



Appeal Decision

Site visit made on 26 March 2024

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2024

Appeal Ref: APP/W0530/W/23/3322245

Quy Hall, Station Road, Stow Cum Quy, Cambridgeshire CB25 9AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Ellen Francis against the decision of South Cambridgeshire District Council.
 - The application Ref is 22/04039/FUL.
 - The development proposed is use of the grounds of Quy Hall for the provision of private events (including wedding use) and the associated erection of a marquee, on a temporary basis for up to 12 weekends per year (allowing one event per weekend).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal relates to a listed building, I have had special regard to s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal would be in a suitable location having regard to the local development strategy;
 - The effect of the proposal on the character and appearance of the area, with particular regard to the setting of Grade II* and II Listed Buildings;
 - The effect of the proposal on the living conditions of occupants of nearby dwellings, with particular regard to noise and disturbance; and
 - The effect of the proposal on highway safety.

Reasons

Whether in a suitable location

4. The appeal site is located within the Quy Hall Estate, a traditional country estate comprising residential and commercial uses and agricultural land. The site is located outside the development framework boundary.
5. Outside development frameworks, Policy S/7 of the South Cambridgeshire Local Plan 2018 (LP) permits development only for the purposes of agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside, or where allocated in a Neighbourhood Plan. Since

- the proposal would enable the hosting of events, the use is not of a type supported by the policy.
6. The supporting text explains the purpose of Policy S/7 is to ensure the countryside is protected from gradual encroachment and to help guard against incremental growth in unsustainable locations. The proposal would not involve the construction of permanent buildings, and the structures would be located within the residential gardens of Quy Hall. Only the proposed parking area would utilise agricultural land currently used for grazing. The proposal would not therefore involve the permanent loss of countryside.
 7. It is asserted that conflict with the policy would be avoided as the use would operate on a temporary basis. However, the proposal is temporary only insofar that the structures would be present when events are held. If I were to grant planning permission, the use would be permanent with no prescribed expiration date, and therefore the temporary siting of structures would not overcome the conflict with the spatial strategy.
 8. Whilst the appellant identifies other countryside properties in the area which host events, their existence does not demonstrate the proposal would not result in incremental growth in an unsustainable location.
 9. The LP includes some flexibility for development which supports the rural economy and, at paragraph 8.62, recognises farms sometimes need to diversify for the business to remain viable. Subject to meeting certain criteria, LP Policy E/18 permits well-conceived diversification schemes to support agricultural and other land-based rural businesses.
 10. The proposed structures would be located within the hall's residential garden. However, the policy does not necessitate siting on agricultural land but requires demonstration of support for the operation of agricultural or rural business.
 11. Policy E/18 requires proposals include a business plan showing how the scheme will support the continued operation of agricultural and other land-based rural businesses. The business information explains Quy Park is let on a Farm Business Tenancy and is used for livestock grazing, haymaking, and combinable crop production, thus demonstrating agricultural use of the estate.
 12. The phasing out of the government's Basic Payment Scheme will leave the estate with an income gap. The appellant estimates the gross income generated by the proposed 12 events per year would offset the loss of farm subsidies. However, the business information acknowledges that it may be unlikely to secure the maximum number of bookings annually.
 13. Furthermore, the business information indicates the income from events is required to support the expense of maintaining Quy Hall, a heritage asset and private residence. Consequently, the business information fails to demonstrate how income generated from the proposal would support the continued operation of the estate's agricultural businesses.
 14. For these reasons, having regard to the local development strategy, the proposal would not be in a suitable location. The proposal would therefore conflict with LP Policies S/7 and E/18 which support development with a need to be in the countryside, or that provide diversification to support agricultural and land-based rural businesses.

Character and appearance

15. The appeal site encompasses land to the front, rear and side of Quy Hall. At the front, the site is densely vegetated, and includes stables, barns and workshops. A ha-ha provides a gentle transition between the landscaped gardens and surrounding agricultural land. The site has the appearance of a traditional country estate, and the surrounding area has a rural, countryside character.
16. The site's frontage along Station Road is screened by dense, mature trees, and tree belts to the south of the site screen views into the site from public right of way 218/1. There are some glimpsed, filtered views into the site through vegetation from the permissive pathway which runs along the watercourse to the south of the site. Looking west, the site enjoys views across open countryside. However, the site is generally enclosed and screened from view from publicly accessible locations.
17. Quy Hall is a Grade II* Listed Building. It is a two-storey country house, constructed from the late 15th to 18th century with ornate bands of red and yellow gault brick and chequered brick patterning. The roof sits atop a shaped gabled façade with red plain tile roofs, patterned ridge tiles and limestone dressings, interspersed with tall chimneys. First floor casement windows with stone mullions correspond with ground floor transom windows. Quy Hall's significance is derived from its historic and architectural interest, including its scale and features which contribute a grand, opulent appearance.
18. The early 19th century stable block is constructed of gault brick with a slate roof and faces Quy Halls stable yard. The ha-ha retaining wall, which lies south of Quy Hall was constructed in the mid-19th century from gault brick. These features, along with the 19th century coach house, stables, bothies, and garden walls are Grade II listed and form part of a significant group, further enhancing the special interest of Quy Hall.
19. The proposed structures would include the main event marquee, catering tent and temporary toilets. The area demarcated on the site plan for catering facilities, toilets and generator is within the walled kitchen garden at the rear of the building. The proposed area for the siting of the marquee is a lawned area enclosed by hedgerows. These areas are generally screened from view from public vantage points.
20. Elevation drawings of the proposed marquee have not been provided, since the proposal seeks flexibility to meet the needs of event organisers by offering a selection of marquee types. Whilst most events would require a traditional white PVC pole marquee, other options would include a sperry tent, yurt or tipi. Therefore, the appearance of the proposed use would change depending on the requirements of the event.
21. It is stated that maximum size footprint of the event marquee would be 12m x 24m, and 6m x 6m for the catering tent. Whilst the scale of the marquee could be controlled through a planning condition to limit the visual effects, I have insufficient information before me regarding the proposed height of the marquees to enable a sufficiently precise condition.
22. The appellant anticipates that on either the day following the wedding or event, or the next working day, the temporary structures would be removed. Therefore, any visual effects associated with the proposed marquee and other

facilities would occur only for a short period, and thus would be more limited in duration than if the siting were permanent.

23. It is anticipated that up to 12 events would be held per year. However, it is unclear how many days the marquee and other structures would be sited for in total. A suggested condition has been provided which stipulates the marquee, catering tent and associated services be removed, and the land restored to its former condition within a year from the decision. However, this would not compel the appellant to remove the structures between events, and would preclude any further events after one year, and therefore is not reasonable.
24. The appellant may be able to erect temporary structures without the need for planning permission through exercising permitted development rights. However, this does not obviate the duties placed on me by the Act. Section 66(1) of the Act requires I have special regard to the desirability of preserving the listed buildings or their settings or any features of special architectural or historic interest which they possess.
25. In addition, paragraph 205 of the National Planning Policy Framework (the Framework), requires that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be given).
26. The proposal would be sited on land within the residential curtilage of Quy Hall and would be within the setting of the hall and the other listed buildings described above. In considering the proposals' effect on the setting of Quy Hall Grade II* listed building and nearby Grade II group, the surrounding gardens and agricultural landscape which is formed in part by the appeal site, contributes to the significance of Quy Hall and the group of listed buildings.
27. As discussed above, the site is enclosed and the extent of screening from publicly accessible areas would generally serve to limit the effects of the proposal on the character and appearance of the area. However, there remains uncertainty regarding the height and appearance of the proposed marquee and there is a lack of evidence regarding the duration of the siting of the temporary structures to enable an assessment of the effects. As such, insufficient information has been provided to rule out harm to the character and appearance of the area, which includes the setting of heritage assets.
28. I also note that Historic England were consulted on the application, however I am unclear as to why they did not wish to offer advice at that time and therefore whether it was clear that the application was for works affecting the setting of Grade II* listed building for which advice should have been provided.
29. Whilst I note the proposal's need for flexibility, the Act requires I exercise caution in discharging my statutory responsibilities and the Framework requires I afford great weight to the conservation of heritage assets, with Quy Hall Grade II* listed building attracting particular weight. Given the above, I find the proposal would fail to preserve the special interest of the listed buildings.
30. Given the temporary nature of the proposed structures and the extent of screening of the site, I find the harm to be less than substantial, but nevertheless of considerable importance and weight. Under such

circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.

31. The appellant is of the opinion that the proposal would be beneficial because it would raise revenue to offset the considerable expenses of maintaining the historic buildings at Quy Hall and within the village. Paragraph 214 of the Framework recognises the importance of securing the future conservation of heritage assets. However, I have been provided no mechanism to secure the use of revenue generated and therefore cannot be certain that the proposal would deliver public benefit through the conservation of heritage assets. Consequently, such benefit carries limited weight in my decision, and therefore is of insufficient magnitude to outweigh the harm arising from the proposal, which carries great weight.
32. The proposal would fail to preserve the setting of the listed buildings and would therefore harm the character and appearance of the area. The proposal would conflict with LP Policies E/18 and HQ/1 which require development be consistent in scale with their rural location, preserve or enhance the character of the rural area, and conserve or enhance historic assets and their setting.

Living conditions

33. The proposal is accompanied by a noise assessment and subsequent update. The noise assessment modelled the effects of music from loudspeakers at the location of the proposed marquee on the nearest sensitive receptors, namely dwellings situated north and south of the appeal site.
34. The assessment identifies measures necessary to minimise the risk of noise impact on neighbouring residents. This includes monitoring and maintaining operational noise levels below 80 dB inside the marquee, an 11pm curfew for amplified music sources, the orientation of amplified music sources, and requires nearby residents be notified in advance of events.
35. The Council's Environmental Health Officer considers the 80dB limit to be incredibly low for an event of this type. Whilst the appellant indicates a limit of 85dB was agreed at a nearby marquee venue, decibels are a logarithmic unit and a reduction of 5dB would represent a significant difference in perceived sound levels.
36. The noise assessment indicates its conclusions are equally applicable to amplified music, amplified speech or a live band. However, it is unclear whether differing noise sources could practicably adhere to the 80dB limit. It would not be possible to install a permanent electronic noise limiter, and the noise assessment notes hourly monitoring would be required, with the appellant or site operator requesting performers adjust the sound level accordingly. It is unclear whether this requirement would be practicable or prove unreasonably onerous.
37. The noise assessment fails to consider all potential sources, including noise from guests. Furthermore, it is unclear to what extent occupants of the dwellings adjacent to the site access would be exposed to noise and disturbance from users of the access. An event management plan detailing how restrictions would be set has not been provided, despite the request from the Council's Environmental Health Officer.

38. The proposal fails to demonstrate the proposed use would not harm the living conditions of occupants of nearby dwellings. The proposal would therefore conflict with LP Policy SC/10 which requires the proposal not have an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing development and not cause any significant increase in the background noise level at nearby existing noise sensitive premises, including dwellings. In addition, the proposal would not comply with LP Policy HQ/1 which requires proposals protect the health and amenity of surrounding uses from unacceptable impacts including noise.
39. In addition, the proposal would not satisfy paragraph 191(a) of the Framework which requires proposals avoid noise giving rise to significant adverse impacts on health and the quality of life.

Highway safety

40. Quy Hall is connected to the public highway via Station Road, a lightly trafficked, narrow, rural road with no pedestrian footway. To the south, Station Road serves residential properties within Stow cum Quy, and public rights of way are accessible in the area. National Cycle Route (NCR) 51 is approximately 1.4km to the south and joins the Cams Towpath, where NCR 11 provides a connection to Cambridge. The Transport Technical Note (TTN) identifies that, whilst there is no formal pedestrian or cycle infrastructure in the immediate vicinity of the site, Station Road is conducive to walking and cycling.
41. The TTN draws comparison between the proposal and large country shows and fairs which have previously been hosted elsewhere on the estate. However, those events were supported by traffic management arrangements, temporary signage, parking arrangements, and it would be likely that highway users in will be aware of the event and traffic conditions from the large number of visitors. Whilst residents local to the site would be made aware of events in advance, public awareness would be more limited than for the large-scale public events described above. Such events therefore differ significantly in scale from the proposal and are not comparable.
42. The submitted evidence indicates Station Road is likely to be used by pedestrians and cyclists. The Local Highway Authority is of the view that cyclists and horse riders would utilise Station Road and recommends assessment be undertaken on occasions similar to when events would be held, namely weekends during warmer months. However, robust and representative empirical data has not been provided, and therefore the proposal fails to demonstrate the proposal would not harm the highway safety of non-motorised users of Station Road.
43. Whilst I note the appellant would agree to a condition that requires a general traffic management plan for the events, there is a lack of data to understand the level of non-motorised users undertaking journeys along Station Road during times when the venue would be in use and there is insufficient certainty that such a condition would sufficiently mitigate the risks posed.
44. Within the site, four vehicular access routes would serve cars, taxis, coaches, and catering and supply vehicles. These routes converge at the single access point to Station Road, creating a risk of conflict between vehicles and pedestrians. The proposal does not provide information to demonstrate that safe access would be provided for all users.

45. The proposal therefore fails to demonstrate that harm to highway safety would not occur. The proposal would conflict with LP Policy HQ/1 which requires proposals provide safe and convenient access for all users and ensure safe opportunities for walking and cycling. In addition, the proposal would not satisfy paragraph 115 of the Framework which indicates development should be refused if there would be an unacceptable impact on highway safety.

Other Matters

46. The appeal site is located within the Cambridge Green Belt. Government attaches great importance to Green Belts and paragraph 153 of the Framework requires substantial weight be given to any harm to the Green Belt.

47. The effects of the proposal on the Green Belt did not form a reason for refusal in the Council's decision. However, the policies in the Framework are material considerations which should be taken into account. The parties were invited to comment on this matter during the appeal and as such would not be prejudiced by my consideration of the proposal's effects on the Green Belt.

48. LP Policy S/4 requires proposals for new development in the Green Belt be assessed in accordance with the Framework's Green Belt policy. The Framework describes the essential characteristics of Green Belt being its openness and permanence and states the fundamental aim of Green Belt policy is to keep land permanently open.

49. At paragraph 154, the Framework regards the construction of new buildings within the Green Belt as inappropriate. However, the Framework identifies certain exceptions that are not inappropriate development within the Green Belt including, at paragraph 154(b), the provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

50. In addition, paragraph 155 identifies certain other forms of development that are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. At 155(e), this includes material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

51. The proposal would not involve the construction of buildings and therefore would not have spatial impacts on Green Belt openness. As such, the exception at paragraph 154(b) is not directly applicable. However, the proposal would represent a material change in the use of land, and paragraph 155 is engaged.

52. The siting of temporary structures and vehicles would represent an intensification of the use of the site. The examples of material changes of use listed at 155(e) would involve a degree of human activity on the land. Therefore, it is logical to conclude that intensification of the use of the site arising from the events held, such as people gathering, siting of temporary structures and vehicles, would not in itself amount to conflict with the Framework.

53. The size, scale and appearance of the proposed structures and vehicles would vary depending on the requirements of the event. However, events would be held in an area screened by boundary treatments and vegetation and would not

be visually prominent from publicly accessible locations. Therefore, the proposal would not have an adverse visual impact on Green Belt openness.

54. Events held at the site would generate additional traffic. However, reflecting that Station Road is a highway accessible to the wider public, and taking into consideration the infrequent nature of events and number of guests, which it is proposed would be limited to 200 persons, I do not consider additional traffic associated with the proposal would amount to harm to Green Belt openness.
55. Whilst the siting of the proposed structures would be temporary, it does not automatically follow that harm to openness would not occur. However, as set out above, the use would be infrequent and short in duration, with events limited to 12 weekends per year through use of a planning condition. In this circumstance, the temporary nature of the proposal would minimise the duration and frequency of activity on the site to the extent that harm to Green Belt openness would not occur.
56. The proposal would not be inappropriate development in the Green Belt and would satisfy LP Policies S/4 and NH/8 which requires development proposals be located and designed to avoid adverse effects on Green Belt openness.

Conclusion

57. As set out above, I have found the proposal would not constitute inappropriate development and therefore would not harm Green Belt openness. However, the proposal is not of a type supported by the development plan in the countryside and is not justified by support for the continued operation of an agricultural or land-based rural business. Therefore, it would not be in a suitable location.
58. The proposal fails to demonstrate harm to the setting of heritage assets would not occur, nor that harm would be outweighed by public benefit. In addition, the proposal fails to demonstrate that living conditions of occupants of nearby dwellings would not be adversely impacted, and that adequate highway safety would be achieved. In the absence of certainty, I have concluded harm would arise and conflict with the development plan would occur.
59. Therefore, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be dismissed.

E Dade

INSPECTOR