



Planning Statement

Play Equipment, Dining Pods, and Gazebos to Rear Garden

The Three Willows, 327 Birchanger Lane, Birchanger, Essex, CM23 5QR

April 2024

Contents

1.0	Introduction	1
2.0	The Site	2
3.0	The Applicants Involvement with The Three Willows	3
4.0	Planning Policy	3
5.0	Planning Merits	4

Appendix A - Play Equipment Invoice Dated 1st August 2018

1.0 Introduction

- 1.1 This statement has been prepared to accompany the application for planning permission for the play equipment, dining pods and gazebos to the rear garden of The Three Willows Public House, 327 Birchanger Lane, Birchanger, Essex, CM23 5QR.
- 1.2 This statement is submitted on behalf of Stingray Leisure Limited (the applicants) in support of their application seeking planning permission for the retention of various items within the garden area which forms part of the Three Willows public house (PH).
- 1.3 The application is made in response to correspondence from Nicola Clarke of Uttlesford District Council during March 2024.
- 1.4 The correspondence identified the Council's view that certain elements did not benefit from the necessary planning permission and invited the submission of an application.
- 1.5 In particular, the applicants understand that the specific items of concern are three wooden "pods", each containing a table and chairs, three gazebos and items of children's play equipment, namely a climbing frame, swings, and a slide.
- 1.6 In respect of the latter, as will be explained later in this statement, the applicants believe that it comprises operational development which took place over four years ago such that it has become lawful. In the case of the climbing frame, this has been on site in its current location for a period in excess of 20 years.
- 1.7 The three pods have been constructed more recently and form part of the application. Two of the gazebos have been long established on the site, albeit in a different location, while the third (round in shape) has been constructed more recently.
- 1.8 Notwithstanding their view regarding the legitimacy of the play equipment, the swings and the slide are also included in the application by the applicants which seeks retrospective planning permission for the:-
- "Retention of three wooden "pods", each containing a table and chairs, three gazebos and items of children's play equipment, namely swings and a slide."*
- 1.9 The statement should be read in conjunction with the following CRD Building Consultancy drawings which accompany the planning application.

TTW_001-001	Site Plan As Existing	1:500
TTW_001-002	Part Site Plan As Existing	1:200
TTW_001-003	Part Site Plan As Existing	1:500

2.0 The Site

- 2.1 Long established on the site, this is the only public house in Birchanger.
- 2.2 Its core business is the provision of food which outsells drinks by a margin of around 3 to 1 reflecting, inter alia, its popularity as a venue for families.
- 2.3 Birchanger is a predominantly residential village with a linear form centred on Birchanger Lane which the public house fronts. At its left hand end is a terraced house, 321 Birchanger Lane.
- 2.4 There are further dwellings beyond the public house's car park to its right hand side together with a house adjoining the rear of the garden area, 317 Birchanger Lane. This house has limited fenestration facing the public house's garden area, two small first floor windows, and a door and window at ground level. The property is screened from the pub's garden by both its own fence and by a thick hedge on the pub's land that is between 3 and 4 metres high.
- 2.5 There is further hedging on the other boundaries between the public house and adjoining houses.
- 2.6 The garden area contains a variety of structures including tables and chairs, a marquee, three gazebos, a storage container, the pods, and the play equipment.
- 2.7 The pods are located at the rear of the public house on land previously used as a pétanque court. These are small single storey wooden structures open to their front with a centrally located table flanked by seating.
- 2.8 The three gazebos are located between the car park and the marquee at the rear of the public house. These are free-standing structures situated on a decking area. The two square gazebos have been on site for a number of years occupying a position where the marquee is now located, while the round one is a newer structure. In addition to some seating and tables, the marquee provides a safe access from the public house into the garden, the only alternative being through the car park.
- 2.9 The play equipment is situated towards the left hand side and rear of the garden. All three items are fixed to the ground in concrete. They are constructed in wood or plastic.
- 2.10 The climbing frame, which has been on site for many years adjoins the side boundary, while the other two items are located towards the rear. These were constructed more recently. The swings replaced earlier swings which had been on the site but were in poor condition and have four seats instead of the previous three. The slide adjoins them.
- 2.11 The storage container is located at the rear of the public house and has been on site for many years.

3.0 The Applicants Involvement with The Three Willows

- 3.1 The public house is owned by the brewers, Green King, who let it out to tenants.
- 3.2 The applicants are some six years into a ten-year tenancy.
- 3.3 When they first occupied the public house, the garden contained the storage container and the climbing frame as they are now, the two square gazebos as they are now but in a different location, swings in the location where they are now situated and tables and chairs. These were located, as now, on the grassed area but not fixed to it so that they are capable of being moved around to avoid overuse of any part of the grassed area.
- 3.4 They replaced the old swings, which were rotten, with the current ones and at the same time installed the slide next to them. These structures were purchased from Home Front Commercial Play and installed in the summer of 2018. A copy of the invoice covering this work can be found in appendix A.
- 3.5 During their tenancy they have subsequently had to deal with the ramifications of the Covid outbreak and lockdown. Like many other public house operators, they had to find ways of accommodating their customers which did not involve the need to enter the building. Like other public houses this involved maximizing the provision of outside seating, some in the open air (as already existing) but also by the innovative use of structures such as the gazebos, pods and a marquee.
- 3.6 Many other public house operators tried to do this but failed, resulting in closure and the loss of the facility which served the local community. Unlike these the applicants have managed to keep the public house open throughout the period and this important local facility has been saved.

4.0 Planning Policy

- 4.1 The Government's planning policies for England and Wales are set out in the National Planning Policy Framework (NPPF), revised in its current form in December 2023.
- 4.2 In Section 2 this sets out policies aiming to achieve sustainable development such as the Three Willows, providing an important social and community facility for Birchanger as it has done for many years. In para 97 it encourages the planning of, inter alia, community facilities such as public houses.
- 4.3 The Council are currently preparing a local plan to replace their adopted 2005 plan. Policy in the latter seeks to protect public houses in the District, an approach which is retained in the draft of the new plan.

5.0 Planning Merits

- 5.1 This application seeks planning permission for the retention of pods, gazebos and play equipment at the Three Willows public house.
- 5.2 Planning policy, at both national and local level, seeks the retention of public houses recognising them as an important community facility. This is particularly the case here where this is the only public house in the village.
- 5.3 Where possible and particularly in a village, public houses tend to have garden areas to extend their offer and these will contain a variety of structures such as those found here. Many of these, or their predecessor, have been on site for many years.
- 5.4 This was the case here when the applicants took on the tenancy and following their arrival, they replaced some play equipment that was in a poor condition, namely the swings, and added an additional slide. These have been placed either where a previous facility existed (swings) or in the vicinity of the other play equipment in the case of the slide.
- 5.5 This location has the advantage of being screened by boundary hedging.
- 5.6 Public houses have also recently had to deal with the ramifications of the covid outbreak and lockdowns, needing to find ways of serving customers who were unable to enter the building.
- 5.7 These invariably had to be achieved at short notice and some of those that failed to adapt are no longer running. This has resulted here in some reorganisation of the seating arrangements, the moving of the two square gazebos to allow the positioning of the marquee, the provision of the further, round gazebo and the provision of the three pods.
- 5.8 These are all only available during the pub's opening hours which end at 11.00pm, except on Sunday when it is 7.00pm, and none are available for private hire. There is no external broadcasting system.
- 5.9 The additional structures for which permission is sought are all contained within the garden area and in the main have operated for many years. To the extent that anything is new it has either replaced something already there or has helped the public house survive covid and its lockdowns, all of which has addressed the requirement of national and local planning policy for the retention of public houses without any untoward side effects.

Appendix A

Play Equipment Invoice Dated 1st August 2018

INVOICE



Invoice Number	[REDACTED]	Your ref		Date	01/08/2018
Customer David Boden The Three Willows 317 Birchanger Lane Birchanger CM23 5QR			Deliver to David Boden The Three Willows 317 Birchanger Lane Birchanger Bishops Stortford CM23 5QR		
Phone nos					[REDACTED]

Item	Price	Quantity	Total
Canyon Clubhouse with wood roof, ladder, tic tac toe panel, steps, GRP slide	[REDACTED]	1	[REDACTED]
2 bay swing frame	[REDACTED]	1	[REDACTED]
Flat Swing	[REDACTED]	2	[REDACTED]
Infant Swing	[REDACTED]	1	[REDACTED]
Tyre Swing	[REDACTED]	1	[REDACTED]
Scooter Springer	[REDACTED]	1	[REDACTED]
Equipment Delivery & Installation	[REDACTED]	1	[REDACTED]
Grass mats for swing, tower and springer (Delivered and fitted)	[REDACTED]	73	[REDACTED]
Net Total			[REDACTED]
VAT @ 20%			[REDACTED]
TOTAL			[REDACTED]
Less Deposit paid, thank you			[REDACTED]
Balance now due			[REDACTED]

Payment by BACS Preferred

[REDACTED]

Home Front Limited
Oakley Business Park
Dinton, Salisbury, SP3 5EU
Fax 0845 643 2374
Registered Number 3198371
VAT Number 677 1206 30

E Mail info@home-front.co.uk
Website www.home-front.co.uk

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