

ITEM FOR DECISION

Planning Enforcement Reference: 0006/2013

Location: Griffins Head Public House (PH), Moor Road, Papplewick

Breach of Planning Control: Erection and retention of marquee

Site Description

The Griffins Head is a Grade II Listed Public House located on the southern side of Forest Lane, Papplewick at its junction with Moor Road (Papplewick Crossroads) Listed Building reference PAP/013. The site is within the Papplewick Conservation Area. The two storey/single storey stone built premises were originally constructed in the mid-eighteenth century and has been extended on several occasions.

The Public House has car parking to the eastern and southern areas of the site, with vehicular access to and from Forest Lane and Moor Road. The site is adjoined on its eastern boundary by a detached dwelling and residential properties are located opposite the site on the northern side of Forest Lane and on the western side of Moor Road. To the South of the car park is a field, which is within the same ownership as the PH.

The site is located within the Nottingham Green Belt, just to the south of the infill boundary for Papplewick and the Papplewick Conservation Area, and is an area of private protected open space as indicated on the Proposals Map for the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

Relevant Planning History

The Borough Council received a complaint in January 2013 alleging that a marquee, which was erected in a field to the rear of the Public House sometime during 2012, was still in place.

Investigations revealed that the marquee has been used for the holding of weddings, private parties and community events since its erection during 2012.

The land upon which the marquee has been erected is within the same ownership of the Public House.

Discussions have taken place with the owner of The Griffins Head, on a number of occasions. It has been explained to the owner that planning permission will be required to retain the marquee on either a permanent or extended basis. Despite this no application for planning permission has been forthcoming.

The land has been the subject of a premises licence since September 2010 which permits the sale of alcohol upon the land.

During a recent inspection of the site it was noted that the marquee remains on the land.

Breach of Planning Control

Section 55 of the Town and Country Planning Act 1990 defines the 'meaning of development', and specifies that development means the carrying out of building, engineering, mining or other operations, or the material change of use of land.

The Court of Appeal has found that the correct approach when determining if development has occurred in this type of case is to consider the degree of permanence of the development as well as the size and physical attachment of any structure. In this instance I consider that owing to the size of the marquee, 224m², and the amount of time that the marquee has been in place, the structure is sufficient to fall within the definition of a building and therefore is operational development.

Section 171B of the Town and Country Planning Act 1990 defines that the carrying out of development without the required planning permission constitutes a breach of planning control.

Planning Considerations

Government guidance in the National Planning Policy Framework (NPPF) (paragraph 207), published on 27 March 2012, states that although effective planning enforcement is important as a means of maintaining public Confidence in the planning system, ultimately enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

The main considerations in the determination of any application to retain the marquee, and therefore whether planning enforcement action is expedient, would be the Green Belt policy implications and the impact on the openness of the Green Belt. Policies ENV26 (Control over Development in the Green Belt) of the Gedling Borough Replacement Local Plan and national policy guidance as set out in the National Planning Policy Framework (NPPF) would be material considerations in the determination of an application. Additionally, impact on nearby residential properties (Policy ENV1), the adjoining Conservation Area (Policy ENV15), the setting of the Listed Building (Policy ENV21) and highway safety issues would be relevant considerations.

Emerging policies of the Gedling Borough Aligned Core Strategy – Publication Version would also be material considerations, in particular Policy 3 'The Green Belt', Policy 4 'Employment Provision and Economic Development',

Policy 10 'Design and Enhancing Local Identity' and Policy 11 'The Historic Environment'.

The marquee is erected on land outside the established curtilage of the Griffins Head Public House on open land. There is tight control over development in the Green Belt and the erection of new buildings is inappropriate unless it is for the purposes of agriculture or forestry.

The marquee as proposed would be inappropriate development within the Green Belt, as it would not fall within the categories of development listed in Policy ENV26 of the Local Plan or the types of development set out in the NPPF. The permanent retention would have an undue impact on the openness of the Green Belt. Inappropriate development may be allowed in the Green Belt where very special circumstances can be demonstrated. However as planning permission has not been approved, there are no very special circumstances to consider against the harm to the Green Belt at this location by reason of its inappropriateness and its size, design and permanence .

It is my opinion that the appearance of the marquee has a negative impact on the character, setting and historic interest of the adjoining Conservation Area and Listed Building.

Bearing in mind the above, and National and Local Planning Policy, it is my officer's opinion that authorisation should be given to take any appropriate enforcement action to regularise the position.

Recommendation:

That the Corporate Director in consultation with the Council Solicitor and Monitoring Officer be authorised to take any appropriate enforcement action including the service of relevant notices.