woodman & Olive**

We can confirm that we act as accountants for the above-named client. We are writing to state the financial importance of the marquee to the business. The events hosted in this space contribute significantly to their annual turnover. Without the marquee, our client would lose a substantial portion of their income and the ability to host activities that draw in both locals and visitors. We estimate the use of marquee/events to be 70% of the business' turnover. Due to the nature of where the pub/restaurant is located, it is dependent on these events and its use of the outdoors, and therefore, there is no business without it.

We kindly request your support in emphasising to the council the role the marquee plays in their business operations. We are ready to provide any additional information needed to underscore its importance.

Should you require any further clarification, please do not hesitate to contact this office.

Yours faithfully

A handwritten signature in black ink that reads 'Michael Omiros'.

Michael Omiros

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