

APPENDIX

3. FULL APPLICATION - ERECTION OF TEMPORARY MARQUEE (FOR A 5 YEAR PERIOD) WITHIN STABLE BLOCK COURTYARD AND ASSOCIATED CHANGE OF USE FOR EVENTS/FUNCTIONS, LYME HALL STABLE BLOCK, LYME PARK, LYME HANDLEY, THE NATIONAL TRUST (NP/M/0808/0705, P2741, 6.10.08, 396427/382364/JF)

APPLICANT: THE NATIONAL TRUST

Lyme Park comprises a grade I listed historic house, Lyme Hall, situated within extensive grounds just within the western boundary of the National Park, south-east of Stockport. It is owned and managed by the National Trust and is a popular tourist destination.

The development site is within a Grade II listed stable block situated 140m north-east of the Lyme Hall. The stables are dated 1863 and are constructed of hammer dressed gritstone with ashlar dressings under a blue slate roof. The stable block is used as an estate workshop and related offices

Key Issues

- Whether a new planning unit is proposed
- The principle of the development in the open countryside
- The impact of the development on character of the listed building and its setting
- Whether the wider conservation intention is an adequate justification for the proposed development

History

In 2007 the Trust submitted an application for the erection of a marquee within the stable block for use for weddings. Following legal advice the applicants were advised that the application amounted to material change of use which would require planning permission.

Proposal

Change of use of part of the stable block for events and functions with the erection of a marquee within the central courtyard of the stable block to provide additional accommodation for a period of 5 years for wedding functions.

The proposed marquee measures 16.8m by 20.2m. The courtyard measures 20m by 22m. The marquee is to be linked to part of the stable building which is to be used as a bar by a removable link. Another area of the stable block is to be used as a catering area.

The existing use of the stable block as a workshop and related offices will continue in part but as a result of the proposed development the central courtyard will be unavailable for carpentry work and the parking of estate vehicles and two of the rooms within the building will be used as part of a wedding function business.

The Design and Access statement states the reason for the proposed development is to assist with the financial upkeep of the grade I listed building. ' Approval is sought for a 5 year period in recognition of the set up costs involved, the quite long lead in time for events (e.g. those weddings most likely to be attracted to Lyme are usually planned more than 12 months in advance) and the quality of the facility proposed. The outcomes of the project would be evaluated towards the end of the five year period and a decision taken about whether or not to continue with the events function , and if so to assess if any changes would be appropriate and what was necessary to refresh the facility'.

Consultations

Highway Authority – No comment to make on this application

Borough Council – No response

Parish Council – No response

PDNPA Internal Consultations:

Historic Buildings Architect - No objections to a marquee as short term temporary structure as it is readily demountable and will not affect the physical integrity of the historic building. However object in a principle to a semi permanent marquee as this would harm the character of the historic building. If there is to be such a structure it ought to be purpose designed to conserve and ideally enhance the listed stable block.

Main Policies

Government policies include PPS1, PPS7

Relevant RSS8 policies include: 10, 30

Relevant Structure Plan policies include: C2 C6 C9 E1 RT1

Relevant Local Plan policies include: LC4 LC6 LC8 LT10 LT18

Comment

The Planning Unit

The first issue is whether or not the proposal is ancillary to the Lyme Park estate or whether implementation would amount to a material change of use. In assessing whether a change of use is or is not material, it is necessary to decide what is the planning unit. The courts consider it to be an area of land or part of a building or a group of buildings to which the Authority must have regard when deterring whether a change of use has occurred. Case law (Burdle) offers a working rule – “to assume that the unit of occupation is the appropriate planning unit unless and until some smaller unit can be recognised as the site of activities which in substance amount to a separate use both physically and functionally.”

Lyme Park estate is generally open for public use for recreational and educational purposes. Lyme Hall is the main attraction along with its orangery. There are other buildings in the Park - the saw mill and cottages, the lantern, the cage and the stable block which functions as Estate workshop and associated offices. This proposal is to use of part of the stable block for events and functions with the erection of a marquee within the central courtyard of the stable block to provide additional accommodation for a period of 5 years for wedding functions. Existing estate uses will be partly displaced.

Officers consider that the primary use of the stable block, itself a separate and physically distinct building, to host private parties with a self contained marquee itself provided with unique facilities not available to general visitors is far enough removed from the primary use and guiding management Lyme to conclude that this proposal amounts to the creation of a separate planning unit. Therefore planning permission is required for the proposed use and this needs to be assessed on its planning merits.

Policy Considerations

Government policies PPS1 and PPS7, draft Regional Policy RSS8 and the Environment Act 1995 recognise that the National Park designation confers the highest status of protection as far as landscape and scenic beauty are concerned. PPG15 "Historic Buildings and Conservation Areas seeks to ensure that the physical survivals of our past are valued and protected for their own sake.

Structure Plan policies are to be applied from the strategic to the particular. Policy General Strategic Policy 1 reflects statutory National Park purposes, seeking to conserve and enhance the Parks valued characteristics which include landscape and historic buildings. Where there is a conflict between conservation and promoting public enjoyment conservation will normally take precedence.

Development in the Countryside

The application site lies outside the confines of any local plan settlement and therefore is classed as lying in the open countryside where Structure Plan Policies C2 and E1 apply. Policies C2 only allows for development outside the confines of towns and villages unless it is necessary for agriculture, forestry, farm diversification, extension of residential buildings, recreation and tourism, mineral working, or the conversion of traditional buildings for affordable housing for local needs. Structure Plan Policy E1 for Economic Development states that development which provides for employment will not normally be permitted unless it is in furtherance of farm diversification C7, conservation of historic buildings C9, Recreation and Tourism development RT1 to RT4 and safeguarding employment land/buildings E4.

Policies RT1 to RT4 of the Structure Plan and LR1 of the Local Plan allow for tourism development provided that it relates to quiet enjoyment and activities dependant upon the use of the natural and physical characteristics of the area; or are for community recreation to meet an identified shortfall in the basic level of provision. However, the provision of a marquee for events/functions cannot be classed as tourism development relating to quiet enjoyment and activities dependant upon the use of the natural and physical characteristics of the area, nor can it be classed as development for community recreation to meet an identified shortfall in the basic facilities level of provision. There is therefore no recreation and tourism policy basis under Structure Plan Policy RT1 for the proposed development. Instead the proposal is more akin to an assembly and leisure use (D2), which should normally be located within suitable settlements. Policy E1 does however allow for development outside settlements if it is for the furtherance of Policy C9 – 'the effective conservation of all buildings of historic or vernacular merit will be pursued by ensuring that they continue to be used for purposes suited to conservation of the buildings themselves and to their locations'. Therefore the impact of the development on the listed building is a material consideration. There is also the issue whether the use could be permitted to help conserve the parent listed building, albeit set away from the stable block.

Impact on the listed building

Structure Plan Policy C9 for Listed Buildings seeks the effective conservation of buildings of historic merit and it is accepted that sometimes new uses have to be found for listed buildings to secure their future. However policy C9 and Local Plan policy LC8 requires that listed buildings continue to be used for purposes suited to their conservation and to their location. The policies state further that development which adversely affects the particular merits of such a building will not normally be permitted. The Authority's policy LC6 on development affecting a listed building and its setting states that planning applications should clearly demonstrate how these will be preserved and if possible enhanced. Policy LC6 also states that such planning applications should clearly demonstrate why the proposed works are desirable or necessary.

Local Plan Policy LC4 states that where development is acceptable in principle it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible it enhances the landscape, built environment and other valued characteristics of the area.

The proposed development would have minimal impact on the wider landscape character of Lyme Park as it would be located within the courtyard of the grade II listed building and would be visible only on the approach to the archway of the building. However, clearly it impacts on the setting of the grade 2 listed stable buildings.

The structure is made of lightweight components with a waterproof fabric material cover specifically designed to be erected and dismantled as and when needed. It would not physically harm stable block and if truly temporary it could be accepted. However the proposal amounts to a semi-permanent structure. As such the marquee fails to respect the design, form and materials of the listed stable block and is wholly out of keeping with the traditional setting. The proposed marquee is therefore contrary to policies C2, C9 and LC4 of the development plan and advice in the Authority's Design Guide. Were a more permanent structure be acceptable in principle, then it should be purpose designed, conserving and enhancing the historic building and being capable of removal without harm to the building.

Whether the wider conservation intention is an adequate justification for the proposed development

The proposal requires that the structure be kept in situ all year round for a period of 5 years. The National Trust states in a letter dated 17 January 2008 that 'at the end of the five year period the National Trust would wish to assess the success of this venture in terms of matters such as:

- the financial return,
- the working relationship with the partner company,
- the conservation and appearance of the estate, and
- the Trust's reputation.

At that stage the Trust would decide whether or not it was appropriate to:

- remove the marquee,
- Or, seek to retain it for an additional period or
- Or seek to identify other, permanent accommodation for functions'.

During the course of the application the National Trust has offered to operate the business on a seasonal basis for five years only and to remove the marquee from 2 November to 1 March each year. This is when visitor numbers are lower and the Hall is closed.

If the Authority were to grant consent for the development, it could be subsequently argued that if the Authority were to agree to a building on site for a continuous period of 5 years, it was content for the building to be there permanently. This is not the case; the proposed development does not meet the stringent requirements of the Authority's conservation and design policies. The marquee is designed for temporary use and its fabric and design reflects its temporary nature. Furthermore Economic Development Policy E1 states that development which allows for employment will not normally be permitted outside the confines of towns and villages unless it is in furtherance of policies C7, C9, RT1 to RT4 and E4.

It is considered that on the basis of the application submitted there is insufficient justification for a five year all year round consent for the marquee and that furthermore such consent would set a dangerous precedent and could lead to difficulties for the Authority in the future.

Policy LC8 requires that planning applications for development affecting a listed building should clearly demonstrate how these will be preserved and where possible enhanced and why the

proposed development and related works are desirable or necessary. The National Trust's case is that the marquee is necessary to generate additional income to support the upkeep of the grade I listed building and its setting. It is contended that the marquee would be in the courtyard on a seasonal and temporary basis and would not result in the loss or irreversible change to original features or other features of importance.

Use of the courtyard for the siting of a temporary marquee for functions for part of the year and as a base for estate operations for the rest of the year would allow time for the National Trust to establish a business case for more permanent development. Bookings would be needed to be taken during the first year for the following season and the National Trust believes that it is unlikely that much income would be generated during the first year. No indication has been given of the type of more permanent solution envisaged at the end of the 5 year period if the business is successful...

Lyme Park has been classified in its own right as Zone 3 for Recreation and Tourism where development associated with the higher intensities of recreation and major tourism facilities may be appropriate. Lyme Park is a major tourist attraction with buildings of national importance but it does not fall easily into any particular policy category as there are no specific National Park policies for the management of large estates. There is some sympathy with the need to generate income to conserve the fabric of the grade I listed building and its setting, whilst assessing the business case for a new venture. It is unusual for a property of this scale to have no accommodation suitable for functions and therefore no possibility of generating this type of income. The stable block is situated some distance from the main visitor attractions and is currently not visited or in use by members of the public.

It is considered that the siting of a marquee within the grade II listed courtyard will cause detriment to the setting of the building. Furthermore the proposal represents economic development outside the confines of a settlement. Despite any case for cross-subsidising the upkeep of the estate, the development is therefore contrary to policies C2, E1, C9, LC4, LC6 and LC8. It is not considered that the temporary nature of the works is a sufficient reason to regard this proposal as an exception.

Economic Case

The Design and Access statement states 'There is no endowment for Lyme Park and the annual payments made by Stockport Council towards maintenance have been needed to fund costly repairs to ensure the future well-being of the house. For example, some £1 million was spent on the first phase of roof repairs during 2006, three more phases are due to follow'. ...Investigations have shown that a modest functions facility at the property has the potential to raise income to support the property ...to put the property on a firmer financial footing so that in future the annual financial support from Stockport Council can be directed towards an endowment fund to provide greater certainty for the property's long term condition'

This is a fundamental element behind the decision to seek a temporary marquee in order to test the market and hence the viability of functions at Lyme. At present, the applicants hope that during the years 2011, 2012 and 2012, the proposal would generate an income in the order of approximately £40,000 pa. However, this is tentative and will be dependent upon several factors. In particular, if the operator needs to factor in the dismantling and storage of the marquee over the winter period If required, then there would be "a not insignificant reduction in the estimated (income) figure" This is relatively small income and In view of the relatively insignificant contribution this proposal would make to overall maintenance costs it is not considered it is a viable proposal in terms of securing the future of the listed building.

It is not considered in any case that the economic case should outweigh the concerns regarding the impact on the listed building. National policies in the form of PPG 15 "Historic Buildings and Conservation Areas" together with the Structure and Local plan policies quoted above, clearly establish that the need to preserve the architectural and historic character of listed buildings and their setting is paramount.

Access and Parking

The Highways Authority has no comment to make on this application. There is however adequate on-site parking both for the existing operations and for the proposed use to the rear of the stable block.

Amenity Considerations

It is not considered that the development has significant impact on the privacy or amenity of any neighbours as the stable block is situated within Lyme Park.

Protected species

The proposed development does not impact on protected species or their habitats.

Environmental Management

The proposed marquee, unlike a traditional building, is not thermally insulated and its use particularly in the winter months is not sustainable.

Conclusion

There is insufficient justification for five year consent for the marquee as it does not meet the stringent requirements of the Authority's conservation and design policies. It is not considered that there is sufficient justification to allow the temporary use due to the incongruous form of the development and its impact on the setting of the listed building.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

RECOMMENDATION:

That the application be REFUSED subject to the following conditions:

- 1. Economic development outside the confines of a settlement , contrary to policies C2 and E1**
- 2. Detrimental to the setting of the listed building due to the incongruous form and design of the marquee. Contrary to policies C9, LC4, LC6 and LC8 and the Authority's Design Guide.**
- 3. Insufficient justification to represent an exception to policy**

List of Background Papers (not previously published)

Nil