



Appeal Decision

Site visit made on 22 August 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th September 2017

Appeal Ref: APP/J4423/W/17/3171556

Cherry Tree Inn, 2 Carter Knowle Avenue, Sheffield S11 9FU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by The Co-operative Group against Sheffield City Council.
 - The application Ref 16/02791/FUL is dated 31 October 2016.
 - The development proposed is A1 retail development with access, car parking, servicing and associated works.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural matters

2. Revised plans for the proposed development, refs 5622(P)504E, 5622(P)104C and 5622(P)203E were submitted by the appellant to the Council on 3 February 2017. The appellant received comments in relation to these plans from the planning officer on 9 March 2017, a few days before the appeal for non-determination was made. The Council has had the opportunity to consider these revised plans and has not objected to their inclusion. The plans show the proposed site plan, building and its elevations.
3. The revisions sought to address comments on the design of the proposed development received from the planning officer in February 2017. These revisions do not amount to a material change in the type of development, and the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans. As a consequence, I do not consider that their interests would be prejudiced if I was to take these amendments into account. My consideration of the case and my decision is therefore based on these revised plans.
4. The description of the development that appears on the appeal form and in the Council's appeal statement is 'Demolition of public house and erection of single/two-storey retail unit (Use Class A1) with associated parking accommodation, automated teller machine (ATM) and plant and equipment.' I am content that this amended description adequately describes the proposal and I shall use it in the determination of this appeal.

Main Issues

5. The main issues in this appeal are;
- the effect of the proposed development on the character and appearance of the area; and,
 - whether Cherry Tree Inn is a valued community facility.

Reasons

Character and appearance

6. Cherry Tree Inn is located in a prominent position by a busy staggered road junction in a suburban residential area. Wide grass verges outside the Inn and on the opposite side of Montague Road, together with a tree, flowers and a bench, have created an attractive public realm. The Inn and its entrance directly face the junction of Montague Road and Carter Knowle Road. With its low eaves and circular lounge on its corner the Inn makes a positive contribution to the street scene.
7. In contrast, the proposed store would turn its back on the street scene. In views from Montague Road and Carter Knowle Road, which are the busiest roads past the appeal site, the blank gable ends of the building, together with the limited fenestration and detailing within its rear elevation, would fail to provide variety, interest or natural surveillance of the street. Whilst I recognise that there are design constraints in relation to the site in terms of its topography and providing vehicular access, this does not justify the poor design of the proposed store.
8. For these reasons, I therefore conclude that the poor design of the proposed development would unacceptably harm the character and appearance of the area, contrary to policies BE1 and BE5 of the Sheffield Unitary Development Plan and policy CS74 of the Sheffield Core Strategy. These policies require the protection of the character and appearance of a locality through high quality design that respects local design features. It would also be contrary to a core planning principle of the National Planning Policy Framework (the Framework) which seeks high quality design.

Community facility

9. As a statement of national planning policy the Framework is an important material consideration. Paragraph 70 of the Framework advises that planning decisions should plan positively for community facilities, such as public houses and local shops, to enhance the sustainability of communities and that the unnecessary loss of valued facilities should be guarded against.
10. As Cherry Tree Inn is located within a Local Shopping Area designated by the development plan it is not a matter in dispute that retail development on the appeal site is acceptable in principle. Its central location within the local residential area means that its retail offer would be readily accessible on foot. The question which therefore remains is whether the Cherry Tree Inn, which is a public house, is a valued community facility whose loss should be guarded against. It is to this matter that I now turn.

11. The Inn is centrally located within the residential area it serves. As a result, it is within easy walking distance for all of the local community. Other public houses such as The Prince of Wales, Millhouses and Robin Hood have been referred to. The Council states that these public houses are approximately 500m away from Cherry Tree Inn in different directions. This has not been disputed by the appellant. As a result, allowing for the hilly nature of the area, unlike the Cherry Tree Inn, they are not within a reasonable walking distance for all of the local community and so are less likely to act as a meeting place for the local community.
12. The Inn is currently trading and has recently been designated as an Asset of Community Value (ACV) under the Localism Act 2011. As this was the result of a formal process that included testimonials from patrons regarding the Inn's community value, I attach significant weight to this consideration. The submission of a petition with over 1,000 signatures opposing the proposed redevelopment of the site is further notable evidence of the value that the local community places on the Inn as an asset.
13. A review of the decision to list the Inn as an ACV has been requested by its owner. If the review confirms the listing a right of appeal also exists. However, there is no evidence before me that the review has resulted in the de-listing of the Inn as an ACV, or that a successful appeal has occurred. As a result, this consideration does not alter the significant weight that I attach to the status of the Inn as an ACV.
14. Taking all these matters into account, I therefore conclude that whilst the proposed development would result in a convenient local food store it would result in the loss of a facility that is of demonstrable value to the local community.

Planning balance and overall conclusion

15. The Framework sets out a presumption in favour of sustainable development. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: social, environmental and economic.
16. The development plan is silent on the protection of community facilities such as public houses. In such circumstances, the tilted balance in paragraph 14 of the Framework applies.
17. The poor quality of the design of the proposed development would cause harm to the built environment, contrary to the development plan. Socially, the proposed redevelopment would result in the loss of a community asset of demonstrable value where people can meet and socialise. Whilst the proposed Co-op store would allow the local community to mix, the opportunities for socialising would be far more limited. Overall therefore, I find that socially the proposed development would have a negative impact. Economically, the scheme would generate some construction employment, although by its nature this benefit would be short lived. In terms of employment, the proposed store would create jobs, but it would also result in the loss of employment at the Inn.
18. The proposed development would result in some economic benefits which I have described above. It would also be in an accessible location for local

residents, reducing the distance needed to travel to purchase a wider range of food and groceries than is available in the farm shop in the adjacent parade. However, the shortcomings in terms of the design of the proposed store on the built environment and its adverse effects socially are a significant concern. The adverse impacts in this regard would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development.

Conclusion

19. For these reasons that I have given I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector