
Appeal Decision

Site visit made on 5 December 2016

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date:

Appeal Ref: APP/V1505/W/16/3156617

Cromwell Manor, Pitsea Hall Lane, Pitsea, Basildon, Essex SS16 4UH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Iain Liddell against the decision of Basildon District Council.
 - The application Ref 16/00759/FULL, dated 31 May 2016, was refused by notice dated 26 July 2016.
 - The development proposed is erection and use of a marquee on land at Cromwell Manor, Pitsea, for a period of up to 60 days in each calendar year. The use of the marquee is to be supplemental to the main use of the site, being that of providing facilities for private and corporate events and functions.
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Decision

1. The appeal is dismissed.

Background

2. A previous planning appeal regarding the retention of a marquee of a similar size and location to the current appeal proposal was dismissed in 2015 (APP/V1505/A/14/2226102). A linked appeal against an enforcement notice requiring the removal of the marquee was allowed but only in so far as it extended the period for compliance from 6 months to 9 months (APP/V1505/C/14/2227181). At the time of my site visit the marquee was not in place.

Main Issue

3. The main issues are:
 - i) whether the proposal is inappropriate development in the Green Belt;
 - ii) the effect on the openness of the Green Belt;
 - iii) the effect of the proposal on the setting of Cromwell Manor a grade II listed building, and
 - iv) if the development is 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 development.
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Policy

4. I have not been referred to any relevant Policies within the Council's development plan. I have therefore considered the appeal with reference to the guidance within the National Planning Policy Framework (the Framework).

Reasons

Whether inappropriate development and openness

5. The Framework restricts most types of development in the Green Belt. It states that inappropriate development is by definition harmful and the construction of new buildings should be regarded as inappropriate. It then identifies some specific exceptions as set out in paragraphs 89 and 90. The extension or alteration of a building is one such exception, providing that the works do not result in disproportionate additions over and above the size of the original building. A further exception is the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purposes of including land in it than the existing development.
6. The proposed marquee would not be attached to Cromwell Manor but sited to the side of it. As a result I do not consider it could be viewed as an extension or alteration to the building. The proposed marquee would be large with a height of about 5 metres and take up a significant amount of the car park adjacent to the building. Given that no buildings exist on the site the location, size and mass of the marquee would have a considerable impact upon the openness of the Green Belt.
7. I am aware that cars could be parked within the area however the marquee would be substantially large and bulkier than cars. It would therefore be contrary to the purpose of the Green Belt to assist in safeguarding the countryside from encroachment. I note the appellant's opinion that due to the location of the marquee the harm in this respect would be limited. Nevertheless there would be some encroachment into the open countryside and the siting of the marquee would be contrary to the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. As a result I consider the proposal to be inappropriate development within the Green Belt.

Setting of listed building

8. Cromwell Manor is a Grade II Listed Building located within the north east corner of the site. It was originally a manor house that would have been experienced in relation to surrounding broad open gardens parkland, marshes and meadow. This has been somewhat eroded by the introduction of the railway and other development to the north including a waste transfer facility. However, the building displays an imposing front elevation over extensive undeveloped grounds to the south and south west. The features of the building are easily viewed from these directions across the open land. As a result the open garden setting contributes substantially to the significance and understanding of the building.
9. The marquee would be sited to the side of the listed building and would be about 467 sqm and a height of about 5.8 metres. As the volume of Cromwell Manor is about 890 sqm then it would represent a substantial addition. It

would be formed from white vinyl with clear vinyl windows. As a result its size, materials and design would be quite different and discordant when viewed adjacent to the traditional design and materials of the listed building. Consequently it would unacceptably compete with and dominate views of Cromwell Manor across the open land to the south and south west. Accordingly it would detract from the setting of the listed building, causing harm to the contribution that the setting makes to the significance of Cromwell Manor. I consider that in this instance the harm caused would be less than substantial.

10. In accordance with paragraph 134 of the Framework where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.
11. The appellant asserts that the maintenance and upkeep of the heritage asset is funded entirely from the commercial revenues derived from the functions/banqueting operations carried out in the marquee. I note the comments of the Inspector on the previous appeal regarding the limited room sizes available within Cromwell Manor and the contribution that the marquee could make through the addition of a large flexible space. However, he did not have details before him to show that, without the marquee, the funding for the business is not great enough to maintain Cromwell Manor, or to indicate that the revenue from the marquee is sufficient to address any inadequacy there may be in income. In order to address this point the appellant has submitted financial information regarding the contribution the marquee has made towards turnover and profit/loss of the business.
12. Nevertheless, the information submitted is not comprehensive or conclusive. It shows that since 2012/13 the operation of Cromwell Manor has been making a loss following on from a small net profit. The marquee has made between 8 and 24% contribution towards overall turnover. However, I assume that this would have been with the marquee in place at all times which would not be the case in the future if the appeal were to be allowed.
13. I acknowledge that the figures appear to demonstrate that the presence of the marquee has limited the amount of loss the business has made. The appellant indicates that in April 2016 the marquee contributed a turnover of £10,777 and further bookings have preliminary been confirmed. However, I have no business plan or financial projections in front of me to demonstrate whether income for the marquee operating 60 days a year would be sufficient to achieve the future viability of the listed building. Furthermore, I have no figures supplied regarding the past and future costs of maintenance or repair of the listed building and therefore cannot be sure of the contribution the marquee makes in this respect. Moreover, the figures also demonstrate that the business was capable of making a small profit without the marquee.
14. I appreciate that costs of repair and maintenance to a listed building may vary from year to year. Furthermore its use would to a degree ensure the maintenance of the building over time. However, whilst the scheme would make a contribution to securing the optimum viable use of the building, currently revenue from the marquee is not sufficient to fully address the fall in income. The appellants, in any case, attribute the loss of income mainly to the nearby waste processing facility. Moreover, I do not have sufficient comfort to

suggest that this situation would alter in the future, particularly given the reduction in days that the marquee would be available.

15. In addition I note that the appellant has carried out a comparison of siting the marquee in alternative locations to the west and south of Cromwell Manor. However on the limited evidence submitted, I am not satisfied that the proposed siting of the marquee would be the only way to achieve the contribution to income and that a public benefit could not be achieved in a less obtrusive and harmful way. Therefore the limited public benefit would not be sufficient to outweigh the harm I have found to the setting of the listed building.
16. Accordingly I conclude that the proposal fails to preserve the setting of Cromwell Manor a Grade II listed building. It would therefore be contrary to paragraphs 131 and 132 of the Framework which state that great weight should be given to the conservation of heritage assets and their significance should be sustained and enhanced.

Other considerations

17. The Framework states that inappropriate development should not be approved except in very special circumstances. It explains that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
18. The appellant raises the financial benefits that would result in the on-going maintenance of the Grade II listed building. However I have already found in my second main issue that the appellant has not successfully demonstrated that this would be the case.
19. I have given consideration as to whether the marquee being in place 60 days a year as opposed to permanently would overcome the harm to the Green Belt. Although this would have a temporary impact, its effect would still be significant within this limited period, because of the development's prominence, design, size and colour.
20. Accordingly I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

21. I have found that the proposal would cause harm to the setting of Cromwell Manor a Grade II listed building. Furthermore, it would be inappropriate development within the Green Belt. Paragraph 88 of the Framework advises that substantial weight should be given to the harm by reason of inappropriateness and any other harm to the Green Belt. Moreover, the Framework notes that heritage assets are an irreplaceable resource and that great weight should be given to their conservation. Clearly, therefore the degree of harm caused would be significant even for a reduced period of 60 days a year. I find that the other considerations put forward by the appellant do not clearly outweigh the harm identified and the very special circumstances necessary to justify the development does not exist.
22. Whilst a presumption in favour of sustainable development is at the heart of the Framework any presumption in favour of the scheme is clearly outweighed

by the comprehensive harm the proposal would cause. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR