



Appeal Decision

Site visit made on 1 December 2023

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 December 2023

Appeal Ref: APP/U4610/W/23/3314120

The Old Hall, Tamworth Road, Coventry, CV6 2EJ

- 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 The Old Hall against the decision of Coventry City Council.
 - The application Ref FU/2022/1010, dated 22 April 2022, was refused by notice dated 13 October 2022.
 - The development proposed is described as a temporary marquee.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Old Hall is a hotel, within the grounds of which the marquee has already been erected. Though the application form states that this occurred in 2020, the appellant's submissions otherwise state 2019. This is also the Council's understanding. The marquee has therefore been in place for around 4 years, and possibly longer depending upon when exactly in 2019 it was erected. Whilst my decision is necessarily based on the submitted plans, my assessment has been informed by the development as it exists.
3. A temporary planning permission is sought, but no specific duration or end date has been identified. The appellant instead states that the marquee is required whilst 'phase 2' of works approved under a 2014 planning permission are implemented. This would chiefly involve construction of a large subterranean extension. However, little more than vague reference has been made to 'mobilising resources' on dates which have both been and gone. Nor was it apparent during my visit that any works were currently being undertaken. Given that the 2014 permission has been commenced the appellant could in theory choose to implement the works in question whenever they wished, or indeed, not at all. A condition could not therefore be imposed to limit the duration of any temporary permission with reference to implementation of the 2014 scheme, as this is not itself subject to any time limit and might never occur. In the absence of certainty and clear rationale, it would otherwise be improper to identify a wholly arbitrary end date. If I was to allow this appeal, the permission would therefore be effectively permanent.

Main Issues

4. The main issues are:
 - whether the development is inappropriate in the Green Belt;
 - the effect of the development on the openness of the Green Belt;

- the effect of the development on the character and appearance of the area, including whether the development preserves the setting of a Grade II listed building;
- the effect of the development on the living conditions of occupants of nearby residential properties in relation to noise and odour; and
- if the proposal is inappropriate development, whether 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 it.

Reasons

Whether the development is inappropriate development

5. The site is located within the Coventry Green Belt. Policy GB1 of the Coventry City Council Local Plan (the Local Plan) seeks to restrict inappropriate development within the Green Belt on the basis set out within national planning policy. In this regard paragraph 149 of the National Planning Policy Framework (the Framework) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions are set out within paragraphs 149 and 150. The proposed development would meet none of these exceptions.
6. I therefore conclude that the development is inappropriate in the Green Belt. Inappropriate development is by definition harmful.

The effect on openness

7. The marquee has been erected within a space that was previously part of a lawn, the remainder of which survives around the edges. It is a large structure, and based on the measurements provided has a footprint of around 713 m² and a ridge height of around 5.6 metres. Porches and 2 toilet trailers are additionally attached, and the gently ramped accesses are formed with paving laid in cement. I have not been provided with an indication of overall volume, however the structures in question together occupy a considerable amount of space.
8. Given that the marquee stands directly forward of the main entrance to the hotel, it is obviously apparent to any visitors or guests. It is also visible from the street frontage, and within both near and distant views from Coundon Hall Park, the large public open space which surrounds the site on its north, west and south sides.
9. The marquee thus physically erodes the openness of the Green Belt, and the visual impact of this can be readily appreciated both from within the site and from adjacent public spaces. In relation to the latter, the adverse effects are accentuated by the fact that the marquee is prominently viewed within the context of open space.
10. Marquees have an intrinsically 'temporary' character, and this is directly informed by the common experience of them being in place for short periods of time. The marquee in question has however been in place for so long that it has developed the appearance of being both well settled and well established. This impression is reinforced by a liberal coating of algae, the paving laid in

relation to the entrances, and its attachment to concrete piles. It is not therefore readily perceived as being temporarily in place. I have additionally established above that a temporary permission could not be secured in practice. Neither the character of the structure, nor its description as temporary therefore act to reduce the adverse impacts of the development on the openness of the Green Belt.

11. For the reasons outlined above I conclude that the development causes significant harm to the openness of the Green Belt.

Character and appearance

12. The Old Hall is Grade II listed under its previous name Coundon Hall. Whilst statute sets out the desirability of preserving the settings of listed buildings, paragraph 199 of the Framework makes clear that great weight should be given to the conservation of designated heritage assets.
13. Insofar as it is relevant to this appeal the special interest and significance of the listed building resides in its origin as a high status dwelling of early-mid C19th, and possibly earlier date, and its formal design. The latter remains principally appreciable on the 'front' elevation, within which is set the main entrance to the hotel.
14. The listed building stands within grounds on the east side of Tamworth Road, in relation to which it has 2 points of access. The southernmost of these historically provided the formal entry to the main frontage, serving a driveway which passed through open landscaped space. The character of this space has since been compromised by car parking, but until erection of the marquee it did still include a large area of lawn. This, together with surviving ornamental trees, would have provided an important vestige of the historic designed setting of the listed building; an open space within which the main frontage of the building could be viewed, and its historic status and significance could be appreciated. The space therefore formed a positive component of the immediate setting of the listed building, and in this context, contributed to the significance of the listed building itself.
15. As established above, the marquee occupies the majority of the former lawn. It is laid out parallel with the main frontage, whose width it far exceeds. It thus appears prominent in relation to the drive, and dominates views south from the main frontage. It in turn obstructs views back towards the frontage from within the grounds. In these ways it both physically and visually detracts from appreciation of the significance of the listed building from within its immediate historic landscaped setting, and diminishes the significance of the listed building itself.
16. The listed building and the park which surrounds the site are linked by the name 'Coundon Hall'. This strongly indicates a historic association which appears borne out by the strong physical and visual relationship which exists between the site and the landscape towards the south. As a likely historic component of the broader formalised landscape setting of the listed building, the park again both plays a positive role within its setting, and contributes to the significance of the listed building itself.
17. Notwithstanding a ramshackle arrangement of wooden panels which has been erected along the southern boundary of the site, long open views would exist

across the park from the main frontage of the listed building in the absence of the marquee. Likewise, the parkland landscape would form an attractive context within which the main frontage of the listed building was capable of public view, and within which the historic significance of the listed building as a high status dwelling would be capable of appreciation. Indeed, the visual interrelationship between the listed building and park is wholly compromised by the marquee. Again, the marquee detracts from the ability to appreciate the significance of the listed building, and from the significance of the listed building itself.

18. I therefore find that the development both fails to preserve the setting of the listed building, and fails to conserve its significance. In relation to the latter, the development causes less than substantial harm, and this harm is again in no way reduced by the temporary permission sought.
19. Insofar as paragraph 202 of the Framework requires such harm to be balanced against the public benefits of the development, I shall undertake this within the context of other considerations and the planning balance below.
20. Though my assessment above specifically relates to the listed building, the more general effect of the development on the character and appearance of the area is perceived in much the same way. Indeed, the marquee exists as an unattractive, weather-worn and incongruous feature which appears clumsily placed in front of the hotel, and which blights the attractive open surroundings of the park. In these regards it harms the visual character and amenity of the area.
21. The Council has raised additional concerns in relation to adjacent trees, some of which are covered by a Tree Preservation Order. The presence of the marquee presumably reduces the amount of rainwater which soaks into the ground that it covers, and as noted above, concrete piles have been sunken, and hard surfaces have been laid. Each has some potential to adversely impact on the roots of adjacent trees. The submitted arboricultural report, which was completed 2-3 years after the marquee was erected, additionally notes pruning and compaction through pedestrian footfall. However, though some adverse impacts are therefore acknowledged, the report claims that the overall effects have been 'negligible'. Whilst I have been provided with no reason to question this conclusion, it is of course the case that no impact would have arisen at all had the marquee never been erected. The positive visual contribution that trees make to the landscaped setting of the listed building is otherwise greatly compromised by the presence of the marquee.
22. For the reasons outlined above I conclude that the development harms the character and appearance of the area including through its failure to preserve the setting of the listed building. It therefore conflicts with Policy HE2 of the Local Plan which seeks to secure development that conserves and where appropriate enhances the historic environment; Policy DE1 of the Local Plan which requires development to respect and enhance its surroundings; and Policy GE4 of the Local Plan which requires trees to be sympathetically incorporated into the overall design of a scheme.

Living conditions

23. The marquee is in essence a large plastic tent. There is little within its construction to prevent the leakage of sound and related vibration from within.

The Council has indicated that there is a history of noise complaints from nearby residents, and that adverse impacts in relation to noise and related vibration have been verified by officers. Further reference is made to service of a Noise Abatement Notice and its subsequent breach. Though specific documentary evidence and dates relating to the above have not been provided, I have no reason to believe that the Council has provided a false account.

24. The appellant's noise report itself dates to May 2021, coinciding with what the appellant claims was the last complaint made directly to the hotel. The report appears to rely upon previous measurements of noise generated by activities within the marquee, and some uncertainty is apparent in relation to the hours during which such activities take place. It does however identify the 'potential' for adverse impacts in the absence of the mitigation, thereby confirming by implication that adverse impacts are likely to have already arisen.
25. The appellant claims to have acted upon at least one of the recommendations of the report by purchasing noise monitoring equipment. However, the cited maximum limit of 95dB is higher than that recommended within the report, and is a level at which the report recommends that the marquee should be either moved or replaced with a structure capable of insulation.
26. Conditions would be an ordinary means by which implementation of mitigation and management of noise could be secured. However, the noise report highlights the incompatibility of the recommended measures with the construction of the marquee and the nature of the events held within. This is further underlined by the appellant's apparent failure to properly implement the recommendations of the report during the 2 years since it was written. Conditions could not therefore be used, and future adverse effects in relation to noise and related vibration could not be ruled out.
27. Whilst the Council's reasons for refusal include reference to odour, this is not explained. Though food is presumably served in the marquee, and toilet facilities are attached, it is unclear why either would necessarily give rise to offensive odours perceptible at nearby properties.
28. For the reasons outlined above I conclude that the development has an adverse effect on the living conditions of occupants of nearby residential properties in relation to noise. These adverse effects would be likely to continue. Though the Council asserts conflict with 3 policies, none appears to be directly relevant to the development in question. In this regard the development would however again broadly conflict with design considerations set out in Policy DE1 of the Local Plan. This is insofar as the policy requires development proposals to respect their surroundings, and the supporting text explains the policy's concern with health, wellbeing, and quality of life.

Other Considerations

29. The past, ongoing and future need for the marquee is primarily advanced on business and economic grounds. In this regard it allows for the hosting of large events including weddings. Whilst the appellant's submissions suggest an element of continuity, I have been provided with no evidence that similar capacity existed at the venue prior to erection of the marquee. As established above, there is also no certainty that the capacity that would be provided by the extension approved in 2014 will ever be realised. No detailed information has otherwise been provided in relation to the past and present operation of

the business. Though it can be reasonably assumed that use of the marquee generates revenue for the business, how important this is to the business as a whole is unknown. The benefits to the wider economy are in any case unlikely to be significant.

30. The Covid19 pandemic is cited by the appellant. I appreciate that this had an adverse effect on the hospitality and construction industries. However, the marquee was erected prior to the lockdowns of 2020, and I have been provided with no evidence that the works approved in 2014, some 5-6 years earlier, would have been implemented had the pandemic not occurred. Furthermore, I have been provided with no indication of how use of the marquee operated during the pandemic. In any case, some time has now passed since restrictions were lifted. Based on the evidence before me the link between the pandemic and the marquee is tenuous at best.
31. As considerations in favour of continued retention of the marquee I therefore attach little weight to the related economic benefits, very little weight to the existence of the 2014 planning permission, and very little weight to the effects of Covid19.
32. In summary, the other considerations outlined above, which include the public benefits of the development, at best attract very little weight in its favour.

Planning Balance and Conclusion

33. The marquee constitutes inappropriate development within the Green Belt, and causes significant harm to its openness. I attach substantial weight to the overall harm caused to the Green Belt.
34. In addition, the development fails to preserve the setting of the listed building, causing less than substantial harm to its significance. This harm attracts considerable importance and weight, and is not outweighed by the public benefits of the development. The development also adversely affects the living conditions of nearby residents due to noise and related vibration, causing harm to which I attach great weight.
35. The combined weight of harm by reason of inappropriateness, and any other harm clearly outweighs the other considerations advanced in favour of the development. These other considerations do not therefore demonstrate the existence of the very special circumstances necessary to justify approval.
36. The appeal scheme conflicts with the development plan taken as a whole, and there are no considerations which alter or outweigh this finding. I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR