

Application 11/00894/F	No:	Ward: Hook Norton	Date 02/06/2011	Valid:
Applicant:	Mr Pete Cape			
Site Address:	The Bell Inn, High Street, Hook Norton			

Proposal: Change of use from Public House (A4) to residential use

1. Site Description and Proposal

- 1.1 The Bell Inn is a Grade II listed public house in the centre of Hook Norton, within the Conservation Area (in the village centre character area as identified in the 2007 appraisal).
- 1.2 The building is in coursed ironstone rubble, with ironstone quoins and a steeply pitched plain tile roof. The fenestration, stonework and detailing to the building are indicative of the past of the building and add to its special historic interest.
- 1.3 The proposal is for the change of use of the property from a public house to a private dwelling. Although such a change of use would require internal alterations (and therefore Listed Building Consent) as no details or drawings been provided the application is dealt with on an 'in-principle' basis.
- 1.4 The application sets out that Punch Taverns have been marketing the site since August 2006, and that the current selling agents were instructed to market the property in October 2010. The submission further sets out that the pub had to be closed between August and November 2010 as no tenant was available to operate the site at that time.
- 1.5 The Bell is currently occupied and trading, albeit at a "nominal rent with full discounts" in order to try and maintain the business in the interim.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice and press notice. The final date for comments was 14 July 2011.
- 2.2 Letters of objection have been received from fourteen local addresses, raising material planning objections including;
 - the loss of an important social/community facility
 - adverse heritage impact in terms of the character of the Conservation Area
 - the state of the building is not adequate justification for the non-viability of the business
 - the viability and/or potential of the business has not been fully or properly assessed
 - the value of the Bell to the village is partly derived from its independence from the Hook Norton Brewery
 - highway safety implications of the conversion to residential use
- 2.3 A petition was also received, with 111 signatures, largely from Hook Norton, but

also further afield. The petition sets out the importance of the pub to the character of the village, the importance of choice (provided by this pub) and the social/community importance of the pub.

- 2.4 One letter of support was received, supporting the application for its benefit to the condition of the listed building.

3. Consultations

- 3.1 Hook Norton Parish Council – did not object to the application.
- 3.2 Conservation Officer – notes that the application is ‘in-principle’ only and that any Listed Building issues would have to be dealt with separately at a later stage. Notes also that approval could allow the building to be restored, and any application for internal changes would have to enhance the interior and exterior of the building, but also that approval would lead to the loss of a village amenity and therefore lead to a change in the character of the Conservation Area.
- 3.3 North Oxfordshire Branch of CAMRA – object to the application as contrary to policy; consider that the application does not properly assess the viability of the business as required by the relevant policies and makes unsupported conclusions. They also note that it is self defeating to use the physical condition of the pub as evidence of non-viability.

4. Relevant Planning Policies

- 4.1 National Policy Guidance:
PPS1 – Delivering Sustainable Development
PPS4 – Planning for Sustainable Economic Growth
PPS5 – Planning for the Historic Environment
- 4.2 Regional Policy in the South East Plan 2009:
CC1 – Sustainable Development
BE5 – Village Management
BE6 – Management of the Historic Environment
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:
S29 – Loss of existing village services
- 4.4 Local Policy in the non Statutory Cherwell Local Plan 2004
S26 – Loss of existing village services
- 4.5 Draft national policy expressed through the draft National Planning Policy Framework (NPPF), published for consultation in August 2011, but acknowledged as capable of being a material consideration.

5. Appraisal

- 5.1 The main issues for consideration in this application are
- policy context
 - viability (and the adequacy of the submission in that regard)
 - impact on the village community
 - impact on the heritage assets
- 5.2 Policy Context

- 5.3 As all planning applications must be determined in accordance with development plans unless material considerations are indicated otherwise, the logical starting point for this application is the adopted Local Plan. The importance of village services and amenities is set out in Policy S29 of the adopted Cherwell Local Plan 1996. This policy 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 to the policy sets out that in adopting that policy the 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”*.
- 5.4 This importance is further reinforced by Policy S26 of the non-statutory Cherwell Local Plan 2004, which similarly states that *“Proposals that will result in the loss of an existing village service which serves the basic needs of the local community will not be permitted, unless there is conclusive evidence that the provision of the service is no longer viable and that it cannot be made viable.”* Like the adopted-Plan policy, the supporting text sets out that the Council cannot approve such applications unless it is *“satisfied that there is conclusive evidence, following genuine attempts to market the property and/or business both locally and in wider specialist publications for a reasonable length of time, and at a realistic price that there is no prospect of provision of the service continuing”*.
- 5.5 The Draft Core Strategy, published in February 2010 also seeks to promote a good quality of life for villages and rural areas through protecting, maintaining and improving local services (*“Our Vision for our Villages and Rural Areas”* p116). Furthermore Hook Norton is identified as a village to which future housing development will be directed further emphasising the importance of ongoing provision of community services.
- 5.6 Relevant regional policy expressed through the South East Plan, in Policies CC1, BE5 and BE6 similarly seeks the protection of key village services and amenities, recognising their importance for the character of villages and recognising the threat *“resulting from a loss of services”*.
- 5.7 Central government policy relating to cases of this nature is expressed through PPS1 and Policy EC13 of PPS4 (which has largely replaced PPS7). These set out that the government is committed to *“developing strong, vibrant and sustainable communities and to providing community cohesion in both urban and rural areas”* (PPS1, para 14) and to *“promoting thriving, inclusive and locally distinctive rural communities”* (PPS4, para 10). This support for community cohesion and inclusion ties in to the overarching sustainability agenda driving planning at a national level, seeking to create and retain sustainable communities.
- 5.8 This policy direction is reinforced by the draft National Planning Policy Framework, published for consultation in August 2011. Whilst this document is not yet adopted policy and therefore carries limited weight, it is capable of being a material consideration and is indicative of the general ‘direction of travel’ of central government policy. The NPPF further emphasises the importance of *“strong, vibrant and healthy communities”* and stresses that *“decisions should... [promote]... vibrant places”* and should *“facilitate social interaction and inclusive communities”*. The Localism Bill similarly places strong emphasis on Community rights. It recognises, through the ‘community right to buy’ that local life would not be the same without

many local assets and seeks to empower local communities to keep sites in public use and part of local life.

- 5.9 It is clear therefore that central government policy is supportive of and recognises the importance of the retention of community facilities, of which a public house is one.

Viability

- 5.10 As set out in the policy context above, the issue of viability is an important element in assessing the acceptability or otherwise of an application of this sort. The policies require that the application must clearly demonstrate the lack of viability of a business such as this in order for an application to succeed. Demonstrating viability requires an assessment of the trade at present, the trade potential, competition, sales and advice.
- 5.11 The application was submitted with a brief statement from the commercial letting agents which set out the time for which the business had been advertised. This statement concludes by noting that no interest was received for continued licensed use and that all interest was instead for use as private residential. The statement concludes that *“the lack of demand for continued licensed use provides a very strong argument to demonstrate that this particular pub is unviable given the alternate provisions and amenities already serving the residents of Hook Norton”*.
- 5.12 Following feedback from Officers, Everard Cole (the selling agents acting for Punch Taverns, the owners of The Bell Inn) provided some more viability information which set out that trade had declined over the past four years and is now unsustainable due to a combination of factors; the loss in trade due to the smoking ban, the rise in Beer Duty, aggressive discounting by supermarkets and (in this case specifically), the strength and variety of competing outlets nearby.
- 5.13 This later information also sets out the limitations of the wet-led sales from this location, and also cites the physical condition of the building (and its status as a Listed Building) as being major constraints to the viability of the business.
- 5.14 The applicant also provided a Design & Access Statement which summarised the Everard Cole report whilst also setting out the constraints on the viability as a result of the physical and structural condition of the fabric of the building. The applicants set out that as *“the consensus opinion seems to be that Hook Norton is well-catered for with its 3 existing pubs and that The Bell is unviable”* the heritage assets (the Conservation Area and the Listed Building) would benefit from the conversion of the pub to a dwelling and that the application should be approved as a result.
- 5.15 The marketing information has not however, set out any reductions in the advertised sale price, or any further efforts made by the vendors to improve the chances of selling The Bell as a business rather than as a residential development opportunity. In addition, the argument for the non-viability of the business is made solely on the basis of wet-sales, despite the sales particulars making reference to food sales (referring to the restaurant and trade kitchen) potential. Furthermore, the argument that the pub is not viable on wet sales alone, and that the food offer cannot be increased/improved due to the investment required is circular and self-defeating.
- 5.16 Impact on the village community

- 5.17 The impact of the implementation of a proposal such as this on a rural community has the potential to cause harm to the character of the village and the level of community facilities provided. Despite the existence of two other public houses within the immediate confines of the village (and a third further away from the village on the Milcombe – Whichford Road) the loss of this facility would remove a facility which serves a different clientele to the other facilities in the village. The importance of community facilities is reflected in the content and direction of national government policy as well as in the adopted Local Plan Policy. The importance of village facilities is further emphasised by the ‘saving’ of the 1996 Local Plan Policy and the expansion of the scope and requirements of that policy in the non-statutory Local Plan Policy of 2004.
- 5.19 The level of public objection to the scheme also highlights the importance of The Bell as a social facility in the village; over one-hundred people signed a petition in the pub objecting to its closure, and residents of fourteen local properties wrote in to object to the scheme. In a village the size of Hook Norton, with three existing pubs also supported, this clearly demonstrates the importance of the facility to a section of the village.
- 5.20 Impact on the heritage assets
- 5.21 As the building is Grade II listed and lies within the Hook Norton Conservation Area, the impact of the proposal on these heritage assets must also be considered in determining this application.
- 5.22 Turning first to the Listed Building issues; it is clear from the submission that the structure of The Bell has suffered from a lack of maintenance over the last few years which has in turn led to the deterioration in the physical condition of the building. However, this does not in itself mean that the change of use to a private dwelling would improve the special interest of the listed building. Approving the change of use may lead to the necessary works being carried out to improve the condition of the roof and walls of the structure, but there is no guarantee of this in the application. The condition of the Listed Building is of course a matter of concern, and if the condition of the building were to significantly deteriorate there are further options available to the Council.
- 5.23 With regards to the Conservation Area, the relevant primary legislation requires that planning applications in such areas must preserve or enhance the character or appearance of the Conservation Area. Changing The Bell from a public house to a private residence would change the character of the Conservation Area as it would alter the appearance and use of this prominent building in the centre of the Conservation Area. Similarly the works would change the appearance of the Conservation Area as a functional public house has a very different appearance to a private residence, albeit a converted public house. The applicant has noted that the Conservation Area Appraisal highlights The Bell as having been originally built as a dwelling. Officers are aware of this but do not consider that it gives any further weight to the current proposal.
- 5.24 In determining therefore whether the proposal would preserve or enhance the character or appearance of the Conservation Area, it is clear that the proposal can only be assessed in terms of enhancing the Conservation Area as changing the use of a building cannot be considered as preservation. Whilst the building would remain, the fundamental character of it would be changed as a result of its use changing. In assessing whether the proposal would enhance the character or appearance of the Conservation Area, the consideration again comes back to the

physical condition of The Bell. Repair and restoration of the fabric of the structure would enhance the appearance of the Conservation Area, but the building does not have to be a private dwelling to do this. As to whether the change of use itself enhances the character of the Conservation Area, Officers are unconvinced, especially when the proposal is considered in the light of the intention of the national, regional and local policies which seek to retain community facilities.

5.25 Conclusions

5.26 Determining any application for the change of use of a public house to a private residential dwelling always causes difficulties as it represents the imposition of social and community considerations by the state upon commercial decisions made by private companies.

5.27 Notwithstanding that, Officers consider that this proposal does not satisfy the tests set out in adopted Policy S29 or non-statutory Policy S26 as the evidence presented is not sufficient to satisfy this Council that the business is no longer viable and cannot be made viable.

5.28 In reaching that conclusion, Officers have had regard to the comments of contributors suggesting possible other methods of maintaining the public and community use of the building. Officers are also mindful of comments concerning the structure of the building and the impact of this on the viability of this on the business. The point has been made, by CAMRA, contributors to the application, and Appeal Inspectors on other similar schemes that this is a self-defeating circular argument which is not justification for the change of use.

5.29 Whilst the applicant does correctly note that there are other pubs within the village and that as a result, the loss of this facility would not lead to the loss of the only village amenity of this type, it is considered that the three pubs within the village serve different markets. As such, the loss of this pub would lead to the loss of an important service for part of the community. For this reason, the proposal is considered unacceptable in Policy terms. Officers accept that Members may have some reservations over this approach, but from research the existence of other public houses in the immediate vicinity is not always sufficient to mitigate against the harm to the character of the area and the community through the loss of the facility. Inspectors have previously held that the overarching aim of government planning policy (as expressed in PPS1 and PPS4, outlined above) to create sustainable communities and help ensure diverse economic activity supports refusal of applications such as this where the viability of the business appears to be marginal.

5.30 In conclusion therefore, it is considered that whilst the information submitted does demonstrate that The Bell is not viable at present, there is not sufficient evidence to suggest that it cannot be made viable, and that the loss of this amenity would cause harm to the character and community of the village. The level of public objection to the application is considered to be material evidence of this.

5.31 The application is therefore recommended for refusal as being contrary to Policy S29 of the adopted Cherwell Local Plan, Policy S26 of the non-statutory Cherwell Local Plan, Policy BE5 of the South East Plan and government advice contained in PPS1, PPS5 and PPS6.

6. Recommendation

Refusal; for the reasons set out below.

1. The proposal would result in the loss of a village service which on the basis of the application and the contributions received is not conclusively demonstrated as being no-longer viable. As such, the loss of the service would lead to an unacceptable impact on the character of the area and the local community and would therefore be contrary to Policy S29 of the adopted Cherwell Local Plan 1996, Policy S26 of the non-statutory Cherwell Local Plan 2004, Policies CC1, BE5 and BE6 of the South East Plan 2009 and government guidance contained in PPS1 – Delivering Sustainable Development, PPS5 – Planning for the Historic Environment, PPS7 – Planning for Sustainable Economic Growth, and the future direction of the planning system set out in the draft National Planning Policy Framework.

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