
Appeal Decision

Site visit made on 6 November 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 December 2025

Appeal Ref: APP/Z1510/W/25/3365443

Prested Hall, Prested Hall Chase, Feering, Essex CO5 9EE

- 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 Mr J Bathla, Prested Hall against the decision of Braintree District Council.
 - The application Ref is 24/02590/FUL.
 - The development is Removal of existing Marquee and erection of a replacement marquee in a new location.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr J Bathla, Prested Hall against the decision of Braintree District Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of existing and future neighbouring occupiers, with particular regard to noise.

Reasons

4. The appeal site comprises Prested Hall, a substantial Grade II listed country house set within extensive landscaped grounds and accessed via a very long driveway. The property operates as an events venue, hosting weddings and other functions. An existing marquee is positioned to one side of Prested Hall. Beyond the marquee is a small cluster of dwellings, including Chase House, which shares a boundary with the appeal site.
5. Permanent retention of the existing marquee was granted planning permission in 2018 (Council Ref: 18/01436/FUL). Conditions attached to that permission restrict the hours of operation and prohibit amplified music within the marquee. However, the marquee structure does not include any specific noise mitigation measures.
6. On the opposite side of Prested Hall lies a car park and a health and sports club featuring outdoor racquet courts. Adjacent to the car park, but outside the appeal site, is the approved location for a replacement dwelling. Planning permission for this dwelling was granted some time ago, and requires demolition of an existing pool house, which is located within the appeal site, prior to construction.
7. Although the replacement dwelling has not yet been built, a recent Lawful Development Certificate (Council Ref: 24/01524/ELD) confirms that development

has lawfully commenced. Consequently, its construction could continue at any point, and the dwelling could be occupied in the future. It is therefore necessary to ensure that adequate noise mitigation measures are in place to protect the living conditions of future occupiers of the replacement dwelling.

8. The main parties agree that the appellant's initial noise report (dated 30 December 2022) did not identify the replacement dwelling as the nearest noise-sensitive receptor, focusing instead on Chase House which is located to the west. The appellant suggests that background noise levels at the replacement dwelling would be similar to those at Chase House. However, given the significant separation distance between these locations, which are on opposite sides of Prested Hall, I have no substantive evidence to confirm that the background noise levels are comparable.
9. The proposal includes installation of a directional speaker system and acoustic lining to all walls and the ceiling of the marquee. The northern elevation, facing the replacement dwelling, would be solid, with no openings for doors or windows, thereby providing a continuous acoustic barrier.
10. Technical data suggests that the acoustic lining could achieve a 30dB noise reduction, assuming a continuous partition. The appellant states that the lining's thermal properties would remove the need for air conditioning or ventilation gaps. However, the submitted technical specifications indicate that the lining is able to regulate temperatures whilst working with mechanical systems. Furthermore, the Noise Management Plan acknowledges that if the marquee becomes too hot with windows and doors closed, alternative cooling, such as air conditioning, may be required. Overall, there is insufficient clarity regarding the type and extent of ventilation and how this might affect the lining's acoustic performance. In addition, the Council's Environmental Health Officer (EHO) advises, and the appellant does not dispute, that the lining's performance for bass noise reduction is significantly lower, at around 10dB(A).
11. The appellant's directional speaker data is based on precedent sites of similar layout and use. I have considered the Noise Contour Plan and note that modelled data is standard industry practice. While the EHO refers to a capacity of 600 guests, the appellant's Statement of Case confirms an upper limit of 420 guests. Nevertheless, although the acoustic lining may reduce noise emissions, the absence of clear evidence on background noise levels and ventilation arrangements means I cannot conclude that noise would be adequately contained to protect local occupiers, particularly future residents of the replacement dwelling. Nor is the evidence on installation and efficacy sufficiently robust to justify imposing planning conditions related to this issue.
12. I acknowledge that the replacement dwelling would be located near an existing sports club and car park, and that the EHO incorrectly refers to a separation distance of 45 metres. However, without accurate background noise data for the replacement dwelling, it has not been demonstrated that the potential increase in noise at neighbouring residential boundaries could be mitigated to avoid adverse impacts on living conditions.
13. The parties agree that, should the fire-damaged pool house within the appeal site be reinstated for residential use, planning conditions could satisfactorily protect

future occupiers from harmful noise. However, for the reasons set out above, this would not apply to the replacement dwelling.

14. I note that interested parties have written in support of the proposal. In particular, a nearby resident supports the proposal as they consider that it will result in an improvement in the level of noise and disturbance, following the removal of the existing marquee. The interested party also outlines that the use of planning conditions would be able to secure satisfactory noise attenuation measures.
15. However, on the evidence before me, I concur with the Council's EHO that there is a risk of unacceptable noise disturbance to neighbouring residents. The proposal would conflict with Policies SP7, LPP52 and LPP70 of the Braintree District Local Plan 2013–2033 (BDLP) and Policy 2 of the Feering Neighbourhood Plan (2023) (FNP), insofar as they require well-designed proposals that safeguard quality of life, health and wellbeing, particularly in relation to noise.
16. The proposal would also conflict with the aims of the Framework, which seeks to ensure that developments create safe, inclusive and accessible places that promote health and wellbeing and provide a high standard of amenity for existing and future users.

Other Matters

17. The proposal would contribute positively to the ongoing viability of Prested Hall's business. I note that the venue has faced financial challenges arising from the COVID-19 pandemic, increased operational costs linked to the cost of living and inflation, and disruption caused by major local highway works. The scheme would support the business's transition away from a traditional standalone hotel model, which is reported to be financially unsustainable, towards a focus on hosting weddings and events.
18. The proposal would assist in retaining core staff and generate wider economic benefits by supporting local contractors, suppliers, and ancillary businesses involved in event preparation and service delivery. Additional opportunities for temporary and part-time employment would also arise, particularly during peak seasons. Furthermore, guests attending events are likely to contribute to the local economy through spending on accommodation, transport, and other services.
19. It has been explained that the new marquee would address existing limitations relating to guest capacity and restrictions on music within the current marquee. This enhancement would make the venue more attractive for larger-scale events, including multicultural weddings. Such events would deliver social benefits by promoting cultural inclusivity and fostering greater community understanding of diverse traditions.
20. Evidence submitted indicates that the marquee would host both private and public community events, thereby strengthening Prested Hall's role as a venue for social gatherings. However, as the property already provides public access through existing events, the overall benefit in this regard is somewhat limited.
21. The proposal would retain existing mature trees and hedgerows, and the appellant has confirmed that additional planting will be considered to soften the visual impact of the structure. The marquee's lightweight and reversible design would minimise

permanent environmental effects. The appellant also states that the venue prioritises sustainable practices, including the use of energy-efficient lighting.

Heritage Asset

22. Prested Hall is a Grade II Listed building (LB), originally constructed as a private house. The List description confirms that Prested Hall was listed in 1988. It originally dates from the 14th century, and has been modified throughout the 16th, 17th and 20th centuries. Its architectural elements include timber framing, steeply cambered tie beams, and decorative studding. The property is set within expansive grounds, which include a long, straight driveway approach, a moat, agricultural fields and gardens as well as ancillary structures.
23. From my observations on the site visit and the evidence before me, the significance of the LB is derived mostly from its age, architectural quality, visual prominence and the contribution to the rural character of the area through its siting in expansive grounds. There is no disagreement between the main parties that the proposal would be within the setting of the LB. Given the proximity of the proposal to the heritage asset, I see no reason to disagree.
24. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me, in determining this appeal, to have special regard to the desirability of preserving the listed building, or its setting, or any features of special architectural or historic interest which it possesses.
25. The proposed marquee would be located between the LB and the nearby health club, and positioned behind existing landscaping which would provide visual screening of the marquee, particularly when viewed from the driveway approach. The marquee would be subservient in height to the LB and would utilise clearly contrasting materials. Whilst it would not encroach upon or obscure the historic fabric of the LB, it would be clearly visible alongside the LB in a wide variety of views around the property, adding to a sense of visual clutter. Consequently, it would cause less than substantial harm to the setting of the LB.
26. The Framework identifies that where a development proposal 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, where appropriate, securing its optimum viable use.
27. In this respect, the appellant outlines that the proposal would replace the existing marquee on the appeal site. This would represent an improvement from the current situation, as it would be located in a less prominent position than the existing marquee.
28. A range of public benefits associated with the proposal include supporting the viability of the existing business, job creation and retention, and related benefits to the local economy. The Council concluded in the delegated officer report that the public benefits outweighed the less than substantial harm that would arise. I have had special regard to the desirability of preserving the listed building and its setting, but I find this context, particularly the replacement of the existing more prominent marquee, offers public benefits sufficient to outweigh the harm that the proposal would cause to the LB. Therefore, I conclude that there is a clear and convincing justification for the proposal such that there would not be unacceptable harm to the heritage asset. The proposal would accord with the Framework which seeks to

preserve or enhance heritage assets and their setting, but which also includes a requirement for less than substantial harm to be weighed against the public benefits of a proposal.

29. It has been put to me that the proposal is essential to secure the optimum viable use of Prested Hall and that, without it, the LB risks falling into disrepair. The Planning Practice Guidance (PPG) recognises that, in some cases, development causing harm may be justified to achieve an asset's optimum viable use, provided that such harm is minimised. The appellant's Heritage Impact and Viability Assessment (HIVA) considers alternatives, including internal reconfiguration of the LB, hosting events off-site, using temporary marquees, and constructing permanent outbuildings. However, the HIVA concludes that these options are less practical and that the appeal scheme represents the optimum viable use.
30. The PPG outlines that if there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset. While I note the HIVA's findings, the submitted evidence does not assess the potential for conversion of the LB to an alternative use. It has therefore not been demonstrated that the building could not be maintained through a viable alternative use. On the information before me, I cannot conclude that the proposed development is essential to secure the optimum viable use of the site.

Planning Balance and Conclusion

31. I have found that it has not been demonstrated that the proposal would avoid noise to future neighbouring occupiers which would harm their living conditions.
32. The Framework expects development to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policies SP7, LPP52 and LPP70 of the BDLP and policy 2 of the FNP are therefore consistent with the Framework. In view of my conclusions related to the potential noise impacts on neighbouring occupiers, the appeal proposal conflicts with both the Framework and the development plan.
33. Set against the harm identified, there would be a number of benefits. As described above, the proposal would contribute positively to the ongoing viability of Prested Hall's business, supporting job retention and creation. The income derived from wedding events held in the marquee would assist in strengthening the local economy. There would be social benefits related to the provision of multicultural weddings. I have also found that the proposal would cause less harm to the setting of the LB than the existing marquee. These all weigh in favour of the development, and collectively, I afford these benefits moderate weight.
34. However, I find that the above matters neither outweigh the harm I have identified nor the conflict with the development plan. The harm that I have found leads me to conclude that the proposal would conflict with the development plan as a whole. There are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR