

**Site Address: White Lion, South side,
Steeple Aston**

12/01779/F

Ward: The Astons and Heyfords

District Councillors : Cllrs McNamara and
Kerford-Byrnes

Case Officer: Tracey Morrissey

Recommendation: Approval

Applicant: Mr & Mrs D Wright

Application Description: External alterations to building and conversion of ground floor public house premises to facilitate the change of use of the building as a single family dwelling

Committee Referral In the light of the considerable public interest

1. Site Description and Proposed Development

- 1.1 This application relates to a detached, two storey, stone traditional village pub within the heart of the village. Located at the eastern end of South Side, opposite the village shop and post office, the site is within the Conservation Area and Area of High Landscape Value. There is a large elevated and enclosed beer garden at the rear of the property, with parking provision for one or two cars behind a pair of wooden gates. There is no car park for the actual pub customer. The property itself contains a small open plan bar area on the ground floor with a stone built fireplace and a very small kitchen behind the bar servery and WCs leading off. The first floor contains a lounge, kitchenette, 4 bedrooms and a bathroom.
- 1.2 Planning permission is sought essentially for the change of use of the pub to a residential dwelling; some internal changes are necessary to facilitate the domestic use of the ground floor. Externally some of the signage and fittings are to be removed along with lighting elements.
- 1.3 The pub has been closed since March 2012 when it was sold and has had two separate tenants since Sept 2010, previous to that and in the last 15 years there have been a succession of tenants.

2. Application Publicity

- 2.1 The application has been advertised by way of a press and site notice and neighbour notification. The final date for comment was 31st January 2013.

16 letters of support have been received along with 27 letters of objection and make the following comments:

- The village cannot support 2 pubs
 - Have witnessed the demise of the pub over the previous months, it just wasn't used by that many people all of the time
 - The loss of the White Lion will be of benefit to the Red Lion and will boost their business
 - Since 1972 and 2002 there has only be one stable licensee and in the past 15 years there has been a rapid turnover of tenants.
 - Do not believe that with whatever investment might be thought feasible that it can offer a return on investment
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- Essential community facility offering varying social opportunities for villagers

from surrounding area that complements existing village facilities.

- It's a traditional pub providing traditional village events that have taken place for many years
- Red Lion pub just doesn't offer the same experience – both pubs offer different things to different people
- Excellent beer garden that was well used in the summer months
- Offers lots of opportunities if managed by right tenants, it has had 2 tenants in last 18 months and whilst keen lacked experience
- Sale price and marketing price completely different
- There are similarities with the Bishops Blaize pub

North Oxfordshire branch of CAMRA - CAMRA is a national consumer organisation one of whose aims is to "support the public house as a focus of community life". CAMRA is an interested party within the scope of national planning policy. We object to this application as it would result in the total irreversible loss of a community facility.

Retention of pubs allows them to continue to:

- meet the needs of differing communities by maintaining a healthy and varied choice for the consumer;
- ensure a place of informal social meeting, eating and drinking;
- provide a place of employment for the Landlord and family and in many cases full and part time staff;
- enliven the local economy through purchasing from other local outlets/shops and bringing visitors to the local area.

Public Houses are explicitly classified as community facilities in the National Planning Policy Framework [NPPF]. As community facility the White Lion falls within the scope of policy S29 of the adopted Cherwell Local Plan [CLP], policies EMP5 and S26 of the Non-Statutory Cherwell Local Plan 2011, as well as policy SLE1 of the Proposed Submission Local Plan of 2012.

Para 28 of NPPF states:

"To promote a strong rural economy, local and neighbourhood plans should... promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship."

Para 70 of NPPF states:

"To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;..."

There is nothing in the NPPF to suggest that either of these paragraphs only applies where there is only one such facility in a village. In addition, CLP S29 explicitly refers to proposals that will involve the *loss* of existing village services, not the *complete loss*. Furthermore, recent Planning Inspectorate decisions (e.g.

APP/C3105/C/12/2170904, para 16) note that something like a village hall holding regular events "would not offer the type of basic village service which would be found in a local public house..."

As such, policy presumes against change of use to residential unless the existing use can be shown not to be able to be made viable and that every reasonable effort has been made to seek employment re-use.

The applicants have submitted a viability test prepared by Mr John Keane; an objecting Steeple Aston resident, Mr Royce Lye has submitted an alternative view. These assessments differ widely in their conclusion.

The key question to be answered in determining viability is "What could this business achieve given a management dedicated to it and *with full discretion over stocking policy and type of operation?*" We note that recent trading history and testimony was by tied tenants of a pub company, Admiral Taverns. Tied landlords not only have to pay rent and service charges to the pubco, but typically have to share ancillary income, such as from amusement machines. However, the most significant additional cost is the obligation (tie) to purchase stock from the pubco. Industry figures show that a free-of-tie operator typically only pays 60-65% of the cost to tied landlords; hence free-of-tie Gross Profit [GP] is typically 50-60%, whereas tied GP is 23-35%.

The applicants purchased the White Lion freehold, and thus had the opportunity to attempt to trade free-of-tie. However, no such attempt was made and the pub was closed and used as a residence, in breach of planning consents, from the outset.

The pub may not have been financially viable as a tied house as the applicants claim, but potential viability as a free house cannot sensibly be inferred. The penultimate licensee, in her letter shown in Appendix 1 of the applicant's Planning Statement, gives a clear indication of the financial problem of the tie: "The reason we decided to move was that in the year we had been there we had seen little growth in the trade but *huge increases in rent and overheads*". As a freehold, there would be no rent and no rent increases; we consider that for lack of viability to be demonstrated a significant period of trading rent-free and free-of-tie should have occurred.

We note the summary of the conclusions of Mr Keane's report as listed in the Planning Statement and draw your attention to the following:

1. The White Lion was a wet-led community pub; this is precisely what distinguishes it from the Red Lion on the edge of the village, which is very much a food-led 'destination' operation. As such the two pubs cater to very different markets and community needs.
2. Steeple Aston does not exist in a vacuum. Nearby villages of Middle Aston, North Aston and Somerton have no pub of their own. Upper Heyford is in the process of redevelopment of the disused airbase which will see hundreds of new homes built with 2 miles of the White Lion.
3. Why would out-of-village trade necessarily be car-borne? Steeple Aston has a regular bus service and is less than a mile by road from Heyford rail station and the canal.
4. The White Lion is an impressive building with three floors, the upper two being under utilised by the pub operation. There is surely scope for some of this space to be put to use to diversify the business (e.g. a function room or letting rooms) whilst retaining smaller staff accommodation?
5. The claim regarding alternative facility provision within the village has been discussed above. The facility provision is not the same. The White Lion is a wet-led pub, the Red Lion is food-led. The White Lion has a large beer garden with Aunt Sally pitch, the Red Lion does not.
6. We note the presence of a large unused outbuilding with possible scope for

development. As noted at point 1, development into a food-led operation would remove the USP of the White Lion in the village, and is thus undesirable.

7. We understand that the pub was marketed at a price of £300,000+VAT. Given that it sold for £210,000 (from Land Registry figures), this would tend to imply that the marketing as a going concern was at an unrealistic price.
8. The claim of capital investment is directly contradicted by the letter at Appendix 1, which notes "The pub required a considerable amount of money spending on it to make it liveable and the brewery [sic] had no interest in doing any repairs..."
9. The pub has no 'brown sign' (unlike the Red Lion) to attract trade from the main Banbury to Oxford road a short distance away, nor any signage from the station and canal moorings at Heyford. Simple, low-cost marketing not thus far pursued.
10. The Whitmore Arms in Hethe (application 10/01340/F) was described (incidentally also by Mr Keane) as a small pub with limited development potential. That application was refused, a suitable investor was found, and the Muddy Duck (as it is now known) is a thriving community and destination pub.

Whilst obviously CAMRA would prefer to see the White Lion retained as a public house, the option of finding an alternative employment use for the building does not appear to have even been considered by the owners.

We also note that this application would, if permitted, not create any additional housing in the village. There is thus no material benefit to permitting this application which might override the loss of community facilities.

We consider that the character of the building and of Steeple Aston would be best preserved and enhanced by investment in the White Lion as a public house. The applicants have not shown the pub to not have the potential to be viable and have not demonstrated any effort to find alternative employment use for the building. We urge the council to refuse this application.

3. Consultations

- 3.1 **Steeple Aston Parish Council** raises no objection.

Oxfordshire County Council Consultees

- 3.2 **Highways Liaison Officer** raises no objection

4. Relevant National and Local Policy and Guidance

- 4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- H13: Cat 1 Settlement
- S29: Loss of existing village facilities

South East Plan 2009

- CC6: Sustainable character
- BE1: Management for an urban renaissance
- BE6: Management of the historic environment
- T4: Parking

S6: Community infrastructure

4.2 Other Material Policy and Guidance
National Planning Policy Framework

Cherwell Local Plan - Proposed Submission Draft (2012)

The draft Local Plan has been through public consultation. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031.

5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle and loss of essential village facility
- Impact on conservation area
- Impact on neighbouring properties
- Highway safety

Principle and loss of essential village facility

5.2 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*".

5.3 Whilst the change of use must be assessed against the particular policy and the development plan as a whole, it is important to set out in detail the interpretation and understanding of the intention of the policy.

5.4 From the wording of the policy and the supporting text, it is clear that public houses are to be considered as "*village services*" owing largely to their role in community and social cohesion. It is of vital importance to note that the policy does not impose a simple restriction on the loss of village services, but imposes a burden of proof on those seeking approval for the loss of such services (in planning terms by change of use, not of course in economic terms). This is clearly acknowledged where the policy notes that such changes will not "*normally*" be permitted, and in the supporting text where it is set out that the Council will resist the loss of such facilities "*whenever possible*" and acknowledges the difficulty in resisting such proposals where they are "*proven*" to be no longer "*financially viable in the long term*".

5.5 The exposition of the required burden of proof set out in the supporting text raises two issues which are of vital importance to this case; 'proof' and 'long term viability'. In order for the application to be considered favourably the applicants must be able to prove that the public house is no longer financially viable in the long term.

5.6 The National Planning Policy Framework, published in March 2012, does not change the statutory status of the development plan as the basis for planning decision making, but is a material consideration in decision making.

5.7 Paragraphs 214 and 215 of the Framework set out the criteria by which extant

development plan policies are accorded weight following the publication of the Framework. Paragraph 215 states that due weight should be accorded to pre-2004 policies according to their degree of consistency with the Framework.

- 5.8 The Framework places a strong emphasis on the social role of planning in delivering sustainable development through the provision of and (by logical extension) the protection of community facilities. This is made explicit in Section 3 ('Supporting a prosperous rural economy') where the National Planning Policy Framework sets out the conformity of saved policy S29 (and therefore its continued weight), stating that "*plans should... promote the retention... of local services and community facilities in villages, such as... public houses*" (paragraph 28). The weight of saved policy S29 is further reinforced in Section 8 ('Promoting healthy communities'), where decision makers are encouraged to take decisions which "*plan positively for the...community facilities*" (paragraph 70) and to "*guard against the unnecessary loss of valued facilities and services*" (paragraph 70).
- 5.9 It is clear therefore that central government policy is supportive of, and recognises the importance of the retention of community facilities. It is also clearly established that a public house is an important community facility.
- 5.10 This Council's understanding of the intention of the Framework with regard to community facilities has also been recently supported by the Planning Inspectorate in the case of the Bishops Blaize PH at Burdrop (para 19 of the Appeal Decision dated 04.10.12).
- 5.11 As such, the saved policy retains full weight owing to its degree of conformity with the Framework, the key issue in considering the matters alleged in the notice is the viability of the business and whether or not the viability (or lack thereof) has been properly demonstrated.
- 5.12 The saved Policy S29, and the reliance upon it in this case is lent further weight when looking at similar applications across the District in recent years. The most notable is obviously the recent case of the Bishops Blaize and before that a public house in Hethe (Application reference 10/01340/F). In that case, the application was refused as "*The proposal has failed to adequately demonstrate that the business is unviable in the longer term such that closure is inevitable. The marketing price is likely to be too high and there is insufficient evidence to show how that valuation was arrived at. On this basis, the loss of this village service which serves the basic needs of the local community cannot be justified at this time in accordance with policy S29 of the adopted Cherwell Local Plan and policy S26 of the non-statutory Cherwell Local Plan*". That decision was unchallenged and the public house in question has since been renovated, extended and appears to be trading well. Whilst there is a clear difference in approach between urban and rural public houses, this is to be expected given the wording of the policy. The appeal case, and the examples given here are rural cases, as there is no similar planning policy for the urban areas.
- 5.13 In looking at previous decisions, it is important to note that policy S29 is not used as a method of flatly refusing to accept an application for the change of use of a public house to a private dwelling house. There are examples where applications have been refused where evidence is "*insufficient... [and] ... would result in an unjustified loss of a village facility*" (The White Hart, Adderbury; application reference 01/00845/F), but have then been approved where such evidence and justification has been provided (as happened at The White Hart).
- 5.14 Where the viability of a public house appears to be borderline, the Council has in previous cases erred on the side of caution. This approach reflects the view that the inability of an operator to make a public house viable does not in itself mean that another operator could not do so. It also recognises that allowing a change of use

without strong evidence of lack of long-term viability does not allow any other operators to have that opportunity.

- 5.15 It has been recognised in the previous cases mentioned that the impact of the implementation of a change of use 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. There is another pub within the village along South Side but further to the west of the village. The Red Lion has a good size bar and recently built conservatory dining room with a large outside patio area. It is acknowledged that some of the objectors regard the two pubs being completely different and offer different things to different people and the loss of this pub would remove a facility which had previously served the villagers that did not use the Red Lion. The distinction between the two pubs is picked up in the applicants Viability Assessment to support their application. This clearly sets out the potential for both pubs and their long term viability along with an assessment of how this application compares to the Bishops Blaize case.
- 5.16 It is further acknowledged that 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 degree of conformity of that policy with the Framework.
- 5.17 In addition to the local and national policy support for the retention, wherever possible, of essential village services, such as public houses, it is clear that there is also strong local support for the retention of the White Lion. This is clearly shown in the third-party representations received which makes significant reference to the importance of the facility to the community. There is however a good level of support for the application and essentially a case to be made that the loss of the White Lion would be beneficial to the viability of the Red Lion as there is the potential for the business to be transferred. Whilst it is noted that the Red Lion does not suit all, surely it would be better for a single pub to be still in business in the village than none at all, as it is acknowledged that the Red Lion is struggling to survive as well.
- 5.18 As stated above the applicant's have submitted a Viability Assessment to support their application, which in my opinion gives a compelling case for the loss of the White Lion. The assessment was undertaken by Thomas E Teague, a firm of Licensed Property Valuers, and specifically John Joseph Keane, who was the Council's witness in the Bishops Blaize Inquiry.

The conclusions drawn are that the White Lion:

- Is a small single room pub with limited development and diversification potential, is poorly laid out to serve the needs of both drinkers and diners
- Despite capital investment and evidently well regarded previous operators, the bar trade has remained doggedly low in what is still a declining sector.
- That it would not be possible to change the focus of the business without losing the wet led trade because the pub is too small to accommodate a multi faceted operation
- Of the two pubs in the village, the Red Lion is a superior commercial proposition for long term viability.

This assessment has been made on the bar trade figures for the past 7 years and the benefit of the Camra Test which is a useful checklist of what needs to be considered insofar as viability is concerned but at the heart of viability is the concept of Fair Maintainable Trade (FMT). FMT is an assessment of the trade that could be generated by a Reasonably Efficient Operator from which is derived a Fair Maintainable Operating Profit (FMOP). The FMOP is the amount left, after paying the

cost of goods and operating expenses, and out of which the operator pays for rent or mortgage payments and receives his/her own remuneration. FMT is derived from a number of sources including wet sales, food sales, gaming machines, pool tables and room hire etc. The benefit of barrelage figures and stock taking records is an indicator which needs to be put in the context of the wider market, which has shifted and changed considerably over the last 20 years.

- 5.19 In further support of the application, the applicant's agent has provided a response to the key issues raised by those objecting.
"Having assessed the objections, it appears that there have been 4 main themes, namely:
- 1. The White Lion is at the centre of the community*
 - 2. The White Lion offers something different to The Red Lion*
 - 3. There has been insufficient diversification of the business*
 - 4. High rents and tied trade prices undermined viability*
- 5.20 *(1) and (2) may well, of course, be true but the issue with which is of greatest relevance is that of viability. The evidence since 2005/06 (the year for which stocktaking figures are available - which, incidentally, pre-dates Admiral's ownership of the pub) shows quite simply that not enough people used the pub for it to be adequately profitable. The recent barrelage figures provided were consistent with Thomas Teague's previously recorded stocktaking figures and, as such, can be taken as a reliable picture of the trade over a seven year period, taking in trading conditions both pre and post recession. On a macro basis, beer volumes in the on-trade fell from 20,729,000 barrels to 13,987,000 barrels (-32.5%) between Q4 2005 and Q4 2012 - a fall that would be most keenly felt by wet-led local pubs such as The White Lion.*
- 5.21 *In response to the criticism that the pub's loss has had a harmful effect upon the wider social life of the village, it should be noted that the Whit Races have found another home without much difficulty and whilst it is unfortunate that darts and Aunt Sally can no longer be played at The White Lion, that was always going to be a likely consequence if the pub was not frequented enough (as an aside it is understood that The Red Lion has previously attempted to run an Aunt Sally team but that the team foundered due to lack of interest and, indeed, was ejected from the league due to a continuing failure to fulfil away fixtures). In looking at viability it is never the case that the pub in question is not being used at all and, indeed, every pub has its 'die-hard' core of customers. However, the most salient factor is that it is not being used enough to enable the operator to make sufficient profit to have a reasonable income. Incidentally, one of the objectors made the point that John Keane's report was only based on the last three years' accounts and questioned, therefore, whether this was a sufficient period to be credible. As you will see from John's report, his recorded knowledge of the pub and its trading performance, in fact, goes back to 2005-2006 (i.e. both before and after the current economic down turn).*
- 5.22 *(3) There were a few people who commented that the outbuilding could be used for something other than storage and suggested that a games room or a venue for local clubs were possibilities. In John's professional opinion, neither of these uses would be sensible and are the opposite of prevailing trends in the licensed trade where it is more usual to consolidate buildings to make them more cost-effective to operate rather than to create detached trading areas that would require additional staffing and security requirements. This would also be inconsistent with the continued use of the garden as a beer garden which clearly necessitate the retention of the building for the storage of garden maintenance equipment, garden furniture, Aunt Sally equipment etc. Using part of the private accommodation for B&B might be possible were the upper floors better laid out. As the private accommodation currently stands, it would be impractical and insecure to use the first floor for letting because the proprietor's accommodation could not easily be separated from the potential B&B rooms*

(particularly the family bathroom and private kitchen) and, if the second floor were to be used, then a fire detection system and a secondary means of escape would be required; the provision of which would, of course, necessitate a significant level of investment that would have to be financed.

- 5.23 *(4) John's report has already stripped out the effect of rent and the trade tie in arriving at an estimate of Fair Maintainable Operating Profit (FMOP) and treated the pub as if it were a freehouse. He has taken a higher estimate of barrelage than the later actual barrelage figures to arrive at a Fair Maintainable Trade which, bearing in mind the drop in beer sales in the on-trade, is consistent with the known turnover in 2005/06 and the FMT extrapolated from the Rateable value of £7,500. The gross profit margin that John has adopted is significantly higher than would be achievable as a tied house but, in that context, one has to set against that the cost of running the business. Overhead expenses have increased considerably over the last few years and the costs that John has adopted are based on research carried out by the British Beer and Pub Association and include £3,000 for the basic Sky package, which is consistent with the trade profile under previous operators. Regrettably, few customers have a real insight into the profitability or otherwise of a pub business and assume that just because a pub appears to be busy (which in the case of The White Lion is gainsaid by several commentators) then it must be profitable. The lower the turnover, then the greater the proportion of working expenses and, quite simply, the harder it will be to achieve viability.*
- 5.24 *The Camra Pubs Officer, Brian Wray, hits the nail on the head when he says "The key question to be answered in determining viability is "What could this business achieve given a management dedicated to it and with full discretion over stocking policy and type of operation?"" but he does not then attempt to answer his own question. John, however, has provided a reasoned answer to that question although not one with which Mr Wray evidently agrees. Whilst looking at Mr Wray's objection John notes his point about The Whitmore Arms' resurgence notwithstanding the fact that John had prepared a report, on behalf of JPPC, which questioned future viability of that particular pub. However, John's main ground for concluding that the Whitmore Arms (now The Muddy Duck) was not viable was on the basis that he doubted that the market would provide a buyer who would carry out the alterations that would be needed to make it so. Whilst he may have been proved wrong on that particular point, in that someone did come forward to carry out the necessary works, there are clear and important differences between that pub and The White Lion, namely The Whitmore Arms has a large car park and had a significant amount of unused or under-used space that has allowed it to be developed whereas, as a matter of fact, these factors do not exist at The White Lion. Furthermore, since the time that John assessed the viability of The Whitmore Arms there have been a further three years of poor economic performance and an increasing lack of confidence - particularly in the licensed trade - which would make financing of work even more of a problem even if physical works to improve the pub's future viability were possible which, in this case, they are not.*
- 5.25 We do not think it necessary to comment on the minor or more random points raised by objectors as, in fairness, these are at best peripheral to the key issue of viability. What we would really like to stress, however, is that whilst The White Lion could generate a trade were it ever to be re-opened, it is highly unlikely, and indeed improbable, that it would generate sufficient trade to earn someone a reasonable income: viability is not simply another way of saying "breaking even", it is an informed estimate of the likely fair maintainable operating profit that a reasonably efficient operator could derive from the business (out of which he/she would pay for rent or mortgage commitments and receive his own remuneration) and a judgement as to whether that profit would be sufficient to induce the market to bid. It is John's considered opinion the likely FMOP of The White Lion would be insufficient to satisfy these requirements.

- 5.26 A recent article has appeared in the village magazine from the proprietors of The Red Lion (attached above). I am aware that the proprietors may not have made formal representations to the Council in support of the application and this, in turn, may well have been on the basis that they did not want to any sense ostracize former White Lion customers by being seen to glory in, or benefit from, the closure of the White Lion. The article does, however, suggest that their own trading performance has not been good in recent years but that the future – as the village’s only pub – is looking far more promising. In this context, we would just like to reiterate the views expressed by members of the Parish Council when the application was considered, namely that it is far better for the future of the local community for there to be one vibrant and successful pub rather than two struggling pubs”.
- 5.27 It is considered based on the above assessment and recent similar cases that the loss of the White Lion will have an impact on the village community, however in respect to Policy S29 in the case of the Bishops Blaize, the Inspector made reference to this policy in para 17 which “explicitly refers to the proposals that will involve the *loss* of existing village services, not the *complete loss*. The explanatory paragraph refers to the loss of these facilities being resisted *wherever possible*. That is not consistent with the policy being limited to situations where the loss of the facility would mean that the local community would not be able to meet its basic needs at all, such as where the only public house in a village closes. It is clear on the face of the policy that it would bite in situations where there are, for example, several public houses in a village and one is proposed to be lost. If the change of use of the Bishop Blaize were to be approved, it would result in the permanent loss of a village service meeting the basic needs of the local community. The change of use would thus conflict with policy S29.
- 5.28 Whilst it is unfortunate, given the compelling viability case forwarded by the applicant the HPPDM is of the opinion that the proposal is acceptable and accords with Policy S29 and guidance contained in the NPPF.

Impact on Conservation Area

- 5.29 The proposal represents a minimal change to the character of the building insofar as the signage is to be removed, it is likely however that the hanging sign is to be retained.
- 5.30 The National Planning Policy Framework requires an assessment to be made as to the impact of a development upon the character and significance of a heritage asset or any development within its setting. In my opinion the proposed development is minor in nature and will not cause harm to the significance of the heritage assets.

Impact on neighbouring properties

- 5.31 The proposal will not have any impact on any immediate neighbouring property as the external elevations are not affected by the proposed change of use. Essentially the use of the beer garden at the rear to that for domestic purposes will be an improvement on the amenities of the neighbours as the Aunt Sally will be removed (which has caused one neighbour significant harm to amenity of the years) and the general level of activity will be that associated with a residential dwelling.
- 5.32 Therefore I am content that the development will not result in loss of amenity any neighbouring property and complies with the relevant development plan policies.

Highway safety

- 5.33 The development does not give rise to any highway safety issues.

Engagement

- 5.34 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no

problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

.Conclusion

- 5.35 The assessment demonstrates, the proposal is considered to be an acceptable form of development that will cause no significant harm to the setting of heritage assets or highway safety; the use as a residential dwelling is appropriate in this location and provides standards of amenity that area acceptable and whilst unfortunate, the loss of the pub cannot be avoided given the compelling viability case submitted. As such, it is considered to comply with the above mentioned policies and is recommended for approval as set out below.

6. Recommendation

Approval

1. Standard 3 year time limit

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the applicant has demonstrated that the village facility has no long term viability and that the proposal pays proper regard to the character and appearance of the site and surrounding area and preserves the significance of the conservation area heritage asset has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety. As such the proposal is in accordance with Policies CC6, BE1, BE6, T4, S6 of The South East Plan, Policies H13, S29, C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within The National Planning Policy Framework - March 2012. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.