

**The Plough Inn  
Thorpe Road  
Wardington  
Oxfordshire  
OX17 1SP**

**16/00367/F**

**Ward:** Cropredy, Sibfords & Wroxton    **District Councillors:**

Cllr Atack  
Cllr Reynolds  
Cllr Webb

**Case Officer:** Matthew Chadwick

**Recommendation:** Approval

**Applicant:** Mr & Mrs Merry

**Application Description:** Change of use from public house to dwelling, including small rear 1<sup>st</sup> floor extension

**Reason for Committee Referral:** Public interest

**Committee Date:** 19.5.2016

## **1. Site Description and Proposed Development**

- 1.1 The application site is The Plough Inn, a freehold public house located within the village of Wardington. The public house is located to the south of Wardington and is situated on Thorpe Road. The Plough Inn is a two storey building constructed from ironstone rubble under a tiled roof.
- 1.2 Planning permission is sought for change of use from public house (A4) to a private dwelling (C3), with a first floor extension to the rear of the property. The extension would be located on the northeast corner of the building and would be finished in materials consistent with the existing building.
- 1.3 The site is located within the Wardington Conservation Area and there are a number of Grade II Listed Buildings located within 50m of the site, including Bennett's Farmhouse and Bazeley Farmhouse. The site lies within 50m of Potentially Contaminated Land.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of advertisement, neighbour letter and site notice. The final date for comment was 14<sup>th</sup> April 2016. Seventeen letters have been received as a part of this process, with sixteen letters objecting to the application and one letter in support of the application. The following issues have been raised:
  - Loss of important community asset;
  - Pub not operating to full potential;
  - Pub not marketed at a fair value;
  - Loss of local employment.

## **3. Consultations**

- 3.1 Wardington Parish Council: Object to the change of use to private dwelling as the village would lose a community facility and believe that the potential of the public house is not being realised.

**Cherwell District Council Consultees**

- 3.2 Conservation Officer: Until the C20 Upper and Lower Wardington were separate settlements and this partition can still be read today. The building is recorded on the 1875 and 1899 OS maps as a 'Beer House' (BH).

The proposed changes to the building are limited and although they do not affect the visual impact the building will have on the streetscape they will impact on the historic massing of the building and reduce its architectural significance. Historic buildings have traditional proportions – the width of a gable being about 6 meters. The proposed widening of the rear wing in particular and the increase in ridge height create a structure more redolent of a C20 house in an urban housing estate than a building in the historic centre of a rural Oxfordshire village.

The building has been assessed and is considered suitable for non-designated heritage asset status and therefore is protected under the NPPF.

This is the last public house in Upper Wardington and my view is that the application should be refused and an Article 4 Direction served to protect the property against change of use.

Recommend refusal and contra to policy

NPPF Paragraph 135 – The proposed changes and loss of this building as a public amenity will cause harm to the significance of the building and loss to the character of the conservation area.

Recommend the serving of an Article 4 Direction.

### **Oxfordshire County Council Consultees**

- 3.3 Highways Liaison Officer: No objections, subject to a condition requiring four parking spaces.

### **Other Consultees**

- 3.4 North Oxfordshire Campaign for Real Ale Branch (CAMRA): We note that this application claims that the pub is not viable on the basis of figures from the current owners and marketing information from an agent. This is not an independent viability case and does not show the pub cannot be made viable with additional investment or different management. In the absence of an independent viability case showing that the existing use cannot be made viable, the loss of community facility is not justified.

The Plough is the only pub in Upper Wardington, but even taken together with Wardington the population of a little over 600 is almost the same as neighbouring Bourton parish, which manages to support two pubs. In any case, there is nothing in the NPPF to suggest that protection only applies where there is only one such facility in a village. In addition, S29 of the adopted local plan explicitly refers to proposals that will involve the loss of existing village services, not the complete loss.

We further note that the pub is being advertised at the price of £375,000. This is higher than the price at which the property was being offered when the 2003 planning application was refused, despite the intervening recession. The officer's report at that time notes of the price, "This figure contrasts with the value placed on the property as shown in the balance sheet of £155,176. Without any inspection of the premises it appears that the price at which the property is being offered reflects its likely value for conversion to a private dwelling and not its value as a going concern ..." How can a higher price now be regarded as any more realistic of its value as a going concern? It should also be noted that those property particulars state both that the business is profitable and operating very limited hours, and advises, 'Get the pub "open" and add

food to achieve the “unbridled” potential of this rare opportunity'. That a business requires investment to achieve its full potential is not a marker for non-viability.

We are unaware of a website for the pub, nor does it have an official presence on Facebook or Twitter; all free (or low cost) methods to promote a business in the modern age.

The Planning Officer's report for the refused 2003 application notes: *However considerable concern has been raised by local residents over the management of the pub. CAMRA advises that the management of a pub has a considerable impact on whether people will use a premises or not and from the responses received it would appear that the current owners no longer have the support of a significant proportion of the village.* What has changed since then?

Without an independent viability case showing that the pub could not be made viable under different management, this application should be refused.

#### **4. Relevant National and Local Policy and Guidance**

##### **4.1 Development Plan Policy**

###### Cherwell Local Plan (2011-2031) Part 1

SLE1: Employment Development  
BSC12: Indoor Sport, Recreation and Community Facilities  
ESD15: The Character of the Built and Historic Environment  
Villages 1: Village Categorisation

###### Cherwell Local Plan 1996 (Saved Policies)

H21: Conversion of buildings within settlements  
S29: Loss of existing village services  
C28: Layout, design and external appearance of new development  
C30: Design Control

##### **4.2 Other Material Policy and Guidance**

###### National Planning Policy Framework (2012)

###### Planning Practice Guidance (2014)

#### **5. Appraisal**

##### **5.1 The key issues for consideration in this application are:**

- Relevant Planning History;
- Principle of Development;
- Effect on Visual Amenity;
- Impact on heritage assets;
- Effect on Residential Amenity;
- Highways Safety.

##### **Relevant Planning History**

##### **5.2 03/00387/F – Change of use of Public House to single dwelling – Refused, for the following reason:**

- On the basis of the information submitted with the application it has not been

demonstrated to the satisfaction of the Local Planning Authority that the public house could not be viable in the long term and in such circumstances the loss of this village facility would be contrary to Saved Policy S29 of the Cherwell Local Plan 1996 which seeks to prevent the loss of existing village facilities which serves the need of the community.

The application was recommended for refusal by officers and went before North Area Planning Committee, where it was refused for the above reason.

### **Principle of Development**

- 5.3 The principle of development on this case is dependent on two matters; the principle of residential development on the site and the loss of the public house. The principle of residential development on the site shall be dealt with first.
- 5.4 Paragraph 14 of the National Planning Policy Framework states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 5.5 Paragraph 12 of the NPPF notes that the development plan is the starting point of decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.
- 5.6 Cherwell District Council can demonstrate a five-year supply of deliverable housing sites, therefore the presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 5.7 The principle of residential development in Wardington is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1. Wardington is recognised as a Category B village in the Cherwell Local Plan 2011 – 2031 Part 1. Within Category B villages, residential development will be restricted to the conversion of non-residential buildings, infilling and minor development comprising small groups of dwellings on sites within the built up area of the settlement.
- 5.8 Saved Policy H21 states that within settlements the conversion of suitable buildings to dwellings will be favourably considered unless conversion to a residential use would be detrimental to the special character and interest of a building of architectural and historic significance. In all instances proposals will be subject to the other policies in this plan.
- 5.9 The proposed development would involve the conversion of a Public House (A4) to a private dwelling house (C3). The Plough Inn is located within the built up limits of Wardington and therefore in this respect the proposed development is acceptable in principle, subject to the loss of the village service and its acceptability in terms of other material planning considerations.
- 5.10 Turning now to the loss of the public house, Policy BSC12 of the Cherwell Local Plan 2011 – 2031 Part 1 does not specifically refer to public houses, however the policy does cover the provision of community facilities and states that the Council will encourage the provision of community facilities to enhance the sustainability of communities and will seek to protect and enhance existing facilities.
- 5.11 Saved Policy S29 of the Cherwell Local Plan 1996 covers the loss of existing village services. The 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 policy does go on to state, however, that 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.

5.12 Paragraph 70 of the NPPF states that:

*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.*

5.13 The Plough Inn is located within the village of Wardington. The Hare and Hounds is the only other pub in the village and is located approximately 910m away from The Plough Inn and is situated just off the main A361 which links Banbury in the south to Daventry in the north. There are a number of other public houses located within nearby villages, including The Brasenose Arms and Red Lion Inn in Cropredy, The George and Dragon in Chacombe and The Griffin in Chipping Warden, all of which could be accessed by a short car journey.

5.14 On 12<sup>th</sup> April 2016, CAMRA sought to have The Plough Inn registered as an Asset of Community Value on the register of assets held by Cherwell District Council. The Council has an eight week period in which to decide whether the public house is to be registered as an asset or not. At the time of writing this report, this decision had not been reached by the Council. The Assets of Community Value and associated Community Right to Bid schemes were introduced as part of the *Localism Act 2011*. Community assets can be nominated by parish councils or groups with a connection to the local community. Once an asset is listed by a council, it is held on the register for a five year period and if the owner of the asset intends to sell the said asset, the group that has listed the asset can trigger a six month moratorium to raise funds and bid on the asset. The scheme does not give first refusal to the community group, it just gives the group the right to bid for the asset.

5.15 The nomination of The Plough Inn as an Asset of Community Value and the objections to the application from CAMRA, Wardington Parish Council and a significant number of local residents are evidence that The Plough Inn is an important and valued village service in Wardington. The change of use of The Plough Inn to residential would undoubtedly result in the loss of a village service that would be difficult to regain and there have been a significant number of objections received during the consultation process that raised issues regarding the loss of the public house. The Plough Inn appears to be used by a number of residents of Wardington and the closing of the public house would limit some local residents from accessing a public house if they relied on walking to the destination.

5.16 However, when assessing whether the proposal would '*reduce the community's ability to meet its day to day needs*' it is important to take into account the availability of alternative provision of public houses in the locality. As stated previously, the residents of Wardington would still have use of The Hare and Hounds which would be within walking distance for the majority of residents, and there are a significant number of other establishments in the neighbouring villages that are accessible by car within a 5 mile radius. As such, although the matter is finely balanced, it is considered that the loss of The Plough Inn would not significantly reduce the community's ability to meet its day-to-day needs. The principle of the loss of The Plough Inn therefore may comply with

Saved Policy S29 of the Cherwell Local Plan 1996, providing that the public house is no longer a viable business, an issue that will be addressed next.

- 5.17 CAMRA have objected to the application and have raised issues regarding the viability of the public house and have advised that an independent assessment should be conducted. This has been done on behalf of the Council as part of this application by Bruton Knowles, a leading property consultant. Further, concerns regarding the valuation of the pub were raised and it is suggested that under different management The Plough Inn could be a viable business.
- 5.18 The change of use of The Plough Inn was first proposed in 2003, under application 03/00387/F. The applicants – who are still the current owners – argued that the business was not viable at this time, however the application was refused as the Council was not satisfied that the public house was not viable in the long term and so the proposal was considered to be contrary to Saved Policy S29 of the Cherwell Local Plan 1996.
- 5.19 The public house has continued to operate in the intervening years but the applicants have stated that the public house is no longer viable to run and have submitted information with this application to justify this change of use, including a supporting statement with the financial records of The Plough Inn from 1999 until 2015.
- 5.20 The Plough Inn has been marketed with GA Select, a property agent that specialises in public houses, hotels and other leisure facilities. The Plough Inn has been on the market with GA Select since 27<sup>th</sup> April 2012 and was initially marketed at a value of £395,000 before being reduced to £375,000. The Inn remains on the market at this price with GA Select at the time of writing of this report.
- 5.21 The report prepared by Bruton Knowles highlights the competition faced by The Plough Inn from a significant number of other public houses and eateries in the surrounding area, the potential styles of operation in which the public house could operate, and the business levels and resulting viability of The Plough Inn. The public house relies predominately on wet sales, with these sales accounting for around 90% of the total. The Plough Inn does offer food, though this offering has been limited. The report states that the only viable trading model for The Plough Inn would be as a gastropub, however the building in which the public house is situated is considered to not be physically large enough to accommodate the necessary space required to operate a successful gastropub. Furthermore, the site is more constrained by its lack of external trading space and car parking provision, which would require cars to park kerbside on a narrow road, creating potential highway safety issues. By taking into account the limited and constrained nature of both The Plough Inn and its facilities, looking at the competing outlets in the local market and studying the financial records provided from 1999-2015, the property consultant considers that The Plough Inn is no longer viable as a public house. With the findings of the property consultants' report and the information submitted with the application, officers concur that The Plough Inn is no longer viable in the long term as a public house.
- 5.22 Therefore, by reason of the number of other alternative services available in the locality and the findings by the Council's property consultant on the viability of The Plough Inn, it is considered that the principle of the change of use of The Plough Inn from a public house (A4) to a private dwelling (C3) is acceptable, subject to other material planning considerations. Furthermore, the principle of a conversion to residential use on the site is acceptable in principle, given its location within the built-up limits of Wardington. The proposal is therefore considered to comply with Policies BSC12 and Villages 1 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies H21 and S29 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Effect on Visual Amenity**

- 5.23 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”*
- 5.24 Saved Policies C28 and C30 of the Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with the existing building. Proposals to extend an existing building should be compatible with the scale of the existing building, its curtilage and the character of the street scene.
- 5.25 A small first floor extension on the eastern elevation is proposed, along with a number of changes to the existing fenestration to the rear of the building on the north elevation. The ridge height of the extension will be slightly lower than that of the existing ridge line of the main body of the building and the extension will be constructed of ironstone to match the existing on the east elevation, whilst being finished in render to the rear which will match the materials used on that elevation. The proposed extension would add a dormer window onto the eastern elevation of the building and the existing uPVC fenestration to the rear shall be replaced with timber, with some windows replacing doors and some new openings created.
- 5.26 Although the concerns of the Council’s Conservation Officer are noted, it is considered that these proposals are minor and sympathetic to the context of the development and would be finished in materials that would match the existing building. Therefore, the proposals would comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Impact on heritage assets**

- 5.27 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 5.28 The site is located within the Wardington Conservation Area. The Conservation Officer has recommended that the application be refused as it is considered that the change of use to residential would result in a loss of a village service and would cause harm to the character of the conservation area, and the Conservation Officer goes on to state that The Plough Inn is the last public house left in Upper Wardington.
- 5.29 The Conservation Officer’s comments on the proposal are noted and as previously stated, it is considered that the loss of The Plough Inn would have an impact on the village. However – on balance – this impact is outweighed by the public house no longer being viable as an ongoing concern. Therefore, whilst the loss of the public house may cause some limited harm to the historic understanding and legibility of Upper Wardington as a separate settlement, in the context of the business being unviable in the long term, this harm is not sufficient to justify refusal in this case. A condition can be applied requiring the existing public house signage to be retained in the development, and this will aid in ensuring the historic importance of the building as a village facility remains legible.
- 5.30 The extension and changes to the fenestration of the rear of the building are considered to preserve and enhance the heritage asset, due to the minor scale of the proposals and the use of materials to match the existing dwelling. The change of use to residential is

not considered to have a significant detrimental impact on the conservation area. The proposals would therefore comply with Policy ESD15 and Government guidance contained within the National Planning Policy Framework.

### **Effect on Residential Amenity**

- 5.31 Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 5.32 The extensions would not be overdominating or cause a loss of light to neighbouring properties. The extensions to the east may cause a very minor increase in terms of overlooking of the garden of Hill Crest to the northeast of the site, though as there are already windows in the east elevation on the first floor it is not considered that this impact would be detrimental to the residential amenities of the occupiers of Hill Crest. The extensions and changes in fenestration would increase the amount of windows on the north elevation of the building; however these would predominately look out across an open field to the north. The change of use of the building from a public house to a residential use would not be considered to cause harm to the residential amenities of neighbouring dwellings.
- 5.33 The proposals would therefore comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Highways Safety**

- 5.34 The Highways Liaison Officer has offered no objections to the proposals, subject to a planning condition that the number of parking spaces provided on site is four. However given the existing use could generate greater demand for parking than the proposed use as a single dwelling, and given the constraints of the site, such a condition is considered unnecessary and unreasonable. It is considered that the proposal would not have a detrimental impact on Highway Safety in accordance with Government guidance contained within the National Planning Policy Framework.

### **Engagement**

- 5.35 With regard to the duty set out in paragraphs 186 and 187 of the Framework, where problems or issues have arisen during the application these have been discussed with the applicant's agent. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

### **Conclusion**

- 5.36 The application site is located within the built up area of Wardington and therefore the conversion of the building to residential is acceptable in this respect. The loss of the public house is considered to be a finely balanced matter. However on balance it is considered to be acceptable given the evidence submitted, the independent appraisal conducted by property consultants Bruton Knowles and also the significant availability of alternative provision to serve the previous catchment the pub would have served. The alterations to the building are considered to be acceptable and would not cause harm to the visual amenities of the area or the Wardington Conservation Area. The Local Highway Authority have raised no objection. On balance the application is considered to be a sustainable form of development in line with the objectives of the NPPF and local planning policy.



## **6. Recommendation**

**Approval**, subject to the following conditions:

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 condition, the development shall be carried out strictly in accordance with the following plans and documents: Application Forms and Drawing Numbers: 3732/map and 3732/20A submitted with the application.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural ironstone to match the stonework on the existing building, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development to be constructed of stone shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, samples of the tile to be used in the construction of the roof of the extension shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, samples of the render to be used in the construction of the walls of the extension shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved details of how, as far as practicable, the existing public house signage will be retained and

incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details and any public house signage agreed to be retained shall be maintained as such thereafter.

Reason – To preserve the character and appearance of the conservation area and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the installation of the new windows and doors hereby approved, full details of the windows and doors, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the windows and doors shall be installed within the building in accordance with the approved details.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Notwithstanding the provisions of Classes A to D (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling shall not be extended or altered without the prior express planning consent of the Local Planning Authority.

Reason – To ensure and retain the satisfactory appearance of the completed development and to preserve the Conservation Area, to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

#### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 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. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

**CONTACT  
OFFICER:**

Matthew Chadwick

**TELEPHONE  
NO:**

01295 223754