



Appeal Decisions

Hearing Held on 19 June 2019

Site visit made on 19 June 2019

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2019

Appeal A: APP/J1915/W/18/3204166

10 Benington Road, Aston SG2 7DX

- 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 Annakut Ltd against the decision of East Hertfordshire District Council.
 - The application Ref: 3/17/1491/FUL, dated 23 June 2017, was refused by a notice dated 29 March 2018.
 - The development proposed is alterations, extensions and conversion of existing Public House to create 2no x 2-bed units and 1no micro-pub with associated cellar, upper floor accommodation, facilities and pub garden with associated access, parking and refuse. Conversion of detached rear barn to create 1no 2-bed unit with associated access, parking, refuse and private amenity space. Erection of 5no dwellings in the existing PH car park and garden with associated access, parking, refuse and private amenity space.
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Appeal B: APP/J1915/Y/18/3204165

10 Benington Road, Aston SG2 7DX

- 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 Annakut Ltd against the decision of East Hertfordshire District Council.
 - The application Ref: 3/17/1492/LBC, dated 23 June 2017, was refused by a notice dated 29 March 2018.
 - The works proposed are conversion of the existing listed Public House to create 2no x 2-bed units and 1no micro-pub with associated cellar, upper floor accommodation, facilities and pub garden, incorporating alterations and partial demolition of areas of the existing flat roof rear extension area. Conversion of the listed barn to the rear of the Public House to create a 2-bed unit with alterations to the listed building and partial demolition of areas of the existing cat slide side aisle.
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Appeal C: APP/J1915/W/18/3212386

10 Benington Road, Aston SG2 7DX

- 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 Annakut Ltd against the decision of East Hertfordshire District Council.
- The application Ref: 3/18/1041/FUL, dated 4 May 2018, was refused by a notice dated 29 June 2018.
- The development proposed is described as development of the existing facilities and site to create 5no new build properties consisting of 2no x 3-bed units and 3no x 4-bed units on the existing car park and garden with associated access, parking, refuse and private amenity space. Conversion of the existing, disused, listed Public House to

create 3no x 2-bed units with associated access, parking, refuse and private amenity space. Alterations to the listed building and partial demolition of areas of the existing flat roof rear extension area to form new entrances. Conversion of the listed Barn to the rear of the Public House to create 1no x 2-bed unit with associated access, parking, refuse and private amenity space. Retained willow tree and landscaped open space to the centre of the scheme. Alterations to listed building accordingly.

Appeal D: APP/J1915/Y/18/3212384
10 Benington Road, Aston SG2 7DX

- 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 Annakut Ltd against the decision of East Hertfordshire District Council.
 - The application Ref: 3/18/1042/LBC, dated 4 May 2018, was refused by a notice dated 29 June 2018.
 - The works proposed are described as the development of the existing facilities and site to create 5no new build properties consisting of 2no x 3-bed units and 3no x 4-bed units on the existing car park and garden with associated access, parking, refuse and private amenity space. Conversion of the existing, disused, listed Public House to create 3no x 2-bed units with associated access, parking, refuse and private amenity space. Alterations to the listed building and partial demolition of areas of the existing flat roof rear extension area to form new entrances. Conversion of the listed Barn to the rear of the Public House to create 1no x 2-bed unit with associated access, parking, refuse and private amenity space. Retained willow tree and landscaped open space to the centre of the scheme. Alterations to listed building accordingly.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Appeal C

3. The appeal is dismissed.

Appeal D

4. The appeal is dismissed.

Procedural Matters

5. The description of the works in Appeal D is taken from the application form. However, it is only the works to the Rose and Crown and Barn that require listed building consent and not the proposed changes of use and new built development. I have dealt with the appeal on that basis.
 6. A Statement of Common Ground was completed and signed at the Hearing. I have had regard to this document in making my decision.
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7. Since the appeals have been made the Council has adopted the East Herts District Plan, 2018 (LP) and Saved Policies of the East Herts Local Plan Second Review April 2007 have been replaced. The Council has subsequently advised which LP policies are most relevant to these appeals and the appellant has had the opportunity to comment on them, so has not been prejudiced.
8. Revised versions of the National Planning Policy Framework (the Framework) have been published since the appeals were lodged. The current version is dated February 2019. The main parties have been given the opportunity to comment on any relevant implications for the appeals and have not therefore been prejudiced. I have had regard to the responses and the Framework in reaching my decision.

Main Issues

9. A main issue in all of the appeals is whether the proposed development/works would preserve the special architectural and historic interest of listed buildings known as the Rose and Crown PH and the Barn at the Rose and Crown PH.

Additional Main Issues - Appeals A and C only

10. Whether the proposal would result in the loss of an important community facility; and whether the proposal would make adequate provision for parking and the effect on highway safety.

Reasons

Listed Buildings

11. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. This is the starting point for consideration of these proposals and a weighty statutory requirement.
12. The Rose and Crown Public House (PH) lies at the heart of Aston Village, opposite the cricket ground and within Aston Conservation Area. It is a Grade II listed building. Although its origin was in the C16 (eastern end), probably as a farmhouse, the main building largely dates from the C17 and was substantially renovated in the mid-C20 with an attached stable at the west. It comprises a public house at ground floor level with living accommodation above. From the evidence before me, including the Heritage Statement¹ (HS) and my own observations, the significance of the PH as a heritage asset is largely derived from its age, historic use and architectural features. Those features include, timber framing, exposed floor structure and its three-cell plan form, together with original staircase and some original joinery, all of which contribute to the significance of the heritage asset.
13. To the rear of the PH is a timber framed and weatherboard clad Barn which is also a Grade II listed building and dates from the C17. However, it is clear from evidence submitted as part of the HS, and from my observations, that this building has been substantially altered over the centuries. Albeit the building remains weatherproof with a corrugated iron roof, there is no dispute that it is

¹ Heritage Statement Prepared by Heritage Collective, Ref 3355, dated June 2017.

in a state of disrepair. Its significance as a heritage asset primarily stems from its age and its architectural interest as a vernacular timber framed agricultural building which still retains fragments of historic carpentry and framing. The manger which is retained within the building also contributes to the significance of this heritage asset.

14. All the appeal proposals seek to convert the Barn into a single dwelling. However, Appeal A also includes a proposal to convert the PH into 2no x 2-bed units and 1no micro-pub with associated cellar and upper floor accommodation. Appeal C would be for the conversion of the PH to create 3no x 2-bed units.
15. A structural survey of the Barn was not included as part of the application or appeal documents, and indeed the submitted drawings and HS provide limited information on the construction works that would be required to this building to facilitate the proposed conversion. However, it is clear from the submitted plans that a new roof covering is proposed to replace the iron sheets, and a first floor would be inserted within the western part of the Barn which would be designed to be self-supporting and structurally separate from the timber framing. There would be some subdivision of the existing space at ground level, although the northern part of the Barn would be generally open. In addition, a new floor would be required within the Barn as well as foundations to support new walls within which the new doors and windows would be inserted. There is no dispute between the parties that the proposed conversion would change the historic character and appearance of the Barn, and despite the re-use of the existing barn door openings, the insertion of additional windows, doors and a new floor would give the building a wholly domestic appearance and diminish its character as a vernacular agricultural building and erode the evidential and historic and architectural value of this listed building.
16. Appeal A also proposes to convert the existing public house into 2 x 2bed units and create a micro-pub in the eastern end of the building. The alterations required to the building to subdivide the units would be almost identical to those proposed in Appeal C which is for a conversion to a wholly residential use as 3 x 2bed units. The divisions between the units would generally follow the lines of the original principal cells/spaces at ground floor and continue along these lines vertically. However, to incorporate the existing entrance way into the buildings most eastern unit, it would be necessary to extend the width of this space slightly into the central cell. Whilst a division in this location would enable the retention of an exposed timber frame within the most eastern unit which is the oldest part of the building, there would be an alteration to the original plan form of the building.
17. I appreciate that the works required to the fabric of the building to convert it would be relatively minor and would retain the original eight panelled door and staircase. The C19 doors at first floor level would also be re-used and there would be no alterations to any of the residual timber framing within the building. The insertion of the two new staircases would however require some removal of joists and also some historic fabric would be lost through the removal of a small section of wall between the pub and the extension.
18. In all the appeals there would be some loss of significance through both the alterations to the plan form of the building and the loss of the historic use of the PH. Despite the fact that a small public house function remains in Appeal A, the subdivision of the building and the permanent conversion to separate

residential units would diminish the significance of this heritage asset which, as described above, is in part derived from its historic use.

19. For the reasons given above the works to the listed buildings and the changes of use proposed would fail to preserve the special interest of the Grade II listed buildings known as the Rose & Crown PH and the Barn to the rear of the PH, and would therefore fail to satisfy the requirements of the Act. The overall impact of the proposed scheme would be, in the context of the significance of these assets as a whole, and in the language of the Framework, less than substantial. Because the harm is less than substantial, paragraph 196 of the Framework says that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. I will return to this matter later.

Community Facility – Appeals A and C only

20. The development plan for East Herts District Council is the East Herts District Plan, 2018. The development plan supports proposals which protect, retain or enhance existing community facilities. In particular, Policy CFLR8 of the LP advises that proposals that would result in the loss of uses, buildings or land for public or community use will be refused unless, amongst other criteria, an assessment has been undertaken which clearly shows that the facility is no longer needed in its current form.
21. The Rose and Crown ceased trading as a PH in 2014 and was put on the market by the brewery. Following a nomination by Aston Parish Council the PH was listed as an Asset of Community Value (ACV) in 2015. I understand that because the Parish Council believed the property was to be bought by a local publican, who had agreed terms to purchase the PH and retain that use, they did not consider it necessary to intervene in the sales process at that time. However, the publican was not successful in the purchase and the property was subsequently sold to the appellant. Whilst since that time there has been some confusion over whether or not the PH remained on the Council's list of ACV, the Council confirmed at the Hearing that a very recent nomination by the Parish Council to secure its inclusion on the list had now been approved.
22. I appreciate that the appellant was unaware of the Council's recent decision to list the PH as an ACV and that they may consider lodging an appeal against that decision. However, my decision on this main issue is not incumbent on the building being listed as an ACV, albeit the desire to have the building listed as an ACV does demonstrate the community's commitment to retaining this facility.
23. The Council do not consider that the appellant has carried out an adequate assessment to clearly show that the facility is no longer needed in its current form. In particular, the Council stated at the Hearing that the appellant had not engaged with the local community and was therefore unable to make a suitable assessment of that community's needs.
24. The appellant does not dispute that there has not been any active engagement with the community, and they did not attend the Parish Meeting when invited to do so to discuss their proposed scheme. However, at that time Policy CFLR8 of the LP had not been adopted and the appellant advised at the Hearing that they felt they had satisfied the provisions of Saved Policy STC8 of the East

Herts Local Plan Second Review April 2007 by providing clear evidence in support of their application to demonstrate how long the public house had been empty, the range of provisions available at other public houses which could serve the local community and had provided evidence to demonstrate that it was not possible for the existing public house to continue as a viable business. Subsequent to the appeals being lodged and adoption of the LP, the appellant has provided additional information in support of the appeal². It is the appellant's view that the evidence now submitted is sufficient to demonstrate that the existing facility is no longer needed.

25. Aston is situated on the edge of Stevenage and there is no dispute that there are a significant number of public houses within a five-mile catchment area of it. The nature of these establishments does however vary, each providing a slightly different provision and the majority with on site car parking space available. Within the Parish of Aston there are three public houses, including the Rose and Crown. The Pig and Whistle is close to the Rose and Crown and has a car park. However, it does not serve food and is generally a drinking establishment with sports TV. The Crown is about 1.5km away and has a large garden, car park and is predominantly an eating establishment.
26. Evidently, there is a wide choice of facilities within the local area. However, that does not mean that the PH is not needed. Despite The Crown being only 1.5km away, the nature of the local roads which link it to Aston village centre and absence of footways and street lighting, means that walking to The Crown is not a realistic option for the majority of Aston's residents. The Coopers Inn does provide food and is recognised by the community as being within walking distance. However, this public house is part of a chain situated within a local centre on the edge of Stevenage and would not, in the view of the represented local community groups, provide a suitable place for village community group meetings. Whilst I appreciate that these other establishments all compete for a customer base, the appeal site lies at the edge of a large centre of population, which is expanding, and is also located at the heart of a village which has an active and supportive local community, including a large number of social, sport and interest groups. The Rose and Crown has a car park, garden and includes an ancillary building, the Barn, which to my mind add value to the PH. I agree with the local residents that these features provide opportunities to support the Public House facility.
27. It is clear from the number of objections received to the proposals, including the repeated applications for the building to be listed as an ACV and the time, efforts and commitment shown by an array of village groups and residents, that the PH is considered by the local community to be needed. The evidence before me suggests that since the PH was closed in 2014, there has been an ongoing commitment and interest by the local community to enter into dialogue with the site owners and explore all options available to them to secure a means by which the PH could be retained as a community pub. The Rose and Crown Investment Group has also prepared an outline business plan to demonstrate their intention to re-open a community owned pub with car park and garden, should the opportunity arise for them to purchase the PH and part of the site.

² Appellant's Final Comments and Annexures, March 2019.

28. I have taken into account the history of the PH, the frequent turnover of tenants who have sought to sustain the business, and the declining barrellage. I have also had regard to the Young & Smith Report submitted on behalf of the appellant. It is clear that the Rose and Crown as a tied PH, coupled with a lack of investment in facilities to attract the local population, high rental charges, and lack of expertise may all have contributed to the inability of the PH to compete with other providers. Furthermore, I have not been provided with any substantive evidence that would suggest that the listed status of the PH has created excessive maintenance costs or hindered any investment proposals. It may well be the case that even with investment, freedom to sell a range of beverages and the appointment of experienced landlords with the ability to provide good food catering, the Rose and Crown would still be unsuccessful. However, given the strength of feeling and commitment demonstrated by the local community to retaining this facility, I am not convinced that at this time it has been demonstrated that the existing facility is not needed.
29. I appreciate that Appeal A would retain a small drinking establishment within the eastern end of the building. This area would have a small bar and could also provide coffee facilities and cold snacks. The appellant has advised that they have agreed heads of terms with a landlord who operates a similar and successful establishment in a neighbouring Parish and who would be keen to invest and develop a similar business within the Rose and Crown. However, the space available would be quite constrained and the absence of kitchen facilities would mean that the facility would not be able to provide food. The proposal would not therefore provide an enhanced provision in terms of quality which would not outweigh the loss of the existing facility which I have found is still needed.
30. I conclude that the proposal would result in the loss of an important community facility. It would therefore conflict with the development plan and in particular Policy CFLR8 of the LP, the aims of which are set out above. I also find conflict with paragraph 92 of the Framework which seeks to ensure that planning decisions should guard against the unnecessary loss of valued facilities and services.

Parking and Highway Safety

31. Policy TRA3 of the LP advises that vehicle parking provision associated with development proposals will be assessed on a site-specific basis and should take into account the provisions of the District Council's currently adopted Supplementary Planning Document 'Vehicle Parking Provision at New Development' (SPD). In addition, Table 2 of the Appendix to the LP – Vehicle Parking Standards sets out parking standards for residential development.
32. The wholly residential scheme (Appeal C) would have 20 parking spaces available for the occupiers of the proposed development. Car parking standards set out above would require a total of 22 spaces to be available. However, these are maximum standards and the standards in the LP indicate that a reduction of up to 25% may be acceptable taking into account the type, tenure, size and mix of housing proposed, on-street parking conditions in the surrounding area, access to existing public/private car parking facilities, proximity to public transport and services and level of cycling parking to be provided.

33. The applications were supported by Transport Statements³ which support a reduction in those maximum standards based on predicted car ownership, availability of public transport and access to facilities and opportunities to cycle. There would clearly be some opportunities to cycle to some local facilities and each property would be provided with secure cycle parking. There is also a bus stop adjacent to the site, but the bus services through Aston are limited and do not provide any realistic opportunities to travel for employment. However, there is a more frequent service from Gresley Way which is accessible on foot. Taking into account the above factors I am satisfied that the proposed parking provision, which would be only marginally below the maximum standard, would provide adequate space for the occupiers of the proposed development and their visitors to park their cars.
34. That said, the scheme which includes the micro-pub (Appeal A) would only provide three spaces for the micro-pub facility as opposed to the 11 spaces that would be required to meet the adopted parking standards. There would be one space for the occupiers of the living accommodation, one for staff and only one space available for customers.
35. I have taken into account the nature and scale of the proposed micro-pub and appreciate that the absence of food preparation facilities and its small scale are factors to be taken into account when assessing the requirement for parking. The location of the facility with limited access to public transport and the nature of the rural road network where footways and street lighting are scarce, mean that opportunities for walking to the public house, particularly on dark evenings would be limited. From the evidence provided by local community groups at the Hearing it seems likely that visiting social/sporting clubs who would wish to use the facility would need to park their cars at the premises. Taking into account all of the evidence before me, it would seem to me that the number of spaces to be provided, which would be significantly less than the maximum required, would not be sufficient.
36. Furthermore, there would be no opportunities to park on the adjoining streets. Benington Road is narrow with no provision for on-street parking. Similarly, from my own observations on site and evidence from the Parish Council, there is already high competition for on-street parking within the village. The absence of adequate customer parking would be likely to lead to inappropriate parking on the highway which would lead to vehicle manoeuvres and congestion which would not be in the best interests of vehicle or pedestrian safety.
37. I conclude that whilst the proposed development in Appeal C would provide adequate parking for future occupiers, for the reasons set out above, the proposed development in Appeal A would not and would have a harmful effect on highway safety. Appeal A would conflict with the development plan and in particular with Policy TRA3 of the LP and the SPD which seek to ensure, amongst other things, that new development provides parking to meet the needs of future occupiers and users taking into account the site's specific location and characteristics of both the site and the proposed development.

³ Transport Statements, Entran Ltd on behalf of Annakut Ltd, V1 June 2017 & V2 May 2018.

Other Matters

38. The appeal site is located within the Green Belt. There is no dispute that the site is situated within the village of Aston and taking into account the scale of the development proposed and its relationship to surrounding development I would agree with the Council that the proposed new buildings would be limited infilling within the village. Therefore, in line with the provisions of paragraph 145 of the Framework the proposed new buildings would not therefore be inappropriate development in the Green Belt.
39. I have taken into consideration the relationship of the site to neighbouring properties on Garden Fields. However, the proposed siting and design of the new dwellings in relation to those properties is such that I do not consider the proposal would have a harmful effect on the living conditions of those neighbouring occupiers, with particular regard to privacy.
40. The appeal site also lies within Aston Conservation Area (ACA). The proposed development would provide some visual enhancement to the site frontage and the proposed changes to the external appearance of the Rose and Crown would be minimal. The new infill housing would reflect the scale, character and form of other housing development within ACA and incorporate local materials. For these reasons there is no dispute between the parties that the works would preserve the character and appearance of ACA and I see no reason to disagree.

Overall Planning Balance

41. There would be a public benefit of providing a new use for the Barn and re-use of the PH. In particular, a new use and investment in the Barn would prevent further deterioration of the building's fabric. In addition, there would be some visual enhancement to the site frontage with a reduction in the amount of hard-surfacing.
42. The proposal would provide a new footway across the front of the site and some localised road widening that would be a benefit of the scheme.
43. The proposal would generate temporary economic benefits from the construction of the scheme and further economic benefits from the residential use and increased local spend. There would also be some social benefits generated from the provision of new homes which would add to the mix and choice of housing in the village. However, given the scale of the schemes those public benefits would be limited.
44. The appellant considers that the proposed use would be economically viable. However, there is little evidence before me to indicate it would be the only viable use. On the evidence before me, whilst I acknowledge that any proposal for re-use of the buildings might involve some alterations, I am not satisfied that the proposal represents the optimum viable use for these listed buildings and the site as a whole.
45. Even though I have found that the harm to the designated heritage assets is less than substantial, it is not to be treated as a less than substantial objection. The modest public benefits attributable to the proposal, as set out above, would not outweigh the considerable importance and weight to be given to the harm to the heritage asset. As such, the proposal would not comply with paragraph 196 of the Framework and would conflict with Policies HA1 and HA7

of the LP which seek to ensure that development proposals and works preserve and where appropriate enhance the historic environment of East Herts and sustain the significance of listed buildings.

46. The harm that would be caused to the special interest/significance of the heritage assets and the loss of a community facility, together with the harm identified to highway safety in Appeal A, leads me to conclude that the proposals would conflict with the development plan as a whole.
47. In accordance with S38 (6) of the Planning and Compensation Act, 2004 and as set out in the Framework, development which conflicts with the development plan should be refused unless material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

48. For the reasons given above and taking into account all other matters raised, I conclude that all the appeals should be dismissed.

Elizabeth Pleasant

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Matthew Stimson	Shoosmiths
Steven Crutchley	Project Manager
Lorna O'Carroll	Planning Consultant, Icen Projects
Mike Harrison	Forge Design Studio
Richard Fitter	Transport Consultant, Entran Limited

FOR THE LOCAL PLANNING AUTHORITY

Jill Shingler	East Herts District Council
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INTERESTED PARTIES

Steve Brown	Parish Council
Dave Stimpson	Village Society
Chris Brett	Village Society
Jim Meadows	Tennis Club
Rachel Evans	Local Resident
Jenny Campbell	Local Resident

Clive Willmott	Local Resident
Brian Woodget	Rose & Crown Investment Group
Bernie Eccles	Rose & Crown Investment Group
Councillor Tony Stowe	District Councillor

DOCUMENTS SUBMITTED AT THE HEARING

1. Signed Statement of Common Ground, dated 19 June 2019.
2. Vehicle Parking Provision at New Development, Supplementary Planning Document, June 2008.
3. Vehicle Parking Standards, Appendix to District Plan.