

The application is for full planning permission for the retention of a change of use of a visitor hub, permitted under reference 18/00943/FUL, for classes, meetings and small gatherings in addition to its use in association with the opening of gardens as a visitor attraction.

The site is located within the Green Belt, Betley Conservation Area and within an Area of Active Landscape Conservation as defined by the Local Development Framework Proposals Map. Betley Court is a Grade II* Listed Building. Trees within the site are protected under a Tree Preservation Order.

The application has been called in to Committee by two Councillors on the grounds that it could present a noise problem to the immediate adjoining houses on Court Walk.

This application was reported to Committee on 1st March when the decision was deferred to enable further consideration to be given to how the proposed use could be restricted to ensure that residential amenity is protected.

The 8 week period for the determination of this application expired on the 1st March 2022.

RECOMMENDATION

PERMIT subject to the following conditions:

- 1. Implementation of the parking management scheme approved under 18/00943/FUL when the gardens are open to visitors.**
- 2. Gardens to be open to visitors no more than 6 weekends per year.**
- 3. In addition to the use of the building for purposes incidental to the residential occupation of Betley Court, the building shall be used for pre-booked activities only at times when not in use in association with the opening of the gardens to visitors, subject to the following limitations:**
 - It shall be used for no more than 320 activity hours per week (defined as the use of the building by one person for one hour);**
 - A maximum of 20 people shall attend each event;**
 - Events shall take place on no more than five days in any week (commencing on Monday).**
 - No more than 2 events shall take place on any day.**
 - Events shall be restricted to between the hours of 8.30am and 9.30pm**

Any additional use shall only take place with the express permission of the local planning authority.

- 4. No cooking of food without the prior approval and implementation of details of any kitchen ventilation system and external plant.**
- 5. Restriction on the hours when deliveries and waste collections can take place.**

Reason for Recommendation

Taking into account the requirement for the decision-maker to pay special attention to such matters it is considered that the use of building would preserve the setting of the Listed Building and would not harm the character and appearance of the Conservation Area.

Subject to conditions it is considered that the proposed use will not result in harm to residential amenity or highway safety. As such it is considered that planning permission can be granted.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

The proposed development is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

Full planning permission is sought for the retention of a change of use of a visitor hub, permitted under reference 18/00943/FUL, for classes, meetings and small gatherings in addition to its use in association with the opening of gardens as a visitor attraction. The building as permitted measures 84m². It contains a refreshments area, kitchen, office and toilet facility. It is used in connection with the opening up of the landscaped grounds of Betley Court as a visitor attraction for 6 weekends in any calendar year, with additional openings for events. The use proposed in this current application commenced in 2021 without the benefit of planning permission and in breach of conditions of planning permission 18/00943/FUL.

The site is located within the Green Belt, Betley Conservation Area and within an Area of Active Landscape Conservation as defined by the Local Development Framework Proposals Map. Betley Court is a Grade II* Listed Building. Trees within the site are protected under Tree Preservation Orders.

As no construction works are involved, the development will not result in any adverse impact on trees or on the wider landscape. The key issues in the determination of this application are therefore considered to be:

- Whether or not the proposal is inappropriate development in the Green Belt
- Impact on the Listed Building and the Conservation Area
- The acceptability of the principle of the proposed development in this location, including consideration of residential amenity
- Highway safety

Whether or not the proposal is inappropriate development in the Green Belt

Paragraph 137 of the National Planning Policy Framework (NPPF) indicates that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

Paragraph 147 of the NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraphs 149 and 150 of the NPPF identify a number of forms of development that are not regarded as inappropriate in the Green Belt. One of these exceptions, at paragraph 150, is the reuse of buildings provided that the buildings are of permanent and substantial construction. The proposal is considered to fall within this exception. As such it is appropriate within the Green Belt.

In view of this conclusion, consideration as to whether the very special circumstances required to justify the granting of planning permission is not required.

Impact on the Listed Building and the Conservation Area

When making a decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. In addition where a planning application affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

Saved Newcastle Local Plan Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. This policy is consistent with the NPPF and the weight to be given to it should reflect this.

Policy BBW5 of the Betley, Balterley and Wrinehill Neighbourhood Plan (BBWNP) indicates that new development and conversions must preserve and enhance the special historical and architectural character of the Conservation Area.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, Listed Building or Registered Park and Garden, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The building is sited in a wooded area to rear of the listed building. As highlighted by the Conservation Officer, no physical changes are proposed to the parking area, building or garden. The building is modest in size and this will limit the extent of activity associated with the proposed use of the building over and above that previously permitted. As such it is considered that the proposed development will result in no harm to the heritage assets i.e. the Listed Building and Conservation Area, as previously concluded when granting planning permission under reference 18/00943/FUL.

Acceptability of the principle of the proposed development in this location, including consideration of residential amenity

Paragraph 130 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, including that developments should create places with a high standard of amenity for all existing and future users.

In granting planning permission for the building and associated use it was acknowledged that the introduction of visitors to the site had the potential to cause disturbance to occupants of Betley Court and the dwellings sited near to the House and its gardens. It was, however, concluded that such impacts could be kept to an acceptable level through conditions restricting the number of times in a year that the gardens are open to the public.

The building is sited approximately 9m at its nearest point from the boundary of the gardens and property on Court Walk. The parking area is directly adjoining the shared boundary.

Given the proximity of the site to adjoining properties and bearing in mind that the proposal increases the regularity of the use of the building the proposal will result in a greater possibility of disturbance. The extent of the activity will, however, be small scale given the limited size of the building. When it is noted that the boundary treatment separating the site from Court Walk dwellings is a tall boundary wall, it remains that the impact on the living conditions of adjoining residents could be maintained at an acceptable level through the imposition of restrictions within conditions of planning permission. The decision on this application was deferred by Planning Committee at its meeting on 1st March to enable further consideration to be given to the nature of such restrictions.

The applicant has indicated that the building would, if permission is granted, be used for, and/or in connection with, the following in addition to activities associated with the residential occupation of Betley Court:

- Floristry classes
- Evening classes
- Personal trainer
- Meetings
- Private tea parties
- Education visits

- Garden activities
- Volunteers

The revised recommendation as reported included specifying that the building should be used for pre-booked activities on no more than two days a week and for a maximum of 20 people only at times when it is not in use in association with the opening of the gardens to visitors. The applicant expressed concern that such a condition was unduly restrictive. In discussions the applicant has suggested the following revision to that condition: *The building shall be used for pre-booked activities for no more than 320 person activity hours (defined as the use of the building by one person for one hour) per week for a maximum of 20 people only at times when not in use in association with the opening of the gardens to visitors. Any additional use shall only take place with the express permission of the local planning authority.*

The number of person activity hours as proposed by the applicant could be generated on two days per week if activities involving 20 people take place over eight hours on each day. This would be in accordance with the restrictions as previously recommended and this would be acceptable subject to the other recommended conditions. However, without additional limitations a significant number of smaller events could also take place over seven days each week. This would give little respite to local residents from the impact of such events, particularly from disturbance generated by attendees arriving and departing each event. It is therefore considered that in addition to a limitation on person activity hours there should also be a limitation on the number of days in any week that activities can take place, the number of events on each day as well as a restriction on the hours of operation. Subject to such controls it is considered that additional use of the building would not result in an unacceptable impact on residential amenity.

Concern has been expressed that the use of the building for classes, meetings etc. would be harmful to the viability of similar existing businesses in Betley. There is, however, no evidence to support such a conclusion and as local and national policies are supportive of the development of local services and community facilities in the rural area, such concerns are not justification to refuse the application.

Impact on highway safety

At paragraph 111 the NPPF indicates that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Highway Authority have not objected to the proposal noting that the permission is for small scale activities for groups of up to 20 people through pre-booked events so the number of visitors will be known in advance. The level of parking demand and traffic movements associated with this use is therefore different to opening up the gardens where the number of visitors is difficult to predict.

It is therefore anticipated that the level of parking within the site will be sufficient to meet the demands generated by the use proposed in this application in addition to the residents of Betley Court, when they are able to occupy the building again.

Overall it is considered that the proposal will not have an adverse impact on the local highway network and that a highway safety reason for refusal could not be sustained.

Other matters

Representations have been submitted highlighting that planning permission was given for a specific purpose despite its location in the Green Belt and the Conservation Area.

When planning permission was granted for the building it was identified that it represented inappropriate development in the Green Belt and could not be approved except in very special circumstances. It was, however, concluded that very special circumstances existed as

the development would provide additional income that could be used for the maintenance and upkeep of this Grade II* Listed Building, a particularly important building of more than special interest, thereby providing some assurance of its future.

Such justification for the granting of planning permission for inappropriate development in the Green Belt would not be undermined by any additional use of the building as now proposed and does not justify the refusal of planning permission for such additional use if assessed as being acceptable on its own merits.

As set out above when planning permission reference 18/00943/FUL was granted, it was concluded that it would not result in any harm to heritage assets and no such harm has been identified when assessing the current application.

The submitted application accords with the legislative requirements for applications for planning permission. The local planning authority cannot, therefore, insist upon the submission of plans showing the relationship of the proposal to adjoining properties as has been suggested in representations. The absence of such plans does not prevent the proper consideration of the impact of the development upon the occupants of the adjoining properties.

There is no basis to consider that the additional use of the building would have any material and adverse impact on issues of nature conservation.

APPENDIX

Policies and Proposals in the Approved Development Plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006 – 2026](#)

Policy SP2: Spatial Principles of Economic Development
Policy ASP6: Rural Area Spatial Policy
Policy CSP2: Historic Environment

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy S3: Development in the Green Belt
Policy T16: Development – General Parking Requirements
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B14: Development In or Adjoining the Boundary of Conservation Areas

[Betley, Balterley and Wrinehill Neighbourhood Plan \(BBWNP\) Made January 2022](#)

Policy BBW1: Promoting Sustainable Development
Policy BBW5: Conserving and Enhancing Betley Conservation Area
Policy BBW6: Recognising the Intrinsic Character of the Countryside and Protecting and Enhancing Valued Landscapes
Policy BBW10: Community Facilities

Other Material Considerations

[National Planning Policy Framework \(2021\)](#)

[Planning Practice Guidance \(2018\)](#)

Relevant Planning History

There have been a number of applications associated with the repair and renovation of Betley Court following a fire. Such applications are not directly relevant to this application. The planning history that is relevant is as follows:

18/00943/FUL	Proposed opening of gardens as a visitor attraction; construction of a detached building to form toilets/office and facilities for light refreshments; demolition of garages and the construction of car parking. (resubmission of 18/00268/FUL)	PERMITTED
20/00655/FUL	Variation of condition 2 (approved plans) of P/A 18/00943/FUL to permit the substitution of revised plans to reflect the details of the visitor centre as built	PERMITTED

Views of Consultees

The **Highway Authority** has no objections.

The **Conservation Officer** has no objections considering that in this context the use will not have a harmful impact on the character and special interest of the listed building as there are no physical changes to the parking, buildings or garden.

The **Landscape Development Section** raise no objections.

The views of the **Environmental Health Division** and **Betley, Balterley and Wrinehill Parish Council** have been sought however as they have not responded by the due date it is assumed that they have no comments on the application.

Representations

Eight representations have been received objecting to the application and raising the following concerns:

- The plans are not accurate and do not show the dwellings on Court Walk and the parking.
- The use would result in noise, odour, anti-social behaviour, nuisance and disruption to Court Walk residents.
- There is permanent parking congestion on the one access road and as such it is always a single carriageway. The additional activities will inevitably incur a greater degree of traffic resulting in safety issues, disruption and pollution.
- Permission was given for a specific purpose despite its location in the Conservation Area and the Green Belt and not as another village meeting place.
- There are no proposed restrictions on the use and it could take place throughout the year.
- The use will have an adverse impact on other local business.
- The furtherance of profit for the benefit is understandable but should not be at the expense of the mental wellbeing of the residents of Court Walk.
- There is an ongoing and flagrant abuse of the conditions that restrict the use of the building which should be addressed.
- An increase of people has to potential to adversely affect nature conservation.

Following the publication of the report for the meeting of Planning Committee on 1st March, the applicant has written in to express disappointment about the recommended restrictions on the use of the building (visitor hub), questioning whether there will be sufficient benefits given such restrictions to make it worthwhile, and to respond to the objections that have been submitted. The comments are summarised as follows:

- The additional use of the visitor hub should not result in congestion on Court Walk. Contractor's vehicles are parked on Court Walk during the rebuilding of the exterior of Betley Court. This phase of the works should be completed by end of October 2022 when the scaffolding will be dismantled allowing the forecourt to be used for parking and reducing the level of contractor parking on Court Walk. Whilst the main contractors are working no activity will be allowed in the Visitor Hub due to health and safety issues.
- There will be fewer cars associated with the visitor hub than when the house was occupied. Activities within the garden will be pre-booked and if additional parking is required then the overspill car park on the main lawn will be used. Car parking for the future tenants of Betley Court will be detailed in a separate planning application for the re-creation of the flats in Betley Court.
- The visitor hub has been used for flower arranging taster test classes but that use has ceased and will not recommence until planning permission is in place.
- There is a requirement for additional funds for the restoration of Betley Court and the income generated by the additional use proposed will assist.
- The visitor hub offers a different type of venue to those offered within the village. It will not compete with them and may complement them by bringing in more visitors.
- The visitor hub will not be used for activities that would result in distress to the occupants of Betley Court. Such residents are slightly further away from the visitor hub than residents on Court Walk but don't have the protection of a high, solid wall.

Applicant/agent's submission

The planning application is supported by the requisite application form, plans, and Heritage Appraisal.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/01064/FUL>

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

11th March 2022