

DELEGATED FILE NOTE

CASE OFFICER: ...Andrew Hunter.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01461/FP	Change of Use of Public House with extended food provision (Sui Generis) to Function Venue (Sui Generis) and retrospective application for the removal of existing timber pergola and erection of an aluminium pergola with glazed panels.	The Barn Stony Lane Tea Green Luton Hertfordshire LU2 8PS

Submitted Plan Nos

Location Plan FP25978-01 FP25978-02 FP25978-03 FP25978-04 FP25978-05 FP25978-20 FP25978-21

1.0 Policies

D1	Sustainable design
D3	Protecting living conditions

ETC7	Local community shops and services
NE4	Biodiversity and geological sites
SECN12	Achieving well-designed places
SECN13	Protecting Green Belt Land
SECN16	Conserve + enhance historic environment
SECN7	Ensuring vitality of town centres
SECN8	Promoting healthy and safe communities
SECN9	Promoting sustainable transport
SP10	Healthy Communities
SP12	Green infrastructure, landscape and biod
SP2	Settlement Hierarchy and Spatial Distrib
SP4	Town Centres,Local Centres,CommunityShop
SP5	Countryside and Green Belt

SP6	Sustainable transport
SP9	Design and Sustainability
T2	Parking
T1	Assessment of transport matters

2.0 **Relevant site history**

- 2.1 23/01585/FP - Single storey rear extension following demolition of existing rear element. Replacement first floor to provide 5 No. bedrooms for guest accommodation. Extension of basement – Approved 10/07/24.
- 2.2 14/02907/1 - Single storey side extension to create new function room (as amended by plan no. 04 Rev C received 12/1/15) – Approved 13/01/15.
- 2.3 11/01657/1 - Continued use of land for the siting of a marquee to form dining extension to public house – Approved 23/11/11.
- 2.4 05/00924/1 - Single storey side extension to create 59 sq metres of additional floor space and change of use of amenity land to car park to provide 8 additional parking spaces – Approved 18/08/05.
- 2.5 05/00052/1 - Single storey side extension to create 53 sq metres of additional floorspace – Withdrawn.
- 2.6 84/01063/1 - Erection of single storey rear extension – Approved 26/07/84.
- 2.7 82/01408/1 - Retention of detached building at rear to be used for the receptions, conferences and childrens room – Approved 25/11/82.

3.0 **Representations**

- 3.1 **Neighbours** – 13 objections were received on the following grounds:
 - ☐ Not been used as a pub by the current owners.
 - ☐ Used to fit in perfectly in the community when it was a pub.

- ☐ It's empty most of the time.
- ☐ No benefits to the community, instead being harmful.
- ☐ When used, the area is subject to dangerous super car racing.
- ☐ Residents driveways are being used to turn cars around.
- ☐ Parking on site is less than claimed.
- ☐ Staff and guests park in front of houses and drives.
- ☐ Gridlock as the car park only has an access to allow vehicles through from one direction at a time.
- ☐ Could emergency services get through.
- ☐ Not considerate to its neighbours.
- ☐ Loud.
- ☐ Staff can't manage events and impacts on residents.
- ☐ Opening hours to 1am on working days is too late, 8am starts are too early.
- ☐ Parking overload. Allocated parking not sufficient.
- ☐ Have never seen any minibuses, only the odd taxi.
- ☐ Fireworks set off.
- ☐ Rubbish discarded.
- ☐ Fields traipsed over with no consent from landowners.
- ☐ Not the right location at all.
- ☐ Impacts will increase with 2000 homes being built in the area.
- ☐ Where is their drainage.
- ☐ Flares used on the green, which are a fire risk.
- ☐ Work on the pergola started in 2023, not November 2024.

3.2 **Parish Council** - I would also like to draw to your attention Planning Application 23/01585/FP

Following the Officers report a complaint was made that the facts reported by the applicant and interpreted by the officer were open ended.

In this application it shows that the car park was to be laid out with lines allowing extra cars to park this never happened. Copy Attached

The visitors are not using the Car park as it is not marked out. They would rather park all along Lower Road

This new application 25/01461/FP is asking for retrospective planning for a building that was built during the first application. The applicant certainly knew what they were doing and this is not an oversight.

The retrospective application will double the amount of visitors it can accommodate to 200. The first application was granted for 100 visitors.

It does not mention anything about extra capacity for parking and or whether there are enough facilities for loos etc. We do not believe that the Barn is on main drainage.

Reading the small print in the Design and Access Statement they now wish to open 7 days a week from 0800hrs – 01.00 hrs. they also state that on certain days they would stay open until 02.00 hrs. This is a function venue not a night club.

From day 1 of the application 23/01585/FP there have been reports of cars revving setting off of flares and loud music coming from car stereo systems plus loud music during the opening hours and much noise by the guests leaving in the middle of the night with car doors banging and loud voices across the green. The visitors are parking across driveways on the village green even though there are signs stating it is an offence to park on the village green and up to 200 metres away to be able to park.

These points have been report several times to NHC Environmental for examination and recordings have been made and submitted.

The Venue states that it is in Luton Bedfordshire – not correct. It is believed that many of the Luton attractions have been curtailed due to excessive noise and general nuisance before during and after each event.

The hamlet of Tea Green has 43 residents spread along Stoney Lane and Lower Road.

An incident last year in September 2024 the Fire Brigade was called and could not access lower road from Stoney lane due to the inconsiderate and bad parking throughout the village in Stoney lane and Lower Road.

The Parish Council strongly object to this application and ask that it is refused on all counts.

3.3 Councillor David Barnard - I write to ask that the above application is refused in its entirety.

The rear building, as you are aware was constructed without planning permission.

The premises were never re-opened as a public house. The intention has always been to use as a wedding/function venue.

Since its inception, the residents of this small hamlet have been subjected to grossly unreasonable behaviour and discomfort on each occasion.

The car parking is/will be totally inadequate.

The attendees drive all over the Parish Council controlled green, and park indiscriminately. Noise levels are intolerable, including music, revelry, and car “revving”.

Much more than can be written here, but I know that more in detail evidence has been submitted to Planning, and to Environmental Health.

The owners have shown no regard to planning policies, environmental issues, and hours of trading.

This is not suitable for such an operation, and should, at least, be returned to a village pub without delay.

No “conditions” can make this venue acceptable here.

3.4 **Licensing** – No objection to the change however please advise the applicant that they may need to submit a variation to their premises licence.

3.5 **HCC Rights of Way** - Running along the north/east of the development boundary is Public Right of Way Offley Footpath 5. The Right of Way must remain open and unobstructed at all times, if, due to safety concerns, it is necessary to close the Right of Way, then a Temporary Traffic Regulation Order must be applied for and granted before any works can take place.

Any damage to the surface of the route through vehicle use or spillage of materials etc must be made good and the surface of the path repaired to Hertfordshire County Council's standards.

3.6 **Hertfordshire Constabulary** – Thank you for inviting me to comment on the proposal to develop the above site into a Function Venue. I have studied the documents on the council's planning website and have the following comments to make.

National Planning Policy (NPPF) states in Chapter eight 'Promoting Healthy and Safe Communities' paragraph 96 (b) "b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas;".

Yet I can see no mention of how the applicant intends to address the issues around crime, disorder, and the fear of crime. I have looked on www.police.uk over the period of the first of May 2024 to the thirtieth of April 2025. During that period there were seven crimes recorded in Tea Green, of these, three were assaults, there was one burglary and one criminal damage/arson. From closed sources (Hertfordshire Constabulary's own recording systems) there were the same results, but none appeared to be connected to the site. To mitigate the requirement for applications to address issues around crime etc. I would strongly recommend that the applicant engages with the local Police Crime Prevention Design Advisor (CPDA) with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design. This is a proven method for reducing crime, disorder, and the fear of crime. It could also be used to demonstrate compliance with Licensing Conditions and Policy.

In view of the about the Police can't support this application fully, but we are not looking to object. However, should the applicant engage with the local CPDA with a view to seeking SBD accreditation then this position will change, and we would be in a position to fully support it.

3.7 **Highways Officer** – Does not wish to restrict the grant of permission subject to conditions,

The proposed car parking provision is the responsibility of the LPA to determine the level and suitability of the car parking proposals, however, it is essential that it is operated in efficient and safe manner to minimise the impact on the local highway network which is the responsibility of the HCC HA.

Whilst the applicant has submitted a planning design and access statement in which the above information is provided in support of the application, however no substantive detailed information has been provided about the maximum number of visitors, existing formal car parking spaces, overspill spaces numbers and accessibility and congestion etc to demonstrate that the expected level of visitors can be accommodated/managed on site and not overspill (if any) onto the public highway.

The HA believes that there is sufficient scope for the applicant to satisfactorily address the above requirements and therefore can be conditioned. A Parking and servicing Management Plan relating to measures to manage the car parking and prevent congestion/overspill onto the public highway.

Recommendation: The Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways and consequently have no objections subject to the following conditions and highway informative's.

- 3.8 **Environmental Health Officer** - This department is in receipt of a number of complaints in relation to the running of this business and discussions have been held with the proprietors of the business over a period of time. The premises is licensed to serve alcohol and have regulated entertainment and under this license we are able to control some aspects of noise e.g. noise from regulated entertainment in the main function room.

What has been more difficult to resolve is noise complaints regarding vehicles and patrons visiting, parking and leaving the premises before and after any events held there. This is not something, it would appear, that can be directly controlled by the license. The impact of the premises run as an event venue as opposed to a public house, therefore, has not been quantified.

In addition, the provision of essentially a large outdoor/al fresco area has also not been quantified. Noise from people using this area is another matter that needs to be addressed.

No noise report has been submitted in support of the application to quantify such matters. I, therefore, have insufficient information upon which to form a decision and I object to the application at this stage.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is a two storey building on a spacious plot, which has a last formal use as a public house (Use Class *sui generis*). The applicant states that the pub use ceased in 2022, and planning permission is being sought to change the use to an events venue. The site is however considered to be in use for private weddings and other events (based on their website and the views of local residents), with little or no opening to the general public.

- 4.1.2 The building includes a relatively large function room, with glass pergola attached to it. An outside bar and children's play area are SE of the pergola. A car park is SW of the play area and pergola. The car park has one access point off Stony Lane.
- 4.1.3 The site adjoins a public footpath to the NE, and a water tower is on the other side of the footpath. The SW site boundary adjoins a dwelling. A small number of other dwellings are to the NE, south and west. The site is in the small settlement of Tea Green, which is not an allocated settlement in Policy SP2 of the Local Plan. The site is within the Green Belt. The character of the wider locality is rural agricultural.

4.2 **Proposal**

- 4.2.1 The proposal seeks to formally change the use of the site from a public house (Use Class *sui generis*) to a function venue (Use Class *sui generis*). Planning permission is also sought for the retrospective erection of an aluminium and glass pergola to the rear, which is stated as having replaced a previous timber pergola.
- 4.2.2 Details of the proposed operation of the function venue are set out in a submitted Planning Design and Access Statement, with the key details being:
- ☐ Guest capacity of 200.
 - ☐ Proposed opening hours – Mondays to Thursdays 08:00-01:00; Fridays 08:00-01:30; Saturdays 09:00-01:30; Sundays 10:00-24:30.

4.3 **Key Issues**

- 4.3.1 The key material considerations are whether the development is acceptable in principle, design, neighbour amenity, highways and parking, and ecology.

Principle

Green Belt

- 4.3.2 The site is in the Green Belt. Policy SP5 of the adopted Local Plan states that the Council will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated. Policy SP5 refers to the National Planning Policy Framework (NPPF) which sets out exceptions to inappropriate development in the Green Belt in paragraphs 154 and 155 (December 2024 version). Para. 154 is:

154. Development in the Green Belt is inappropriate unless one of the following exceptions applies:

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, 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;

c) the extension or alteration of a building provided that it does not result in

disproportionate additions over and above the size of the original building;
d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

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e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

i. mineral extraction;

ii. engineering operations;

iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;

iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;

v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

4.3.3 Para. 155 states that housing, commercial and other development should not be regarded as inappropriate development where:

a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

b. There is a demonstrable unmet need for the type of development proposed;

c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework(57); and

d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156 – 157.

4.3.4 'Grey belt' is defined in the NPPF Glossary as:

Grey belt: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

The relevant parts referred to above in para. 143 are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- d) to preserve the setting and special character of historic towns

Previously developed land (PDL) is defined in the NPPF Glossary as:

Previously developed land: Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

- 4.3.5 In assessing the proposal against the above criteria, there are two elements of the proposal which should be considered separately in respect of current Green Belt policy, being 1) the change of use, and 2) the rear pergola.
- 4.3.6 The proposed change of use is considered to fall within 154 h) iv., being "the re-use of buildings provided that the buildings are of permanent and substantial construction". The existing building is of permanent and substantial construction, and the proposed change of use would be its re-use. The proposed change of use is not considered inappropriate development in the Green Belt.
- 4.3.7 The rear pergola has been built and completed, and is an extension and addition to the original building. The present building is not original, having been extended previously. Previous planning application 23/01585/FP assessed that the building at that time had been enlarged by 43% following the construction of the function room approved by planning permission 14/02907/1.
- 4.3.8 The 2023 application was considered to further enlarge the building by approx. 94% cumulatively. The officer delegated report for that application considered that this would be disproportionate cumulatively, and would be inappropriate development in the Green Belt. The 2023 application was however granted, with Very Special Circumstances stated that those enlargements were to enable the building to remain viable as a public house, being the only pub in the settlement.

- 4.3.9 The present application for the retention of the pergola does not argue a case for its retention in respect of Green Belt policies. The submitted Planning Design and Access Statement (PDAS) states that a timber pergola previously existed in a similar location, being approx. 57 m².
- 4.3.10 Para. 3.17 of the PDAS states that the new pergola has a floor area of approx. 104 m², essentially doubling the size of the previous pergola. That previous pergola was not the subject of any applications. It did not exist in December 2012 when application 14/02907/1 was being considered. The pergola did exist in August 2023 when application 23/01585/FP was being considered. Photos found online do not show the wooden pergola as of September 2018, with its earliest appearance in a photo dated April 2021.
- 4.3.11 It's considered that the pergola would likely have been lawful through the passage of time, but was removed before the required 4 year period as the present metal pergola was built at least by December 2024 (evidenced from Enforcement photos) and can't in this case be technically lawful as it didn't exist for more than 4 years. The metal pergola is therefore considered to be a new extension of the building, and as the previous wooden pergola was not lawful it's not considered that it can be used in support of the present metal pergola.
- 4.3.12 The pergola can be assessed against para. 154 c) of the NPPF. In respect of c), the pergola is not small in terms of its floorspace and footprint, and is similar in both to the main space of the previously added Function Hall. Assessing the planning history of the building in more detail, previous extensions are the function hall, bar and WC attached to the function hall, and a rear kitchen and cold rooms.
- 4.3.13 These previous extensions are cumulatively considered large and have enlarged the original building from 209 m² by approx. 262 m². The pergola as built is a further 104 m², being a cumulative total of 366 m² and a 175% increase in floorspace. This floorspace increase can't be considered to be anything other than being a disproportionate addition to the original building. This is contrary to 154 c) of the NPPF, therefore the proposal is inappropriate development by definition.
- 4.3.14 To further assess the proposed impacts on the Green Belt, the site contributes to purpose c) of 143 of the NPPF, which is to assist in safeguarding the countryside from encroachment. The development through the addition of the pergola has extended the built form and footprint of the building to the SE, albeit the pergola is on an existing pub garden area and the pergola is low and largely glazed. The scale of the development is limited, however there would be encroachment into the countryside cumulatively with a further addition to the original building.
- 4.3.15 The pergola is visible outside the site from an adjoining public footpath to the NE, and also allows for a greater intensity of the use of the site as guest capacity has doubled to 200. The pergola has therefore resulted in loss of openness to the Green Belt, spatially and visually. This is additional harm above that by definition. No other harms are identified.
- 4.3.16 The pergola is therefore considered inappropriate development in the Green Belt when considered cumulatively with previous enlargements of the building. Such development should not be approved unless there are 'very special circumstances' (VSC's) as

required under para. 153 of the NPPF. No VSC's have been put forwards by the applicant, and none are apparent. The pergola is not therefore considered acceptable in principle in this Green Belt location.

Change of use of public house

4.3.17 The proposal would result in the loss of the use of the building and the site as a public house (the pergola is not relevant to this aspect of the proposal). Local Plan Policy ETC7 concerns local community shops and services, with 5.32 of the supporting text effectively stating that pubs in rural areas are included as being assessed under ETC7, therefore the existing pub use and its proposed loss can be considered under ETC7.

4.3.18 Policy ETC7 where it's relevant to this application states:

Planning permission for the loss or change of use of any shops, services or facilities outside the defined retail hierarchy will be granted where:

a) There is another shop, service or facility of a similar use available for customers within an 800m walking distance; and

b) The proposed replacement use would complement the function and character of the area.

An exception to criterion (a) above will only be permitted if it can be demonstrated that the unit is no longer required to meet the needs of the local community, including through evidence of at least twelve months active marketing.

4.3.19 The nearest pub is approx. 1.4km away as the crow flies, which is The King William in Mangrove Green. The next closest are the Red Lion in Breachwood Green, and the Wigmore Arms in Luton. Part a) of ETC7 is not complied with.

4.3.20 Regarding b), the function and character of the area should be defined as far as possible in the first instance, which should guide whether the proposed replacement use would complement the area.

4.3.21 The site is within Tea Green, which is a very small rural settlement that comprises around 20 dwellings, the existing pub, a water tower, and a farm and another business. The character of Tea Green is a quiet largely residential rural settlement in rural agricultural surroundings. Tea Green is almost 1km from the large town of Luton to the SW and does experience some through-traffic, however it retains its character as a small rural settlement.

4.3.22 The function of Tea Green is reflective of the above character, i.e. a small rural settlement with a pub that is generally quiet and typical of many such similar settlements elsewhere in North Herts.

4.3.23 The proposed use would involve the venue hosting relatively large events and functions of up to 200 people. These events (based on the current website of the venue) are considered likely to include weddings of 5 different types, corporate events, christenings, and Christmas parties.

- 4.3.24 These events could take place on any and every day of the week, ranging from 8am at the earliest to 1:30am at the latest. As well as guests, venue staff would also attend, likely resulting in further more minor traffic and activities/preparations before and after events have taken place.
- 4.3.25 The likely impacts of events hosting up to 200 guests, plus staff, potentially 7 days a week with late finishes, would be considered to comprise additional traffic, noise and other disturbance. This is considered to be borne out by impacts on Tea Green from events that have previously taken place at the site, which many of the local resident objections have referred to.
- 4.3.26 The proposed use at the scale proposed is considered disproportionate to that of Tea Green, a small settlement of only around 20 dwellings. The amount of traffic, with likely parking issues being caused to Tea Green, as well as noise and other disturbance, is considered more suitable for an events venue either in a larger urban area or a more isolated location within the countryside not near other dwellings.
- 4.3.27 When the site was operating as a pub, it was considered that it was more appropriate to Tea Green overall as it would've had the character of a country pub attracting customers spread throughout the day, with likely greater numbers of guests during weekends and previous events that would've been held there.
- 4.3.28 The scale of such impacts would've been smaller than what is proposed, moreso as the proposal includes the metal rear pergola which can provide double the previous amount of seated guests (200 up from the 100 in the existing function hall), and therefore potential for significantly more traffic, parking demands, noise and other disturbance.
- 4.3.29 Policy ETC7 states that there can be exceptions to criterion a), if it can be demonstrated that the unit is no longer required to meet the needs of the local community, including through evidence of at least twelve months active marketing.
- 4.3.30 In this case, the application includes a PDAS that states that the previous pub The White Horse in 3.11 of that Statement, which says that the previous pub was not profitable or viable. 3.11 also states that a 5 month period operating the business as a pub only resulted in 6 walk-in customers.
- 4.3.31 The above statements in the PDAS may be correct, however there is nothing to independently verify them with no detailed records/evidence, therefore effectively these are anecdotal and are not considered to be sufficient demonstration. In addition there is no evidence of any marketing.
- 4.3.32 In any case, part b) of ETC 7 is not considered to be complied with. The proposed loss of the existing public house, and the proposed new use, are not considered acceptable and do not comply with Policy ETC7 of the Local Plan. The proposal would also conflict with para. 98 c) of the NPPF, which seeks to guard against the unnecessary loss of valued facilities and services.

Character and appearance

- 4.3.33 The metal pergola is lightweight in appearance with a flat roof and largely glazed, is considered to have been added appropriately onto the existing building, and is of a

design that is not considered harmful to the character and appearance of the building and the site.

- 4.3.34 The pergola is not visible from Stony Lane and does not affect the street scene. The pergola is visible from a nearby public footpath, however it's also obscured by fencing and trees with visual impacts further limited by its low height and largely glazed design. The pergola is not considered harmful to the character and appearance of the locality.
- 4.3.35 The proposed change of use would not involve any external alterations following the now-built pergola. The impacts of the proposed use are however considered to result in a use and business that are not considered appropriate to the location of the site in the very small rural settlement of Tea Green, with such impacts resulting from numbers of visitors with associated traffic and parking, noise and other disturbances.
- 4.3.36 It's considered that the unsuitability of the use for the site has been demonstrated by the neighbour objections, and Parish Council and local Councillor objections. Preceding paragraphs of this report go into more detail of the impacts of the proposed use and how it would not relate to the character of the locality. The proposal does not comply with Policies ETC7 and D1 of the Local Plan, and Section 12 of the NPPF.

Neighbour amenity

- 4.3.37 The pergola extension is not near any dwellings, is low-rise, fairly discrete, and is not considered to be overbearing or causes loss of light or other amenity to the closest dwelling to the SW. The physical impacts of the pergola are not considered harmful to amenity.
- 4.3.38 The proposed change of use would include the use of the pergola, which as stated by the applicant allows for the seating capacity of the building to have increased from 100 to 200.
- 4.3.39 This is considered to be a significant increase in customer numbers, which can be reasonably expected to double existing traffic and parking demands, as well as increasing the potential for more noise and other disturbances.
- 4.3.40 It's considered likely that most customers and staff would use their own cars (or taxis or other hire vehicles) to get to the site as it's a rural location with one bus stop, and is not easily accessible by public transport, cycling or walking.
- 4.3.41 This would potentially result in relatively significant numbers of vehicles turning up at the site for events at similar times, and then also leaving those events again at similar times. For a very small rural settlement such as Tea Green the amount of vehicles that could arrive and depart for events hosting up to 200 guests would be considered very noticeable to residents, by reason of impacts such as traffic noise, additional on-street parking and potential parking in other areas not authorized for parking such as grassed areas, music from radios etc., and noise and other disturbances from guests themselves such as talking, from inside and outside the car park and the site.
- 4.3.42 These impacts would be exacerbated by events potentially starting early and finishing late, particularly after midnight. In addition, as some residents have pointed out in their objections, the gated access to the car park is only wide enough for one car to pass,

which could result in situations where traffic is held up on Stony Lane and Brick Kiln Lane while waiting to enter the site's car park, resulting in local traffic disruption and inconvenience for residents of Tea Green. These impacts from event traffic are therefore considered harmful to residential amenity.

- 4.3.43 Regarding activities within the building from the proposed use, the main impacts on residents of Tea Green would be potential for noise. The potential for noise generation and adverse impacts on residents compared to when the site was The White Horse is now greater as the number of potential guests has doubled to 200, and due to the addition of the pergola.
- 4.3.44 The pergola is attached to the earlier large function hall and provides additional seating. During events it's considered that, when the pergola space is being used, the doors between the pergola and function hall will be open many times, potentially for the duration of an event, as guests will need to go to and from the pergola area.
- 4.3.45 The pergola has been designed to be largely glazed and includes numerous openings that can be opened, and the roof slats can also be opened. It can anticipated that some of these openings and the roof would be opened, at least temporarily, to provide ventilation, access etc. particularly during the warmer months. The use of glazing is also not considered to be material that would provide soundproofing comparable to the function hall.
- 4.3.46 The applicant has stated in the PDAS that no amplified music would be played in the pergola. Such music could however be played in the function hall adjoining the pergola, which could be audible to nearby dwellings via the less soundproof pergola. The PDAS states that quieter background music would be played in the pergola, while there would also be noise from voices etc. of guests sitting, eating, moving, and leaving and entering the pergola.
- 4.3.47 As the application site adjoins a dwelling to the south, and as most other dwellings in Tea Green are nearby, noise from the proposed use would be able to travel to those dwellings. This has been raised in most objections by nearby residents relating to previous events, and it's not considered that the impacts of new events should be permission be granted be much different. This is considered harmful to residential amenity.
- 4.3.48 Regarding the objections received, many have been addressed elsewhere in this report. Dangerous racing may potentially be caused by some visitors, however such racing would not be an activity generated within the site and is likely to be more random occurrences that couldn't be reasonably tied to the proposed use, and in any case would be dealt with outside the planning system. Setting off fireworks and flares, littering, and using fields outside the site are not planning matters, although they're indicative of the numbers of people and events and being out of place in the small quiet settlement of Tea Green. Drainage details aren't required to be provided for this application.
- 4.3.49 The Council's Environmental Health Officer has objected due to a noise report not having been submitted to quantify impacts from the proposal, although in any case the proposal is considered harmful to residential amenity. The proposal is therefore considered harmful to amenity for the reasons above. The proposal does not comply with Policy D3 of the adopted Local Plan.

Parking and highways

- 4.3.50 The applicant has stated that there are 60 parking spaces in the site. The site has a main car park at the rear of the site that is considered sufficient to accommodate around 20 cars, with 4 or 5 cars that could potentially be parked at the front of the site.
- 4.3.51 It's also considered that a grassed area adjoining the rear car park is occasionally used for parking, as a small ramp has been created to allow access between the car park and the slightly higher grassed area. Vehicle tracks are evident leading from the car park to the grassed area. The grassed area is within the application site and can potentially be used for additional parking, being considered likely to be able to accommodate 20-25 more cars.
- 4.3.52 This would be a total of around 50 cars. The application form states the site has parking capacity for 60 cars, which maybe possible if cars are parked in vehicle turning areas etc., however it's considered unlikely that 60 cars would be parked there due to needing to maintain turning space etc. The grassed area may also not be usable at times, e.g. due to it's condition, the weather etc.
- 4.3.53 The Council has parking standards from 2011 in an SPD. The SPD sets out maximum parking standards for various types of developments based on planning use classes at the time the SPD was adopted. None of the development types are however considered to be direct equivalents to the development proposed for this application.
- 4.3.54 The Council's Local Plan Policy T2 refers to parking for new developments, and states:

Planning permission will be granted provided that:

- a) Parking for residential development is provided in accordance with the minimum standards set out in Appendix 4 of this Plan;*
- b) Parking for non-residential development is provided having regard to the standards for non-residential development set out in the relevant Supplementary Planning Document;*
- c) Proposals have regard to relevant Supplementary Planning Documents, strategies or advice and;*
- d) Applicants clearly identify how they provide for all likely types of parking demand and demonstrate that parking will be safe and of a design and layout that will function satisfactorily.*

Variations from these standards will only be considered where applicants can demonstrate that the accessibility, type, scale, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and on-street conditions justify such variations.

- 4.3.55 Part a) is not relevant. Parts b) and c) are not relevant as the proposed use is not within the SPD. Part d), and the following paragraph, are however considered relevant to this application.
- 4.3.56 The PDAS submitted with the application expands on the application form stating 60 parking spaces are available, with more details in paras. 3.21 to 3.23. The PDAS in

those paragraphs refers to an area of rough ground (a grassed area) used for overflow parking, that functions have taken place at the site since 2015, and that guests use taxis and mini-buses.

- 4.3.57 Assessing those comments in the PDAS, and the other details in the PDAS as a whole, firstly the venue capacity has been significantly increased from 100 to 200. This is considered to generate materially greater parking demands than before the capacity was increased. The considered maximum parking capacity of around 50 cars is much closer to the previous 100 seat capacity than the now 200 seat capacity.
- 4.3.58 It's considered that guests can use taxis and mini-buses, and may also car-share. Due to the more isolated rural location of the site, guests will be considered to arrive by car for the most part, with a lesser number to be expected to arrive by mini-bus as mini-bus use is in general less commonly used than private cars and taxis.
- 4.3.59 Many of the local residents objections (also stated by the Parish Council and Cllr Barnard) cite guests and staff parking on roads outside the site from events that have taken place at the site since the previous pub closed, leading to congestion and blocked driveways. I do not see any reasons to doubt the neighbour objections and negative experiences. Furthermore it's considered that these impacts would continue if the application was approved.
- 4.3.60 The difference between guest capacity and likely maximum parking provision would be a difference of 140-150 per person (using the worst-case scenario of 1 person per car), with staff parking requirements adding further parking pressures.
- 4.3.61 The parking provision within the site is considered to be significantly lower than parking demands and capacity for the proposed use and venue. This is considered to conflict with Policy T2 d) as it has not been identified that all likely types of parking demand would be provided.
- 4.3.62 Part d) of T2 also requires that parking will be safe and of a design and layout that will function satisfactorily. Parking is overall considered safe within the site as sufficient manoeuvring space exists. The design and layout are also considered acceptable in respect of the hard surfaced parking areas and the overflow area.
- 4.3.63 However, the design and layout are not considered acceptable in respect of the access to and from the main car park. This access is gated, and is wide enough essentially for cars to go through it in one direction only at a time. The small capacity of the car park relative to that of the venue would also limit the speed at which vehicles could go into the car park, as cars would be waiting for a parking space. These have been issues raised by local residents.
- 4.3.64 The above issues relating to the existing main car park access, exacerbated by the small capacity of the car park relative to the venue, would be considered to result in delays of cars being able to enter the site, resulting in local congestion and potential obstruction of vehicles. As stated above, these have been issues raised by locals resulting from previous events at the site, and there are no reasons evident why such impacts would not continue. The proposal is not therefore considered to have parking provision of an acceptable quantity, and is not of an acceptable design and layout.

- 4.3.65 The proposal does not involve alterations to the access to the public highway Stony Lane from the site, and has not received objections from the highways officer. As above however, the proposal is not considered acceptable regarding parking. The proposal does not comply with Policy T2 of the Local Plan.

Ecology

- 4.3.66 The existing pergola and the proposed change of use are not considered to adversely affect protected species or their habitats. The development is not subject to mandatory 10% BNG provision as it is *de minimis* in this respect. The proposal complies with Policy NE4 of the Local Plan, and Section 15 of the NPPF.

Conclusion

- 4.4.1 In the absence of material planning reasons to the contrary it is my view that planning permission is **REFUSED**.

5.0 **Recommendation**

- 5.1 That planning permission be **REFUSED** for the following reasons:

1. The pergola is inappropriate development in the Green Belt by definition and causes further harm through loss of openness. The development does not comply with Policy SP5 of the Local Plan and Section 13 of the NPPF.
2. The proposal would result in the loss of a public house usage at the site and the consequent loss of a valued community facility contrary to the provisions of paragraph 98 of the National Planning Policy Framework (2024) and Policy ETC7 of the North Herts Local Plan 2011 - 2031.
3. The proposed Function Venue use is considered to be a of a size, scale, intensity and impacts that would not complement the function and character of the area the site is located within, and would be of out of character with the small rural settlement of Tea Green. The proposal does not comply with Policies ETC7 and D1 of the Local Plan, and Section 12 of the NPPF.
4. The proposal by reason of impacts from noise, traffic and other means of disturbance is considered harmful to residential amenity. The proposal does not comply with Policy D3 of the Local Plan.
5. The proposed development is not considered to have sufficient parking provision for the size of the venue, and the parking arrangements are not considered to be of an acceptable design and layout. The proposal does not comply with Policy T2 of the Local Plan.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 22 July 2025	