

Case Officer: James Kirkham

Applicant: James Collins

Proposal: Change of Use from public house to single residential dwelling

Ward: Cropredy, Sibfords and Wroxton

Councillors: Cllr Chapman, Cllr Reynolds and Cllr Webb

Reason for Referral: Level of public interest

Expiry Date: 22 March 2022

Committee Date: 14 July 2022

SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to a two-storey detached public house with thatched roof located on Mills Lane in Wroxton. Access to a small area of parking and hard standing exists from Mills Lane which is a narrow lane to the north of the site. A separate pedestrian access from Church Street exists to the south. The site is also within the setting of numerous listed buildings around the site. The pub has been closed for a number of years and is currently vacant.

2. CONSTRAINTS

- 2.1. The main building and the barn to the south east (which is within the application site) are both, individually, Grade II listed buildings. The site is also located in Wroxton Conservation Area. The earlier application on the site was accompanied by ecological surveys which identified there were bats on the site.
- 2.2. The site was previously registered as an Asset of Community Value; however, this status has now lapsed.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The current application seeks permission to change the use of the public house and surrounding land to be used for a single residential dwelling. The application solely seeks permission for the change of use and no other alternations/extensions are proposed at the current time.

4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

07/00897/F – Erection of lean-to front extension – Refused, 03.07.2007

07/01648/F – Hexagonal timber shelter – Approved, 01.10.2007

11/00280/LB – Internal alterations – Refused, 15.04.2011

19/01148/F and 19/01149/LB – Refurbishment and repair of North Arms with Change of Use and conversion of stables into private dining facility and ancillary facilities and underground LPG tank – Granted with conditions, 10.01.2020

- 4.2. Whilst planning consent and listed building consent were granted for the refurbishment of the buildings in 2019 these have not been implemented and the site has subsequently changed into new ownership.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

21/02657/PREAPP

Change of use from pub to house (minimal internal and no external changes) possible conversion of barn to annex

Response Sent: 3 September 2021

It was advised that marketing and viability information would need to be provided in respect of the loss of the public house for which there is policy protection. It was also stated that the change of use of the building was likely to result in some heritage harm.

6. RESPONSE TO PUBLICITY

This application has been publicised by way of a site notice displayed near the site, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **18 February 2022**.

The comments raised by third parties are summarised as follows:

37 Letters of objections

- Loss of community facility which acts as an important meeting place and encourages community cohesion, inclusiveness, and community spirit
- Loss of focal point of village community.
- The pub reopening would aid with village employment and growth of other businesses.
- Both pubs in the village are now closed.
- The village needs a pub and has been promised one for years with no result.
- Alternative pubs in different villages are not accessible for residents to serve their needs. The use of the hotel bar does not provide the same type of environment or community provision.
- Prior to the closure the pub was poorly run by inexperienced people and the brewery upped all the prices.
- Under the correct management the North Arms could thrive.
- Disagree with the findings that the pub is not viable. The village has lots of visitors and no other pubs. Many small villages retain public houses.
- The pandemic is not a usual event and the asking price is too high.
- The Council should have the viability independently assessed,
- The village has lots of visitors to sustain a pub.
- The current owner has solely brought the pub to convert it.
- Other pubs in the area are thriving under good management.

- An offer has been acceptable on the pub on the basis it remains as a public house.
- Impact on house prices

1 letter of support

- The existing building, along with the White Horse, are eyesores and should be allowed to be improved and converted to dwellings.

The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. **WROXTON AND BALSCOTE PARISH COUNCIL: Comment.** Notes the objections stated by many residents of Wroxton. The Council is very sympathetic to the views expressed by many as to the benefit to the community of a thriving pub and the great loss of amenity in a village when a much-loved pub is redeveloped for housing. The PC is very aware of the sorry history of the saga of the North Arms since its closure and, indeed, has intervened when it could to assist negotiations between CDC's conservation officer and the previous owner. Indeed, even before the pandemic struck, the PC had expressed its concerns that the refusal by CDC to permit the then owner to undertake work to protect this listed building from water ingress led to serious deterioration of the structure of the building with resulting major financial burdens imposed on anyone hoping to bring the pub back into use. Consequently, the PC earnestly enjoins CDC to consider very carefully indeed the views expressed by objectors and the rationale behind them.

CONSULTEES

- 7.3. **CDC CONSERVATION: Objects.** The loss of this village pub would be regrettable. There would be less than substantial harm to the heritage assets caused by the change of use from an inn to a dwelling. Cannot lend support to its change of use.
- 7.4. **CDC COMMUNITIES AND WELLBEING: Comments.** This property was formerly listed as an Asset of Community Value. The listing lapsed on 20 October 2021 and the relevant restrictions have been removed from Land Registry records.
- 7.5. **SAVILLS (COUNCIL INSTRUCTED CONSULTANT PROVIDING ADVICE ON EVIDENCE SUBMITTED):** Concludes by stating that the North Arms is unviable as a public house based on the information provided.
- 7.6. Provide a summary of the demographics of Wroxton and the house prices in the village. The trading areas are small being approximately 42sqm. The property has been closed since 2011 and there is no trade furniture or kitchen equipment. The property is in a poor condition and any new operator will be required to invest a significant sum in order to modernise the property. The works to the main building is likely to cost in excess of £150,000 plus fixtures and fittings.
- 7.7. Historically the pub was owned by Green Kings. It was subsequently acquired by Wroxton College who planned to refurbish and reopen it however this did not progress. There are no historical trading accounts. In the opinion of Savills this type

of business would be suitable only for a lifestyle operator. It is likely that the business would not trade early weekdays or Monday and Tuesday. Savills do not envisage the business being able to achieve sales in excess of £2,000 per week

Marketing

- 7.8. The pub was placed on the market by the University through Christie and Co, a specialist pub agency. They sold the pub to the current owner in August 2021. No interested parties made offers who wished to retain the building as pub. Subsequently a specialist pub agency, Sidney Phillips (SP), marketed the freehold interest from September 2021 (until present) with an asking price of £295k. Therefore the pub has been marketed for over a year now in combination. The current asking price is considered to be reasonable given other sales and underlying property values. SP undertook a full marketing campaign. There were 15 viewings of the property of which two stated their intention was for a continued public house use but they were not pursued as the feedback was the layout did not work and the building needs too much work.
- 7.9. One offer for continued pub use was accepted but this never proceeded. The vendor asked for proof of funds, solicitors details, a deposit and experience in operating a pub and limited information was forthcoming. It appears that this potential buyer has objected to change of use. From the correspondence seen this potential buyer was provided ample opportunity to purchase the property. The failure to do so suggest that they were not comfortable in their proposed business plan or they could not raise funds. The potential buyer was asked to provide details of their current pubs they operate, but did not do so. Had they done, it would have given their offer more credibility. There was nothing to stop this applicant provide this information over the past few months.
- 7.10. The only other offers received were for residential use. This is not surprising, and Savills would have expected to have seen low demand from pub operators given its location, its size, its trading potential, its condition and the low number of potential customers in the surrounding area. Savills advise that the pub and restaurant market has become increasingly polarised, with interest being driven to those sites that have a good trading history or potential to trade profitably. Operators have become increasingly reluctant to take on sites with a negative trading history or those which require a significant investment, and they are of the opinion that the North Arms falls into this category, due to the increased risks associated with any capital investment.

Competition

- 7.11. There is some competition in the village. The White Horse is currently closed but may reopen as a pub. Also in the village is the Wroxton House Hotel which as a bar and dining facilities. Therefore the village as an alternative provision in the village.
- 7.12. Savills have considered the Campaign for Real Alex (CAMRA) Viability Test and consider the catchment is small, visitor potential is limited, there is competition in the village, and the flexibility is limited (due to its small size and listed status).

Comments on application

- 7.13. Concerns have been raised that it is too soon to permit the change of use however the pub has been closed since 2011. It has been subject to separate marketing campaigns and has failed in recent attempts to reopen by the college which Savills consider has the best chance of success. No further additional proceedable offers to have arisen from the marketing which indicates no one wishes to invest their own time, capital and energy into the pub which is an indication it is not viable. The marketing of the property is clearly the best evidence of the long term viability of the property

Viability assessment

- 7.14. Savills challenge some of the assumptions made by the applicant in their viability assessment. However even based on their own figures conclude that when the property costs and cost of repairs are considered, the business would be projected to have a loss of approximately £18k per annum.

Conclusions

- 7.15. In Summary the North Arms is unviable as a public house. This is because of the following reasons:-the pub is poorly located, in an area with a low population and little demand from operators;

- it is too small to make a worthwhile, meaningful profit;
- there are other pubs and hotels in the area;
- the business is unlikely to make a profit even before cost of acquisition and refurbishment costs are taken into consideration, making the losses even greater.

It is considered that an operator would perceive the opportunity of making a worthwhile profit too risky against the capital investment required. They are therefore of the opinion that a lender would also consider this a risky business to lend a commercial mortgage against. An individual operator is unlikely to have substantial cash reserves and if they did this would be an unwise business venture to place their capital. Given the strength of the competition in better locations nearby, has serious doubts if a new operation in this location would survive even after investment. There have been considerable lifestyle changes over the past few years, and more to come, which have made venues such as the North Arms unviable.

Taking these factors into consideration, an operator would deem the risk too great and therefore conclude that the pub is unlikely to be commercially viable now and in the longer term.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD 1- Presumption in Favour of Sustainable Development
- BSC2- Effective and Efficient Use of Land
- BSC12 – Indoor sport, recreation and community facilities.
- ESD1 – Mitigating and Adapting to Climate Change
- ESD 3 – Sustainable Construction
- ESD15 – The Character of the Built and Historic Environment
- Policy Villages 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- S29 – Local Services

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990

8. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Loss of public house
- Impact on the character of the area
- Other matters

Principle

9.2. The proposed development is located in Wroxton, which is identified as a Category A settlement under Policy Villages 1. In Category A villages minor development, infilling and conversions are acceptable in principle within the built up limits of the village. The proposal represents a conversion of an existing building in the built limits of the village, and therefore accords with the Council's housing strategy. Overall acceptability is subject to other material considerations outlined below.

Loss of public house

Policy context

9.3. Government guidance contained within the National Planning Policy Framework ('NPPF') seeks to promote health and wellbeing in communities. In creating a prosperous rural economy and community paragraph 84 states that planning decisions should enable the retention of accessible local services and community facilities such as public houses. Paragraph 93 goes on to state that to provide social, recreation and cultural facilities and services planning decisions should plan positively for the provision of community facilities such as public houses to enhance the sustainability of communities. It states that decisions should guard against the loss of valued facilities and services particularly where this would reduce the community's ability to meet its day to day needs.

9.4. Policy BSC 12 of the CLP 2015 states that the Council will encourage the provision of community facilities to enhance the sustainability of communities through the protection and enhancement of existing facilities.

9.5. Saved Policy S29 of the Cherwell Local Plan 1996 ('CLP 1996') states that proposals that will involve the loss of existing village services which serve the basic needs of the local community will not normally be permitted. The supporting text explains that the District Council recognises the importance of village services, particularly the local shop and pub, to the local community and will seek to resist the loss of such facilities whenever possible. However, it is also recognised that it will be difficult to resist the loss of such facilities when they are proven to be no longer financially viable in the long term.

Assessment

- 9.6. It is understood that the public house last operated in 2013 by the national chain Greene King. They subsequently sold it and it has not operated as a public house since then. It was purchased by a third party who allegedly wished to convert it to a dwelling. The American based University with a campus in Wroxton (at Wroxton Abbey) purchased the pub in approximately 2015 and a planning application and listed building consent to refurbish the buildings, including the use of the first floor for additional seating and food covers, was granted in 2019. However, the University decided not to go forward with these plans and subsequently the site was put up for sale in early 2021. The current owner purchased the building in August 2021 and applied for pre-application advice to the Council with respect of changing the use of the property to a dwelling.
- 9.7. The application has been accompanied by an Economic Development Statement, a Marketing Strategy Report and a Viability Statement prepared by Bruton Knowles. These reports are all available to view on the Council's website and the following discussion only covers the main elements of these. The Council has also commissioned an independent specialist review of the marketing and viability assessment undertaken by the applicant which has been undertaken by Savills.
- 9.8. In terms of the marketing exercise, the site has been on the market a number of times in the past 10 years and has not found a new buyer willing to proceed and invest in the public house. Whilst the university did get permission for the works ultimately, they decided not to go forward with their plans. The Council does not have full details of earlier marketing strategies, so it is the latest marketing strategy which is most relevant however it is material to consider that other marketing exercises have been undertaken in recent times.
- 9.9. The current owners purchased the building in August 2021 and then sought pre-application advice from the Council to change the use of the building to a dwelling. However, they immediately placed the property on the market again with a national pub agent, Sidney Phillips, to ascertain whether there were any willing parties to take the building on to operate it as a pub. The premises have continued to be actively marketed throughout the planning application and it remains on the market and available for sale. The applicant also contacted the Parish Council to make them aware the building was available for sale to anyone wishing to operate the building as a public house.
- 9.10. The latest marketing of the property began in September 2021 for the Freehold of the property at an asking price of £295,000. Sidney Phillips, an agent who specialises in the Leisure and Hospitality industry, undertook a full marketing campaign for the site including placing the property on various websites (Daltons, Zoopla, Rightmove, Landsite, Businessforsale, Morning Adviser and social media outlets), presence on Sidney Phillips website, regular email marketing to registered buyers, sales board at the site and sales being sent to direct enquiries.
- 9.11. From the marketing exercise there were a number of enquiries and there have been 20 viewings arranged at the site. There were a number of enquiries relating to the reuse of the building as a pub use however many were for residential conversion of the building. In order to consider the robustness of the information provided by the applicant the Council instructed an independent advisor, Savills, to review the information. This related to the marketing exercise and the viability information provided. Savills considers that the asking price of £295,000 is reasonable given the building, its existing use and its condition. Savills also considers that given the property was marketed for a period prior to the current marketing exercise, by Christies on behalf of the University, the length of market is also acceptable.

- 9.12. To date, three offers have been made on the building. Two offers were residential use of the building for £325,000 and £350,000 respectively. The third offer was made on 25 March 2022 and was claimed to be for continued pub use. This was at £295,000 and was accepted by the applicant in early April. However, despite this application not placed on the June committee agenda to allow more time for this to progress, this has not proceeded further.
- 9.13. Sidney Phillips (SP) have stated that the prospective new buyer agreed to put down a £5,000 deposit, provide evidence of funds, provide references and view the property. The new buyer then failed to attend two viewings of the property but insisted they wished to continue with the purchase. Officers understand that the new purchaser still has not internally inspected the building. Sidney Phillips advises they made numerous efforts to contact the new buyer with limited success and only limited information being provided. A number of deadlines have been given to the new buyer by SP to provide additional information such as a solicitor's details and a deposit however this commitment and information has not been forthcoming. The applicants have also stated that the references provided by the new buyer have been contacted but they had never heard of them or the North Arms. This matter has now been going on for a number of months (early April 2022) with little in the way of progress. This offer was therefore not considered to be proceedable by the applicant.
- 9.14. Officers have had contact with the prospective new buyer and explained the position. Unfortunately, however, this has not resulted in them addressing the concerns of the seller, which are in the public forum and there has now been a period of three months for the new buyer to address these issues, but this has not happened. In the latest correspondence with the prospective new buyer (which is approximately 3 months after their offer was originally accepted) they have stated that they are not willing to proceed with the purchase of the public house whilst the current application is live and will only progress further dialogue once the application is withdrawn or determined. The applicant has previously advised that they would seek to have the application put on hold until the contracts for the sale were exchanged and then withdrawn it, however the prospective purchaser is now indicating this would not be acceptable to them. The sale of the property would be subject to an overage clause. This would mean that 80% of the uplift in land value, if planning permission were to be granted for the use of the building as a dwelling, would be payable to the current owner for a period of 80 years. The prospective purchaser has raised some concerns over this however it would along become payable if a change of use were to be granted on the building and therefore Officers are unclear what impediment it causes to the sale of the site if the intention is to run the business as a public house.
- 9.15. Overall based on the evidence available to officers, the lack of information the prospective purchaser has provided to the current owner and the time which has past to address these concerns, officers agree that this offer does not appear to be proceedable and Savills agree with this assessment.
- 9.16. Savills have advised the Council that the lack of interest from operators is at odds with their current experience where, due to limited stock on the market, there has generally been good demand. However, Savills advises that given its location, size, potential trading, condition and low number of customers in the area the application premises does not suit continued pub use. Its lack of business use for nearly 10 years and failure to be re-open by the University despite investing in plans and consultants on the building reinforces this. Savills advises that much interest is now driven by sites with good trading history or potential to trade profitably and operators have become increasingly reluctant to take on sites which require significant trading history or which require investment due to the increased risk associated with any capital investment.

- 9.17. The applicant has also submitted a Viability Assessment. This notes that the Covid19 pandemic has significantly impacted on the trade but for the purposes of the Viability Assessment it assumed that normal trading conditions would resume. It notes that the building is in a general poor state of repair with the walls, roof and windows requiring repair and replacement which would require significant investment and cost in the region of £200k. There is also a need to provide trade fixtures and fittings to the building including a new kitchen and restock the trade inventory. The business needs to operate profitably and be able to service loans (and provide a return on capital investment) as well as allowing for depreciation of equipment and fittings etc. As the pub has not operated for a number of years there are no trading records available and therefore estimated trade figures have been used based on the available trade space in the property and for trade levels of similar properties in affluent villages. The Council's consultant considers that these provide reasonably optimistic assessment of turnover.
- 9.18. The assessment indicates that based on the current arrangement of the building there would be a loss of approximately £35k. One of the options explored in the viability appraisal is to implement the refurbishment works which were permitted in 2019 to allow a greater number of covers. However, even with these works the submitted viability information indicates there would be a loss of approximately £30k. Whilst the Council's consultant Savills has questioned some of the assumptions and figures used overall they consider that the public house is unlikely to be able to operate profitably, and even with Savills own assumptions, would return a loss of £18k when property costs and repairs are taken into account.
- 9.19. A further consideration is the availability of alternative provision in the area to meet the day to day social needs of residents. In this case there is the White Horse on the A422 Stratford Road) approximately 100 metres to the north of the site. Like the North Arms this pub is also currently not operating; however, its lawful planning use remains as a public house and therefore it is a relevant consideration. The village is also served by the Wroxton House Hotel which includes a bar and restaurant which is open to non-residents. Whilst it is appreciated that the hotel does not meet exactly the same social and community hub that a thriving village public house would provide it nevertheless offers residents of the village with an alternative venue. Both of these offer more prominent locations on the main road and, whilst the Council can not require the White Horse to reopen, its lawful planning use remains as a public house.
- 9.20. The applicant has also referred to pubs and facilities in neighbouring villages and settlements but these are not likely to be accessed on foot on a regular basis and are unlikely to serve as a community meeting place for the residents of Wroxton.
- 9.21. Savills have also considered the property against the Campaign for Real Ale Public House Viability Test (CAMRA) viability assessment and considers given the nature of the location and the building that there is limited scope to provide a viable business.
- 9.22. In drawing these matters together the Council's consultant, Savills, concludes by stating:

I am of the opinion that the North Arms is unviable as a public house. This is because of the following reasons:

- *the pub is poorly located, in an area with a low population and little demand from operators;*
- *it is too small to make a worthwhile, meaningful profit;*
- *there are other pubs and hotels in the area;*
- *the business is unlikely to make a profit even before cost of acquisition and refurbishment costs are taken into consideration, making the losses even greater.*

In my opinion an operator would perceive the opportunity of making a worthwhile profit too risky against the capital investment required. I am therefore of the opinion that a lender would also consider this a risky business to lend a commercial mortgage against. An individual operator is unlikely to have substantial cash reserves and if they did this would be an unwise business venture to place their capital. Given the strength of the competition in better locations nearby, I have serious doubts if a new operation in this location would survive even after investment. There have been considerable lifestyle changes over the past few years, and more to come, which have made venues such as the North Arms unviable.

Taking these factors into consideration, an operator would deem the risk too great and I therefore conclude that the pub is unlikely to be commercially viable now and in the longer term.

- 9.23. Officers agree with the general conclusions of the Council's consultant and, whilst we still have reservations over the length of the latest marketing campaign, it is considered that given the history of the site, with the building been vacant for a number of years, alongside the other marketing campaigns, on balance the loss of the pub is considered to be acceptable. Furthermore, the existence of the other buildings in lawful planning use as a public house in the village also reduces the impact of the loss of the facility to some extent and may allow more business opportunity for that building to reopen.
- 9.24. Overall, therefore, whilst the loss of a village public house is regrettable, in this specific case there is considered to be adequate justification presented by the applicant for the loss of the public house. As such, on balance, officers consider the proposal would not conflict with Policy BSC12 of the CLP 2015, Saved Policy S29 of the CLP 1996 and Government advice in the NPPF.

Impact on Heritage Assets

Policy context

- 9.25. The existing public house and the outbuilding to the east are both Grade II listed buildings and located within the Conservation Area (CA). They are therefore defined as designated heritage assets by the NPPF.
- 9.26. The NPPF requires that Local Planning Authorities take account of the desirability of sustaining and enhancing the significance of heritage assets. It goes on to state when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation and any harm should require clear and convincing justification. It goes on to state that where development proposals will lead to '*less than substantial harm*' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 9.27. Policy ESD 15 of the CLP 2015 echoes this advice. Furthermore Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to these heritage matters.

Assessment

- 9.28. The building lies in an historic part of the village and while in need of some maintenance, it nevertheless has an attractive historic character and appearance which provides a positive contribution to the CA. Furthermore, given the location of the site near the historic heart of the village, its operation as a pub provides a social focal point for the community and therefore provides a positive contribution to the

significance and character of the CA in this respect. The use of the listed building as public house also contributes to the significance of the Listed Building.

- 9.29. Officers consider that the change of use of the property away from a public house would lead to some harm (*'less than substantial'* in terms of the NPPF's categories of harm) to the significance of the listed building and the CA through the loss of the historic and social use of the building. In such situations the NPPF advises that clear and convincing justification should be provided, and the harm needs to be weighed against the public benefits of the scheme including securing the optimal viable use.
- 9.30. In this case Officers consider that the applicant has demonstrated that the loss of the public house is justified and its use for this purpose is very unlikely to commence in a viable manner. Therefore, in Officers opinion clear and convincing justification has been provided to justify the harm. The proposal would provide a new viable use of the building which would incentivise repair and upkeep. The nature of a residential use is also likely to mean that the pressure to make changes to the historic fabric of the building would be reduced. The proposal would also make a small contribution to the Council's supply of land for housing, but the scale of the contribution tempers the significant weight to be afforded. Taking these matters together, and whilst giving weight to the harm caused to the heritage assets, the benefits of the scheme are considered to outweigh the harm in this case.
- 9.31. No external changes are proposed to the building in this application and any internal works would require separate listed building consent which would be assessed on its own merits. A planning informative would be placed on any permission to make this clear.

Other matters

- 9.32. The proposal would utilise the existing parking area and amenity spaces serving the public house for the new dwelling as these are within the red line plan accompanying the application. The barn would also be used as ancillary to the proposed dwelling as it lies within the red line. No alterations are proposed to this in the current application.
- 9.33. The proposed development would lead to the creation of a new dwelling so in accordance with Policy ESD3 of the CLP 2015 a condition to limit water use is proposed.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposed development would result in the loss of a community facility that, if opened, would contribute to the social wellbeing and economy of the village. However, in this case the pub has been closed for a number of years and whilst a previous purchaser had made attempts to refurbish the building these did not come to fruition. In the current application evidence has been submitted to show that the building would need significant investment to bring it back into use and that a viable business is unlikely to be achievable given the constraints of the building. There are alternative facilities in the village which would help to meet some of the day to day needs of residents and the marketing campaign has been unable to find a new operator for the building. Overall, the loss of the facility in this case is considered to be justified.
- 10.2. The loss of the use would also result in some less than substantial harm to the character of the Conservation Area and also the significance of the Listed Building. However, whilst this harm carries weight, given the findings on the viability of the existing building, the harm is considered to be outweighed by the benefits of the

scheme including finding a new viable use for the building. It is therefore recommended that planning permission be granted.

11. RECOMMENDATION

GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the information contained within the application form and drawings Site Location Plan and Site P

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

Informative

The current permission relates solely to the change of use and does not authorise any internal or external changes. Any interior or exterior works to the building may require planning consent including Listed Building Consent.