



## Appeal Decision

Hearing Held on 10 September 2019

Site visit made on 10 September 2019

**by S Edwards MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 October 2019**

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**Appeal Ref: APP/C1760/W/19/3221040**

**Plough Inn, Longparish, Andover SP11 6PB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr P Langdown of Dorset Flint and Stone Blocks Limited against the decision of Test Valley Borough Council.
  - The application Ref 18/01365/FULLN, registered 30 May 2018, was refused by notice dated 25 July 2018.
  - The development proposed is change of use of A4 Public House to C3 Residential Dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The National Planning Policy Framework (the Framework), which was revised in July 2018, was subsequently updated on 19 February 2019. References to the within this decision relate to the latest version published in 2019.

### Main Issues

3. The main issues are:
  - Whether the proposal would be appropriate, having regard to local and national planning policies in respect of community facilities (public house); and
  - The effect of the proposal on the Plough Inn, a non-designated heritage asset, and the Longparish Conservation Area.

### Reasons

#### *Community facilities*

4. The Plough Inn is a long-established public house which has been closed since 2016. The appeal site also includes a car parking area to the side of the existing building, and a large garden to the rear. The Plough Inn lies within the village of Longparish, which is itself made of smaller settlements arranged in a linear fashion. The village is relatively well served by local facilities, which include a church, a school, a village hall, a shop/post office, as well as another public house known as the Cricketers Inn. In the absence of a clear village centre, these facilities are however scattered across the four hamlets which

form part of Longparish, and some are therefore at considerable distance from each other.

5. Having regard to the submitted evidence and representations made at the Hearing by residents and Longparish Parish Council, there is no doubt that the Plough Inn is valued by the local community. This is further exemplified by the fact that the appeal premises were recently listed as an Asset of Community Value. Interested parties have described the use of the premises as being linked to social activities within the village, thereby providing a significant community facility.
6. Policy COM14 of the Test Valley Borough Local Plan<sup>1</sup> (LP) seeks to resist the loss of community services and facilities such as public houses, unless it is demonstrated that the use is no longer or cannot be made commercially viable, the building can no longer provide suitable accommodation or is no longer needed for the existing use or another community use. The supporting text to Policy COM14 details the type of information sought by the Council to justify the loss of these services and facilities. It notably requires the property to be marketed for their current and alternative uses as listed in the policy for a period of 6 months in appropriate publications and at an appropriate value, and evidence of contact with cultural and community organisations who may wish to use the premises to be provided. This policy is consistent with the aspirations of the Framework, which seek to retain and develop accessible local services and community facilities to support a prosperous rural economy<sup>2</sup>.
7. The submitted marketing evidence shows that the public house, which was then owned by EI Group plc, was firstly advertised for a free of tie lease in March 2016 by Drake & Company. The premises were occupied by a new tenant from August to October 2016 but during that time, the public house was still marketed by the same agent, on a lease basis. EI Group plc then made the decision to dispose of this asset which, according to the appellant, was justified by the difficulties to retain the public house open over the past 15 years and the succession of short-term tenancies, despite significant investment.
8. The freehold of the property was advertised from November 2016, until it was acquired by the appellant in February 2017, with the intention to establish an alternative use on the basis that the use of the premises as a public house was no longer considered viable. Whilst the site was overall marketed for a period exceeding the 6-month period required by Policy COM14, it is of note that the freehold of the premises was only advertised for a short period of time, and over the festive period. This could explain the limited level of interest which was received in that particular regard.
9. The marketing of the premises included the display of a 'To Let/For Sale' board on site, the preparation of sales particulars and emails which were sent out to a number of commercial and residential estate agents, restaurants and public house operators, advertising on property websites and trade publications, but also open viewing sessions. Throughout the marketing campaign, the decision was made to invite offers rather than quoting a rent or sale price. Although it may be argued that the absence of guide price sought to encourage unconditional offers, it fails to ascertain whether the premises have been marketed at an appropriate value.

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<sup>1</sup> Test Valley Borough Revised Local Plan DPD – Adopted Local Plan 2011-2029 (January 2016).

<sup>2</sup> Paragraph 83.

10. It is possible that the Plough Inn may not survive in the longer term when considering the known difficulties experienced by public houses, particularly in rural areas, but the submitted evidence does not adequately show that it is no longer or cannot be made commercially viable. Additionally, no substantial information has been brought to my attention to demonstrate that the property has been marketed for alternative uses as referred by the supporting text to Policy COM14. Neither have I seen evidence of contacts with cultural or community organisations who could be interested in using the premises, other than correspondence with Longparish Parish Council after the site had been purchased by the appellant.
11. Yet, there is strong interest locally to retain the appeal property as a community facility. In particular, a number of local residents have established 'Plough Ahead', an incorporated community group, and set up a separate legal entity, known as the Longparish Community Pub Ltd (LCPL), to acquire the site. The residents aim to run the premises as a community owned public house with a view to possibly diversify its activities to cater for the specific needs of the inhabitants of Longparish. To that effect, LCPL have commissioned a Business Buyer and Market Valuation Appraisal and prepared a business plan, which sets out how the purchase and development of the appeal premises are intended to be financed. These elements show determination locally to retain the premises as a community facility and demonstrate that there is a real possibility that it could still be used as such.
12. As noted above, there is another public house in the village, albeit some distance away from the appeal premises, as well as other community facilities which, having regard to the submissions from interested parties, appear well used. Despite the modest size of the village, there is reasonable prospect that the Plough Inn could complement the offer provided by existing facilities and cater for the specific needs of the local community in a manner which could not be achieved by the previous owner and tenants. Irrespective of the existence of another competitor public house, I find that the loss of this valued asset would therefore be detrimental to the long-term wellbeing of the community.
13. I appreciate that the application was refused, despite the absence of objection from the Council's Planning Policy Officer. However, although responses from internal consultees provide valuable support, the final recommendation lies with the Case Officer who is expected to have a greater and more holistic understanding of the application and assessed the planning merits of the proposal.
14. My attention has also been drawn to a number of planning applications for the change of use or redevelopment of public houses, which have been approved by the Council in recent years. However, there are inevitably differences between these various schemes, to which I therefore ascribe limited weight. In any event, I am required to determine the appeal before me, having regard to its own planning circumstances.
15. On the basis of the available evidence, I consider that the proposal would result in the loss of a valued community facility, which would be contrary to both local and national planning policies. It has not been satisfactorily demonstrated that the use of the premises as a public house are no longer or cannot be made commercially viable. Neither can it be concluded that the building is no longer able to provide suitable accommodation, or needed for its existing use or

another community use. The proposal would therefore fail to accord with the requirements of LP Policy COM14.

### *Heritage*

16. The appeal property is an attractive public house building, which lies prominently along the main road through the village. It is identified within the Longparish Conservation Area Character Appraisal as one of the three most notable non-listed buildings within the village and of local interest. Despite some unfortunate additions, this brick-built property with flint banding retains many distinctive features, which include full height canted bay windows, substantial chimney stacks and a gabled porch.
17. The building thus makes a substantial positive contribution to the historic character and appearance of the street scene, which forms part of the significance of the Longparish Conservation Area (CA) as a heritage asset. The property is of historic and architectural interest in its own right and, as such, deserves some consideration as a non-designated heritage asset.
18. Additionally, the use of the appeal premises as a public house makes an important contribution to the vibrancy of the village, by providing a focal point not just for local residents but also visitors. Whilst the building may have originally been constructed as a dwellinghouse, it has clearly established itself over the past 150 or 200 years as a public house. For these reasons, the loss of such an important community facility would be detrimental to the historic character of Longparish.
19. The external alterations required for the conversion of the public house into a single dwelling would remain relatively limited. Whilst the signage has been removed, the appellant would be willing to reinstate this feature, which could be secured by imposing a suitably worded condition.
20. Nevertheless, the proposed residential use would generate a much more limited level of activity compared with that of a public house. By its very nature, the dwellinghouse would be unlikely to encourage or even allow visibility into the ground floor level of the building. As a result of the proposal, the inherent social or functional link between the use of the building as a public house and its surroundings would cease.
21. This would be exacerbated by the domestic paraphernalia associated with the proposed residential use, which would erode further the historic character of the building. The proposed scheme would affect the social and historic interest of the premises, which would diminish the contribution which the building currently makes to the CA, thus failing to preserve or enhance the character or appearance of the Longparish CA.
22. The harm to the CA would be less than substantial but still significant, by reason of the importance of the appeal building within the context of this designated heritage asset. The provision of an additional dwelling would make a modest contribution to housing supply and choice in the area. Whilst the proposal could secure the future use of the building, I am unable to conclude, having regard to the available evidence, that this is the only viable use for the appeal premises and therefore its optimum viable use<sup>3</sup>. On this basis, the harm

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<sup>3</sup> Planning Practice Guidance – Historic Environment (Paragraph: 015 Reference ID: 18a-015-20190723).

to the significance of the CA would outweigh the modest benefits which would be derived from the proposal.

23. I conclude that the proposal would erode the visual prominence and functional role of this non-designated heritage asset, thus causing harm to the contribution it makes to the CA. Consequently, it would fail to preserve or enhance the character or appearance of the Longparish CA. The appeal scheme would therefore conflict with the design aims of LP Policy E1, but also LP Policy E9, which notably requires less than substantial harm to the significance of a designated heritage asset to be considered against the public benefits of the proposal.

### **Other Matters**

24. Whilst it is unclear whether the existing public Right of Way which runs across the site would need to be diverted as part of the proposed scheme, this is not a matter for me to determine in the context of a Section 78 appeal for the change of use of an A4 Public House to a C3 Residential Dwelling.
25. Following the determination of the planning application, Natural England has issued revised advice in respect of the effect of development proposals on the Solent and Southampton Water internationally designated sites, which include a number of Special Protection Areas and Special Areas of Conservation. High levels of nitrogen and phosphorous have been found within this sensitive water environment, which are currently caused by wastewater from existing housing and agricultural sources.
26. There is sound evidence that increased levels of these nutrients are causing a dense growth of certain plants, otherwise known as eutrophication, which is impacting on the Solent's protected habitats and bird species. Therefore, the advice issued by Natural England suggests that residential developments present likely significant effects on the Solent SPAs which, either alone or in combination with other plans and projects, could adversely affect the integrity of these protected sites. At the hearing, the Council confirmed that no mitigation is currently in place to address this issue, and the appellant would be expected to demonstrate the nutrient-neutrality of the proposal.
27. As I am dismissing this appeal on other substantive grounds, this is not a matter which needs to be considered further here. However, should the development have been considered acceptable in all other respects, I would have sought to explore the necessity for undertaking an Appropriate Assessment, to ensure the proposal's compliance with Habitats Regulations, in light of the *People over Wind*<sup>4</sup> decision by the Court of Justice of the European Union.

### **Conclusion**

28. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*S Edwards*

INSPECTOR

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<sup>4</sup> People over Wind, Peter Sweetman v Coillte Teoranta, Case C-323/17.

## **APPEARANCES**

### **FOR THE APPELLANT:**

|                  |                           |
|------------------|---------------------------|
| Rebecca McAlster | Concept Town Planning Ltd |
| Steven Hearn     | Concept Town Planning Ltd |

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

|                                          |                                                        |
|------------------------------------------|--------------------------------------------------------|
| Samantha Owen BSc (Hons)<br>DIP TP MRTPI | Senior Planning Officer<br>Test Valley Borough Council |
| Margaret Bennett BA (Hons) MA            | Conservation Officer<br>Test Valley Borough Council    |

### **INTERESTED PERSONS:**

|                       |                                            |
|-----------------------|--------------------------------------------|
| Andy Jolliffe         | Plough Ahead Community Group               |
| David Marklew         | Plough Ahead Community Group               |
| Councillor David Drew | Test Valley Borough Council, Harewood Ward |
| Stuart Montague       | Local resident                             |
| Christopher Duxbury   | Local resident                             |
| Malcolm Edwards       | Longparish Parish Council                  |
| Christian Dryden      | Longparish Parish Council                  |
| Richard Bourne        | Local resident                             |
| Jeremy Barber         | Local resident                             |
| Graeme Francis        | Local resident                             |
| Brenda Cross          | Campaign for Real Ale (CAMRA)              |
| Graeme Johnson        | Local resident                             |
| Alison Cooper         | Local resident                             |
| Trevor Trigg          | Non-resident                               |

### **DOCUMENTS**

- 1 Copy of Policy E5 of the Test Valley Borough Revised Local Plan DPD (2016)