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## Appeal Decisions

Hearing Held on 20 September 2017

Site visits made on 19 and 20 September 2017

**by Neil Pope BA (Hons) MRTPI**

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

**Decision date: 5 October 2017**

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### **Appeal A Ref: APP/U1105/W/17/3173434**

#### **Kings Arms Inn, Stockland, Honiton, Devon, EX14 9BS.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Mike Flood of Horatio Properties against the decision of East Devon District Council (the LPA).
  - The application Ref. 16/1560/OUT, dated 25 January 2016, was refused by notice dated 13 October 2016.
  - The development proposed is a pair of new build cottages with carport parking 2 spaces per cottage.
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### **Appeal B Ref: APP/U1105/W/17/3173436**

#### **Kings Arms Inn, Stockland, Honiton, Devon, EX14 9BS.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Mike Flood of Horatio Properties against the decision of East Devon District Council.
  - The application Ref. 16/1561/FUL, dated 25 January 2016, was refused by notice dated 13 October 2016.
  - The development proposed is the conversion of existing outbuilding to two bedroomed cottage.
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### **Appeal C Ref: APP/U1105/Y/17/3173534**

#### **Kings Arms Inn, Stockland, Honiton, Devon, EX14 9BS.**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Mike Flood of Horatio Properties against the decision of East Devon District Council.
  - The application Ref. 16/1562/LBC, dated 25 January 2016, was refused by notice dated 13 October 2016.
  - The works proposed are the conversion of existing outbuilding to two bedroomed cottage.
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### **Appeal D Ref: APP/U1105/W/17/3173599**

#### **Kings Arms Inn, Stockland, Honiton, Devon, EX14 9BS.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Mike Flood of Horatio Properties against the decision of East Devon District Council.
  - The application Ref. 16/1532/FUL, dated 25 January 2016, was refused by notice dated 13 October 2016.
  - The development proposed is the conversion of existing barn to 2 bedroomed cottage.
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**Appeal E Ref: APP/U1105/Y/17/3173608**

**Kings Arms Inn, Stockland, Honiton, Devon, EX14 9BS.**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Mike Flood of Horatio Properties against the decision of East Devon District Council.
  - The application Ref. 16/1533/LBC, dated 25 January 2016, was refused by notice dated 13 October 2016.
  - The works proposed are the conversion of existing barn to 2 bedroomed cottage.
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**Appeal F Ref: APP/U1105/W/17/3173611**

**Kings Arms Inn, Stockland, Honiton, Devon, EX14 9BS.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Mike Flood of Horatio Properties against the decision of East Devon District Council.
  - The application Ref. 16/1534/FUL, dated 25 January 2016, was refused by notice dated 13 October 2016.
  - The development proposed is the demolition of recent extensions and minor revisions to the internal layout.
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**Appeal G Ref: APP/U1105/Y/17/3173616**

**Kings Arms Inn, Stockland, Honiton, Devon, EX14 9BS.**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Mike Flood of Horatio Properties against the decision of East Devon District Council.
  - The application Ref. 16/1535/LBC, dated 25 January 2016, was refused by notice dated 13 October 2016.
  - The works proposed are the demolition of recent extensions and minor revisions to the internal layout.
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**Decisions**

1. Appeals A, B and D are dismissed and appeals C, E, F and G are allowed.
2. Listed building consent and planning permission are granted for the demolition of recent extensions and minor revisions to the internal layout (appeals F and G). Listed building consent is also granted for the conversion of an existing outbuilding to two bedroomed cottage (appeal C) and the conversion of existing barn to a two bedroomed cottage (appeal E) at the Kings Arms Inn, Stockland, Honiton, Devon, EX14 9BS. Planning permission and the listed building consents are granted in accordance with the terms of the applications refs. 16/1562/LBC, 16/1533/LBC, 16/1534/FUL and 16/1535/LBC, dated 25 January 2016, subject to the conditions in Schedules 1-4 below.

**Preliminary Matters**

3. In appeal A, all matters of detail have been reserved for subsequent consideration. I have treated the layout drawing, elevations and floor plans as illustrative only.
  4. Having sought the views of the main parties, in the interests of fairness, I have not taken into account the late representation from Mr Cowan.
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## **Main Issues**

5. There are four main issues. These are: firstly, the likely effect upon the social well-being of the local community, having particular regard to the impact of the proposals upon the future use of the Kings Arms Inn as a public house (appeals A, B, D and F); secondly, whether the proposed dwellings would be in an appropriate location, having particular regard to the availability of services and national and local planning policies for development within the countryside (appeals A, B, D and F); thirdly, whether the proposals would preserve the grade II listed building known as the Kings Arm Inn or its setting or any features of special architectural or historic interest which it possesses (appeals A-G) and; finally, whether the proposals would provide adequate living conditions for occupiers of the converted outbuilding having particular regard to noise disturbance (appeal B only).

## **Reasons**

6. The appeal sites are of differing sizes and collectively they comprise the Kings Arms Inn and its associated outbuildings and car park. This public house lies within the village of Stockland<sup>1</sup>, the Stockland Conservation Area (SCA) and forms part of the Blackdown Hills Area of Outstanding Natural Beauty (AONB). The Kings Arms Inn was listed as an Asset of Community Value in 2013.

### *Planning Policy*

7. The development plan includes the East Devon Local Plan 2013-2031 (LP) that was adopted in 2016 and the Stockland Neighbourhood Plan 2014-2031 (NP) that was made in 2017.
8. The most relevant LP policies and strategies<sup>2</sup> to the determination of these appeals are: policy D1 (design); policy EN9 (designated heritage assets); policy E14 (change of use of village shops or services); policy TC2 (accessibility) and; strategies 7 (development in the countryside) and 32 (loss of employment, retail and community sites and buildings). The most relevant NP policies to these appeals are: BHE1 (heritage assets); CSF3 (community facilities, amenities and locally valued assets) and; CSF4 (Kings Arms Inn).
9. Whilst not forming part of the development plan, my attention has been drawn to the Blackdown Hills AONB Management Plan 2014-2019 (MP). Relevant policies to the determination of these appeals include CC4 (access to community facilities) and CC 4/A (retention and enhancement of community facilities). I concur with the appellant and LPA that the MP can be given moderate weight in the determination of these appeals.
10. The Stockland Interim Conservation Area Review (CAR) was prepared for the LPA in 1999. Amongst other things, it identifies the special qualities of the SCA including important buildings and features. Although it does not form part of the development plan, it is a material consideration that carries moderate weight in the determination of these appeals.

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<sup>1</sup> There are about 660 residents in the parish in 311 households. The village includes a primary school, church and village hall.

<sup>2</sup> At the Hearing, the LPA and the appellant agreed that the strategies carry the same weight as the policies.

11. The National Planning Policy Framework (the Framework) is an important material consideration in the determination of these appeals. It carries considerable weight in the determination of these appeals.

*Social Well-Being (Appeals A, B, D and F)*

12. It is widely recognised and also acknowledged within the development plan, the Framework and the MP that public houses can perform an important role in fostering the social well-being of rural communities. I note from the appellant's traffic and highways report that *"Primary amongst the facilities within Stockland is the Kings Arms public house, which presents a meeting place for villagers to socialize and interact."* The appellant accepts that until it acquired the Kings Arms Inn in 2008 the pub business that operated from these premises had a track record of making a profit. The appellant's Commercial Viability Report (CVR) reveals that for the last complete set of recorded figures<sup>3</sup> the turnover was £545,572 and the profit was £97,230.
13. The Parish Council and many local residents have informed me that until the Kings Arms Inn closed in 2013, it provided an important meeting place for local residents to come together on an informal basis, as well as catering for the needs of a number of local groups such as skittles teams, the cricket club, the Young Farmers and the local hunt. I also understand that in the past this pub provided some valuable employment opportunities, including part-time bar and restaurant work for some younger members of the community. It performed a different role to the village hall in supporting a vibrant rural community. I note the remarks of one local resident that once the chairs are being stacked away in the village hall people leave, whereas in the past residents tended to stay and socialise at the end of meetings or events that had been held in the pub.
14. The Parish Council and some local residents have also informed me that following the closure of the Kings Arms Inn there has been a decline in social interaction within the village and local teams and organisations are now forced to meet elsewhere. This is difficult to measure but I understand that interest in the local cricket club has waned with members no longer being able to socialise locally for a drink after matches and touring sides are deterred by the absence of an operating public house. Some residents are also less likely to encounter one another whilst out for a meal or drink in the village and younger adults, who are the future of rural communities, now have fewer opportunities to get together with their friends in the village. The employment opportunities for local residents have also reduced.
15. Whilst the local community continues to be vibrant, it is clear to me from the numerous letters of representation and comments made by residents at the Hearing that the social well-being of the Stockland community has been eroded following the closure of the Kings Arms Inn. The loss of this primary or key local facility or approving development that could jeopardise the prospects of this pub re-opening and returning to profit would be likely to considerably harm the social well-being of the local community.
16. As set out within the CVR, since 2008 there have been significant economic changes, as well as changes and restructuring within the pub trade/public

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<sup>3</sup> For the year ending 2006.

house market. Energy costs have also increased. I note that in 2010<sup>4</sup> turnover at the Kings Arms Inn had fallen to £198,274 and a loss of £19,354 was recorded. Losses were also recorded in 2011 and 2012. Some refurbishment /repairs to the pub would now be required as limited investment appears to have been undertaken to the fabric of the building since it closed.

17. The appellant refutes the claims made by some interested parties that inexperienced tenants were appointed to run the Kings Arms Inn and, amongst other things, has drawn attention to the smoking ban<sup>5</sup>, the heavy discounting by supermarkets on cheap alcohol and increased competition from chained town centre restaurants. Whilst some of these have undoubtedly had an impact on pub trade, given that Stockland is a considerable distance from chained town centre restaurants, it would be surprising if this had resulted in any significant competition and drawn trade away from the historic charm<sup>6</sup> of a country pub that lies deep within the Blackdown Hills AONB. It also appears unlikely to me that the village hall<sup>7</sup> would provide any meaningful competition to the Kings Arms Inn.
18. The CVR includes two different development scenarios. Scenario A includes revenue from the sale of the proposed pair of cottages, barn conversion and the conversion of the outbuilding, as well as the rental from the operation of the refurbished pub with its reduced trading area. Scenario B is for the partial conversion of the pub and no new build dwellings. Allowing for 20% profit, the CVR reveals that granting permission for the proposed dwellings (scenario A) would generate enough capital<sup>8</sup> to refurbish the pub and return it to use whilst scenario B would not.
19. However, I agree with the LPA and a number of interested parties that neither scenario considers potential income streams that could be generated from operating the pub/premises in a different manner to the period 2009-2013<sup>9</sup> or includes any business plan or economic impact assessment to demonstrate that a reconfigured and refurbished pub (with a smaller trading area, no skittle alley and a much reduced car park) could operate as a successful business venture. I note the comments of the LPA's Development Enabling and Monitoring Officer that the CVR does not provide a clear, logical, well-evidenced and complete argument to support the reconfiguration of the pub.
20. Moreover, the appellant has suggested the use of a 'Grampian style' condition intended to have the effect of preventing the occupation of the converted buildings until the pub had been "*prepared and ready for letting or sale to a person in the business of operating it as a public house*". Whilst the proposals, in part, are aimed at securing some financial support for the pub, I share the concerns of the LPA that such a condition would lack the necessary precision to meet the relevant tests contained within paragraph 206 of the Framework. The

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<sup>4</sup> The last ten months of that year are the last available figures for turnover and profit/loss. The CVR estimates that for the complete year turnover would have been about £215,000 which would still have resulted in a loss for the tenant.

<sup>5</sup> Introduced in July 2007.

<sup>6</sup> Part of which is derived from the change in levels and the variation/interest created by the internal layout/space.

<sup>7</sup> Licenced for music and the sale of alcohol.

<sup>8</sup> The existing use value of the Kings Arms Inn (£300,000) should be used rather than the actual purchase price (£941,000).

<sup>9</sup> I understand that one option that is being considered by Stockland Community Pub Limited is to operate a micro-brewery from the existing barn.

proposals have not been advanced as enabling development to which paragraph 140 of the Framework applies and there is no appropriate mechanism in place to ensure the delivery of the proposed refurbishment and re-use of the pub. As accepted by the appellant, each proposal must also be determined on its own merits.

21. The Kings Arms Inn has been marketed since 2013. I note from the CVR that there has only been limited interest and one verbal offer<sup>10</sup> made from the Stockland Community Pub Limited. However, this is unsurprising given that the asking price for the pub and car park is £750,000. Whilst I appreciate the appellant's desire to recover or reduce its losses, asking more than twice the existing use value is bound to deter most, if not all, prospective purchasers. I concur with the LPA's Economic Development Manager that a more robust and effective marketing strategy is required to substantiate the claim made on behalf of the appellant that the marketing campaign *"is a clear demonstration of the unsuitability of the property for continued Public House use."*

#### Appeal A

22. The proposed two new dwellings, garden areas and car ports would occupy a sizeable part of the pub car park. Only a limited number of car parking spaces would be retained for use by guests staying in the letting rooms at the pub and other customers arriving by car. With few on-street parking spaces available within the vicinity of the pub, visitors and some customers could be put-off from coming to the Kings Arms Inn or be deterred from making return visits. In this part of the countryside, which is remote from public transport services and where there is a high dependency on car travel, the proposal, if approved, could dissuade prospective operators/owners of the pub from expressing an interest in trying to operate a successful business from the Kings Arms Inn.
23. The likely adverse effect upon the efficient operation of the public house and the curtailing of custom would constrain the potential of any business to return a profit. This could bring about the permanent closure of the pub and harm the social well-being of the local community. In so doing, the proposal would conflict with the aims and objectives of LP Strategy 32, NP policies CSF3 and CSF4 and MP policies CC4 and CC 4/A.

#### Appeal B

24. The proposed conversion of the skittle alley into a two bedroomed cottage would deprive the public house business of a potential income stream. Skittles was popular at this site in the past and on the basis of everything that I have seen and heard, there is local interest in resuming such activity from the site in the future as part of any re-opening of the pub. The space inside the skittle alley could also be used for other functions to support a pub business.
25. The likely adverse effect upon the efficient operation of the public house and the curtailing of custom would constrain the potential of any business to return a profit. There would be a significant loss of space associated with the public house. This could have the effect of bringing about the permanent closure of

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<sup>10</sup> £350,000. The Stockland Community Pub Limited have received pledges of £232,000 towards the cost of purchasing the Kings Arms Inn and is in discussion with various organisations in respect of possible loans and grants towards the cost of purchasing the pub.



the pub and harm the social well-being of the local community. In so doing, the proposal would conflict with the aims and objectives of LP policy E14, LP Strategy 32, NP policies CSF3 and CSF4 and MP policies CC4 and CC 4/A.

#### Appeal D

26. The proposed conversion of the existing barn to a two bedroomed cottage could deprive the public house business of valuable storage space. Prospective owners/operators of the Kings Arms Inn could also perceive this building to offer potential for a micro-brewery or other space that would be capable of generating an additional income stream to a pub business.
27. The likely adverse effect upon the efficient operation of the public house and the curtailing of custom would constrain the potential of any business to return a profit. This could bring about the permanent closure of the pub and harm the social well-being of the local community. In so doing, the proposal would conflict with the aims and objectives of LP policy E14, LP Strategy 32, NP policies CSF3 and CSF4 and MP policies CC4 and CC 4/A.

#### Appeal F

28. The proposed demolition of recent extensions and minor revisions to the internal layout of the main public house building could assist in securing the efficient operation of a pub business. These modest works would be very unlikely to constrain the potential of any business to return a profit and would not harm the social well-being of the local community. This proposal would accord with the provisions of LP strategy 32, NP policies CSF3 and CSF4 and MP policies CC4 and CC 4/A.
29. I conclude on the first main issue that the schemes advanced under appeals A, B and D would be likely to harm the social well-being of the locality community whilst the scheme advanced under appeal F would not.

#### *Appropriate Location (Appeals A, B, D and F)*

##### Appeals A, B and D

30. There are a limited number of services and facilities available within Stockland. As already noted above, these appeal sites are also remote from public transport services. This is not an accessible location for new housing and occupiers of the proposed dwellings would be reliant upon the use of private motor vehicles for accessing main services and facilities, including educational facilities, retail, healthcare and employment.
31. Using the widely recognised and accepted TRICS<sup>11</sup> database, the appellant's transport consultant has calculated that in a 24 hour period the proposed four dwellings would generate a total of 25 vehicular trips and with the proposed reduced 'footprint', the retained public house would generate 178 trips. It has also been calculated that if the Kings Arms Inn re-opened on the basis of its existing 'footprint' there would be 262 vehicular trips within a 24 hour period. On behalf of the appellant, it has been calculated that the appeal schemes would result in 59 fewer trips in a 24 hour period.

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<sup>11</sup> Trip Rate Information Computer System

32. An interested party has spent considerable time and effort interrogating the TRICS database that has been used in support of the applications and is highly critical of the trip assessment that has been undertaken on behalf of the appellant. Whilst there may have been some over-estimation in the calculation of trip rates for the Kings Arm Inn<sup>12</sup>, I have no doubts that if/when this public house re-opens, on the basis of its existing or reduced 'footprint', there would be a considerable number of daily vehicular trips.
33. In all probability, the trip generation from the combined appeal schemes (including the reduced pub 'footprint') would not be too dissimilar to that which could reasonably be expected if the Kings Arms Inn operated successfully on its existing 'footprint'. The appeal schemes would be unlikely to result in any significant increase in the need to travel. There would be no conflict with the aims and objectives of LP policy TC2. However, whether using the figures provided by the interested party or those relied upon by the appellant, the evidence strongly suggests to me that the existing car park spaces would be necessary to adequately cater for/serve the needs of a successful pub business.
34. Under the LP, these sites are treated as lying within the countryside for development management purposes. At the Hearing, I was informed that Stockland does not form part of a group of smaller settlements to which paragraph 55 of the Framework applies. The appellant accepts that the proposed pair of cottages (appeal A) would conflict with the provisions of LP Strategy 7. There is also no support within the NP for new open-market housing within Stockland. This proposal would be at odds with the provisions of the development plan that are aimed at guiding new housing to appropriate locations. This weighs heavily against granting planning permission.
35. The Framework is permissive of new homes in the countryside where development would re-use a redundant or disused building and lead to an enhancement to the immediate setting. Like the main public house, the buildings to which appeals B and D relate are currently not in use. However, there is a greater weight of evidence to indicate that these buildings would be required as commercial space necessary to support efforts to re-open the Kings Arms Inn, rather than being truly redundant or disused.
36. Furthermore, although the area of the car park and the buildings to which appeals A, B and D relate have largely been neglected since the pub closed, these spaces/buildings do not harm the character or appearance of the area. Whilst the bungalows to the north have been identified as a detracting feature<sup>13</sup>, the proposals would not effectively screen these existing dwellings or bring about any meaningful enhancement of the immediate setting. The proposals that are advanced under appeals A, B and D conflict with national and local planning policies for housing within the countryside.

#### Appeal F

37. The proposed demolition of recent extensions and minor revisions to the internal layout of the main public house building would have a negligible effect

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<sup>12</sup> The interested party has derived figures of about 166 trips/day for the existing pub and 113 trips/day for the reduced 'footprint'.

<sup>13</sup> Map Three within the published CAR.



on the need to travel and would not conflict with national or local planning policies that are aimed at controlling development within the countryside.

38. I conclude on the second main issue that the proposals advanced under appeals A, B and D would be in an inappropriate location for new housing whilst the scheme advanced under appeal F would accord with relevant national and local planning policies.

#### *Listed Building (Appeals A-G)*

39. The significance of this thatched roof and stone rubble walled building, which dates from the 16th century with later additions/alterations, is derived primarily from its architectural qualities (including roof materials, walls, plank and muntin screen, fireplaces and chimneys) and its historic function as a public house serving the local rural community. The associated use of the 19th century curtilage buildings adds, to a limited extent, to the historic interest of the Kings Arms Inn as a designated heritage asset. Whilst not detracting from the heritage interest of the listed building, the car park does not make any meaningful contribution to the significance of this grade II listed public house.
40. At the Hearing, the LPA informed me that the proposals would not adversely affect the significance of the listed building. The proposals would allow for the retention of the Kings Arms Inn as a public house. The works of demolition and internal alterations (appeals F and G) would involve the removal of some more recent additions/alterations without harming any heritage interest.
41. The proposed pair of cottages (appeal A) could be designed to safeguard the setting of this designated heritage asset. I agree with some interested parties that the proposed change of use of the skittle alley and barn (appeals B and D<sup>14</sup>) would erode the historic associations with the public house and, to a limited extent, would detract from the historic interest of this listed building. In the context of the Framework, this would be at the lower end of less than substantial harm to the significance of this designated heritage asset. However, this does not amount to a less than substantial planning objection and needs to be weighed with any public benefits of the proposals.
42. I conclude on the third main issue that the proposals to which appeals A, C, E, F and G relate would preserve the setting of the Kings Arm Inn and its features of special architectural or historic interest and would accord with LP policy EN9 and NP policy BHE1. I also conclude on this main issue that the proposals advanced under appeals B and D would result in less than substantial harm to the significance of the grade II listed Kings Arms Inn.

#### *Living Conditions (Appeal B only)*

43. If/when the public house re-opened, customers using the new foot access and courtyard to the pub would be in very close proximity to the converted skittle alley and its garden/outside amenity spaces. With the frequent comings-and-goings of customers arriving and departing from the pub, especially during the evening, there is the potential for much noise and disturbance immediately along this proposed dwelling. Whilst prospective owners/occupiers would be aware of this situation before purchasing/occupying the building, in all

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<sup>14</sup> Listed building consent (appeals C and E) is only the physical works of adaptation not the change of use.

probability they would, in time, perceive this as a nuisance and apply pressure on the LPA to take action. The boundary wall/fence would need to be sensitively designed to respect the listed building alongside and the SCA. It is very unlikely that this would provide any meaningful noise mitigation.

44. This proposal would fail to provide adequate living conditions for occupiers of the proposed dwelling and would conflict with the provisions of LP policy D1(3). This in turn could result the pub being unable to operate efficiently.

#### *Other Matters*

45. The appellant has argued that the proposed developments would provide a number of benefits. These comprise: the creation of 6 temporary construction jobs during the construction phase; an increase in Council Tax Revenue and the New Homes Bonus Multiplier; incoming residents would help support local services, including the pub; refurbishment of the listed building and the more efficient use of trading space and; enhanced setting to this part of the village.
46. I concur with the Council's Economic Development Manager that when weighed with the loss of employment from the operation of the smaller pub or its permanent closure, there is likely to be a net reduction in employment provision. This would be at odds with the provisions of LP Strategy 32. The increase in Council Tax Revenue and the New Homes Bonus Multiplier should also be balanced with the potential loss of business rates from the smaller public house or the loss of rates following its permanent closure. Whilst residents of the proposed dwellings could support the remaining services in Stockland this is unlikely to include the pub for the reasons set out above.
47. The proposed refurbishment of the pub and the more efficient use of internal space would be likely to have a very modest effect on trade. I have found above that the proposals would not enhance the immediate setting. I shall therefore attach limited weight to the claimed public benefits of the proposals.
48. Under section 85 of the Countryside and Rights of Way Act 2000 I am required to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The proposals would not detract from the scenic qualities or natural beauty of this nationally important area or harm its special qualities.
49. There is no cogent evidence to substantiate the concerns of some interested parties that the proposals would harm the character or appearance of the SCA. The proposals would be likely to have a neutral effect upon the special architectural and historic qualities of this designated heritage asset.
50. My attention has been drawn to appeal decisions in respect of other proposals on different sites, including a proposal to convert a public house into three dwellings in Dorset (ref. APP/F1230/W/15/3006600). However, in that appeal all the pub's fixtures and fittings, including its bar and kitchen had been removed, the purchase and marking prices were very different to the Kings Arms Inn and there was a different development plan. I have already noted above that each case must be determined on its merits. These other decisions do not set a precedent that I must follow.

*Planning Conditions (Appeals C, E, F and G)*

51. In addition to the 'standard' conditions regarding the commencement of works/development, in the interests of certainty conditions would be necessary specifying the approved plans.
52. To safeguard the special architectural and historic qualities of the listed building conditions would be necessary requiring the submission of further details, including samples and additional scaled drawings before works commence. Where the works include demolition, conditions would be necessary to safeguard the remainder of the listed building.

*Planning Balance / Overall Conclusions*

53. When the public benefits of the proposals are weighed with the less than substantial harm that I have identified to the significance of the Kings Arms Inn (appeals B and D) I find that these benefits would not outweigh the harm. These two proposals would therefore also conflict with the provisions of LP policy EN9 and the aims and objectives of NP policy BHE1.
54. The benefits of the proposals would also fail to outweigh the harm that I have identified in respect of the other main issues. Appeals A, B and D conflict with the overall provisions of the development plan and would fail to satisfy the social and environmental dimensions to sustainable development. These appeals should not therefore succeed. As no harm would arise in respect of appeals C, E, F and G, these appeals should succeed.

*Neil Pope*

Inspector

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr M Flood	The appellant company
Mr T Allies BA, DipArch, RIBA	Allies Associates Architects

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr C McCullough	Senior Planning Officer
Dr R Murray	Economic Development Manager
Ms R Danemann MRTPI, Assoc RICS	Development Enabling and Monitoring Officer

### **INTERESTED PERSONS:**

Cllr Griffiths	Stockland Parish Council
Mr K Pearson	Clerk to Stockland Parish Council
Ms D Ingram MSc CHE, FRSA	Director, Planning 4 Pubs, representing Stockland Community Pub Limited
Mr D Clay	Vice Chair, Stockland Community Pub Limited
Mr A Kippax	Local resident
Mr P Maitland	Local resident
Ms W Urquhart	Local resident also representing Mr Hayter
Mrs J Bellamy	Local resident
Dr D Allen	Local resident
Mr N Parris	Local resident
Mrs J Simmonds	Local resident

### **DOCUMENTS SUBMITTED AT THE HEARING:**

Document 1	Commercial Viability Report from Sturt & Co. dated July 2016
Document 2	Development Appraisal from Sturt & Co. dated July 2016
Document 3	Bundle of documents in respect of The Rivers Arms, Dorset

## **SCHEDULES OF CONDITIONS**

### **SCHEDULE 1 (Appeal C)**

1. The works hereby permitted shall be undertaken within a period of three years from the date of this decision.
2. The works hereby permitted shall be undertaken in accordance with the following approved plans: 1103 001A; 1103 002; 1103 030; 1103 031 and; 1103 050.
3. No works shall take place until the following additional details have been submitted to and approved in writing by the Local Planning Authority:
  - timber cladding sample (including finishes);
  - sections through doors/window and frames (at a scale of 1:5 or 1:10);
  - design, specification and finished colour of flue.The works shall be carried out in accordance with the approved details.
4. Before any work is undertaken to demolish the link building, the appellant /owner shall take such steps and carry out such works as shall, during the process of the works permitted by this decision, secure the safety and the stability of the building which is the subject of this decision. Such steps and works shall, where necessary, include, in relation to any part of the building to be retained, measures as follows:
  - a) to strengthen any wall or vertical surface;
  - b) to support any wall, roof or horizontal surface; and
  - c) to provide protection for the building against the weather during the progress of the works.
5. All stonework/brickwork repointing and rendering shall be carried out using a lime based mix, the specification of which shall be approved in writing by the Local Planning Authority. The colour, texture, type of bond and joint, and finish shall match original work, and a small trial area shall be prepared in a non-prominent location for inspection and approval by the Local Planning Authority prior to commencement of the works.
6. The roof of the building shall be finished using clay tiles, sample of which shall have previously been submitted to and approved in writing by the Local Planning Authority.
7. Details of replacement and new rainwater goods including profiles, materials and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The works shall be carried out in accordance with the approved details.

### **SCHEDULE 2 (Appeal E)**

1. The works hereby permitted shall be undertaken within a period of three years from the date of this decision.

2. The works hereby permitted shall be undertaken in accordance with the following approved plans: 1603 051A; 1103 002; 1603 020A; 1603 001A and; 1603 021A.
3. All stonework/brickwork repointing and rendering shall be carried out using a lime based mix, the specification of which shall be approved in writing by the Local Planning Authority (LPA). The colour, texture, type of bond and joint, and finish shall match original work, and a small trial area shall be prepared in a non-prominent location for inspection and approval by the LPA prior to commencement of the works.
4. Samples of the proposed roofing materials including ridge tiles shall be submitted to and approved in writing by the Local Planning Authority (LPA), and no other material shall be used without written consent. The method of fixing the roof materials shall be agreed and approved in writing by the LPA prior to commencement of works.
5. The rooflights indicated on the approved plans shall be of a conservation design flush with the roof, the model specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works.
6. Details of replacement and new rainwater goods including profiles, materials and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The works shall be carried out in accordance with the approved details.
7. All new barge boards, soffit boards, fascia boards and external cladding shall be in timber only and no other materials and shall be painted in a colour to be agreed with the Local Planning Authority prior to the initial residential occupation of the building.
8. In re-roofing where ventilation is necessary, ventilation should be provided at eaves level. Details of any alternative means of ventilation shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works.
9. Where partitions are to be removed, the work shall be made good to match the original. New partitions shall be scribed around (not cut into) existing cornices, skirtings or other features.
10. No works shall commence until the following details and specification have been submitted to and approved in writing by the Local Planning Authority:
  - new windows/doors including sections, mouldings, profiles and paint colour;
  - sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5;
  - external vents, flues and meter boxes.The works as agreed shall be carried out in accordance with the approved details.



### SCHEDULE 3 (Appeal F)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be undertaken in accordance with the following approved plans: 1103 001A; 1103 LB 040; 1503 LB 041; 1503 LB 042 and; 1603 052A.
3. No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:
  - i) samples of the materials to be used in blocking up the existing opening on the rear elevation of the building;
  - ii) the materials and finishes (including samples) to be used in the new conservatory, as well as sections through window casements and frames (at a scale of 1:2 or 1:5) and the junction details where the conservatory joins the existing building;
  - iii) new rainwater goods;
  - iv) details of the new doors/windows on the northwest elevation of the building, including the materials and finishes, elevation details (at a scale of 1:10 or 1:20) and sections through the doors/window frames (at a scale of 1:5 or 1:10); and
  - v) details of the hard and soft landscaping works, including finishes to the access courtyard to the northwest of the building, boundary treatment to separate access courtyard from adjoining areas shown as private garden, section details, the method of construction and surface finishes for the new access steps shown from the car park to the access courtyard and from the access courtyard to the road frontage, and elevation and section details (1:5 scale) of the new opening and gate within the front wall to provide new pedestrian access.

Development shall be carried out in accordance with the approved details.

### SCHEDULE 4 (APPEAL G)

1. The works hereby permitted shall be undertaken within a period of three years from the date of this decision.
2. The works hereby permitted shall be undertaken in accordance with the following approved plans: 1103 001A; 1103 040; 1503 LB 041; 1503 LB 042; and 1603 052A.
3. No works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:
  - i) samples of the materials to be used and details of the mortar colour, specification and bond type for use in the blocking up of the existing opening on the rear elevation of the building;
  - ii) the materials and finishes (including samples) to be used in the new conservatory, as well as sections through window casements and frames (at a scale of 1:2 or 1:5) and the junction details where the conservatory joins the existing building;

- iii) new rainwater goods;
- iv) details of the new doors/windows on the northwest elevation of the building, including the materials and finishes, elevation details (at a scale of 1:10 or 1:20) and sections through the doors/window frames (at a scale of 1:5 or 1:10);
- v) joinery including, including doors, door frames and staircase (showing treaders and risers, balustrade and handrail), the new beam to the ceiling of the ground floor bar area with a schedule of works, method of support, materials and finishes and sections through at a scale of 1:2 or 1:5;
- vi) the method of raising and finished treatment to the area of raised floor within the ground floor lounge;
- vii) the method of blocking existing internal door openings;
- viii) external vents, mechanical ventilation, flues and meter boxes; and
- ix) a schedule of works for the repair and restoration of the heritage asset and a Method Statement for any re-thatching to include details of the type of reed and style of ridge.

The works shall be undertaken in accordance with the approved details.

4. Before any work is undertaken to demolish the link building, the applicant shall take such steps and carry out such works as shall, during the process of the works permitted by this consent, secure the safety and the stability of the building which is the subject of this decision. Such steps and works shall, where necessary, include, in relation to any part of the building to be retained, the following measures:
  - a) the strengthening of any wall or vertical surface;
  - b) the supporting of any wall, roof or horizontal surface;
  - c) the protection of the building against the weather during the progress of the works.
5. Where partitions are removed, the work shall be made good to match the original. New partitions shall be scribed around (not cut into) existing cornices, skirtings or other features.