



Appeal Decision

Hearing Held on 17 September 2019

Site visit made on 17 September 2019

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Appeal Ref: APP/J1915/W/19/3232537

The Green Man, High Street, Widford, Ware SG12 8SR

- 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 Mrs Jill Gumble against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1668/FUL, dated 20 July 2018, was refused by notice dated 26 March 2019.
 - The development proposed is Change of use of public house to 2 no. dwellings. First floor rear extension and alterations to fenestration. Change of use of outbuilding, to create 1no dwelling with a single storey rear extension, with associated parking, and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of public house to 2 no dwellings. First floor rear extension and alterations to fenestration. Change of use of outbuilding, to create 1 no dwelling with a single storey rear extension, with associated parking, and associated landscaping at The Green Man, High Street, Widford, Ware SG12 8SR in accordance with the terms of the application, Ref 3/18/1668/FUL, dated 20 July 2018, subject to the conditions set out in the attached schedule.

Preliminary Issues

2. I have used the Council's description of development in this instance as it better describes the development applied for.
3. Plan reference BRD/18/028/004A was submitted when the appeal was lodged, showing two dormer windows instead of rooflights on the rear elevation of the outbuilding at the appeal site. At the Hearing, it was confirmed this plan had been on public deposit and available for inspection with a comprehensive list of notified occupiers provided by the Local Planning Authority (LPA). I am satisfied that inclusion of the plan into the appeal would not prejudice any individual with regard to the Wheatcroft¹ principles.
4. Widford Parish Council provided an annotated map with accompanying explanatory text on the day of the Hearing. Neither of the main parties raised concern regarding this and, although this necessitated a short adjournment, the material was accepted into the appeal.

¹Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37].

Main Issues

5. The main issues for the appeal are:

- Whether or not there is sufficient justification for the conversion of the public house
- The effect of the development upon the living conditions of existing and future occupiers with regard to privacy.

Reasons

Whether or not there is sufficient justification for the conversion of the public house

6. The Green Man occupies a prominent position on the High Street in Widford. It sits close to a junction between the A1004 and B180, and in close proximity to bus stops. The village of Widford is approximately 4 miles east of Ware, with the appeal site in the historic centre.
7. The ground floor of the Green Man is laid out around a bar area. The décor was finished with roughly sawn wood that appeared recent. A trade kitchen and WCs were also available. A covered sitting-out area sat between the rear elevation of the pub and an outbuilding. The outbuilding to the rear of the pub was laid out for use as a bed and breakfast facility with two bedrooms with ensuite bathrooms on both ground and first floors. The car park serving both uses had room for around 20 cars, albeit not in formally marked bays. It was evident that the facilities expected of a country pub were present.
8. The appellant detailed events spanning a period from 2008 to 2017, within which efforts were made to revitalise the pub and attract clientele including extended opening hours on special occasions, specialist food, and various promotions. The limited success of ventures and initiatives resulted in little revenue, and a downturn in the fortunes of the pub. The Hearing was told that the bed and breakfast opportunity at the appeal site registered little demand.
9. During the Hearing, very limited information could be provided, financial or otherwise, regarding a short-term arrangement in 2017 with a prospective purchaser. Nonetheless, the evidence provided indicates that the premises had been on the market for a period of almost 4 years with 2 different agents at 2 different prices prior to this short-term arrangement. Only 6 viewings were recorded in that period, with no offers made. After being registered in October 2018 as an Asset of Community Value, no recorded offers were forthcoming.
10. Whilst the pub may be valued by the growing rural community, the above evidence demonstrates the business is unlikely to prosper. For these reasons above I conclude that there is sufficient justification for the conversion of the public house. The proposal would not result in the loss of a viable local facility.
11. The LPA quoted Policy CLFR8 of the adopted East Herts District Plan October 2018 in the decision notice, clarifying that criterion (a) of the policy was relevant to the appeal. The expectation of the policy is that evidence relating to marketing and viability must be submitted to show that a community facility is no longer needed. This has been duly provided by the appellant and is evidenced sufficiently in this instance. I therefore find no substantive conflict with Policy CLFR8.

The effect of the development upon the living conditions of existing and future occupiers with regard to privacy

12. The outbuilding is in close proximity to the rear elevation of the public house, and intrusive views of the public house would be available from the first-floor windows of the outbuilding were it not for the fact that these windows were obscure glazed and fixed shut.
13. Retention of the obscure-glazing would protect the privacy of all existing and future occupiers, including those at the adjacent Porch Cottage. The revised plan accepted to the appeal proposes dormer windows on the opposite facing elevation of the outbuilding so as to provide outlook and a means of escape for future occupants of the outbuilding. The revised proposal would therefore provide suitable living conditions for future occupiers. The LPA accepted this as mitigation during the Hearing and raised no objection.
14. The proposed dormer windows would be a modest distance away from the nearest neighbours to the west of the appeal site. Such would be the layout and spacing of the development, that the proposal would not cause harm to the living conditions of these neighbouring occupants to any significant degree.
15. I conclude that the development, subject to the revised plan, would not have a harmful effect upon the living conditions of existing and future occupiers with regard to privacy. The proposal therefore complies with Policy DES4 of the adopted East Herts District Plan October 2018. This policy requires development to avoid detrimental impacts on the amenity of occupiers of neighbouring properties.

Other Matters

Heritage

16. The appeal site is within a Conservation Area and adjoins Porch Cottage, which is a grade II listed building. The LPA Conservation Officer objected to the development because of the loss of a village public house, although the LPA as a whole did not find any harm to heritage assets. Neither party raised concerns when this was queried at the Hearing and I have no evidence to the contrary.
17. The proposal would result in a loss of a community facility that has cultural significance. This would however be balanced against securing the heritage asset for an optimum viable use. The proposal would retain features of historical architectural significance, thus not impacting upon the building's principal contribution in aesthetic terms to the character and appearance of the Conservation Area.
18. With regard to paragraph 196 of the National Planning Policy Framework (the Framework), the proposal would lead to less than substantial harm to the heritage asset through a loss of cultural significance. However, the public benefits of boosting housing supply, securing the building's future and making efficient use of previously developed land would outweigh the less than substantial harm in this instance.
19. The proposal would therefore preserve the character and appearance of the Conservation Area.

Parking and traffic

20. The High Street has a wide carriageway that narrows to the north of the appeal site at the exit of the Widford. It was stated at the Hearing that there is an existing on-street parking problem. At the time of my visit, cars were parked on the highway outside of the terraced cottages that face onto the appeal site, constraining the width of the highway to a limited degree.
21. The proposal would provide 5 spaces for the proposed 3 new dwellings, which both the LPA and the Highway Authority consider acceptable. This position was maintained by the LPA during the Hearing after observing the evidence from Widford Parish Council.
22. Situated behind the public house, there would be sufficient room on existing hardstanding to turn and manoeuvre. The proposed parking, and the traffic movements generated by the development, would be less intense than the levels that could be associated with the public house.
23. The two cottages that directly adjoin the northern elevation of the public house do not benefit from allocated parking at present. There is no guarantee of an off-street parking space for these properties within the car park of the public house. Therefore, the proposal would have limited effect on the ability of those occupiers to park.
24. The access that would serve the development currently serves 3 parking bays owned by other dwellings in the vicinity. The proposal would not alter these arrangements. A right of access for these other properties would continue and the turning space within the development site retained.
25. The public house use could generate significantly more traffic leading to increased pressure for parking in the area. The proposed residential use would be a marked reduction in the potential for on-street parking, with defined bays available for use. I have no substantive evidence before me that demonstrates either insufficient levels of parking for the development or that the development would directly exacerbate the existing parking issues.

Other Matters

26. The appeal site boundary excludes the grassed area to the rear of the site. This does not however have any significant bearing on the planning merits of the case, which is determined on the details submitted.
27. I have taken into account that the Green Man is now formally adopted as an Asset of Community Value effective from October 2018. This listing does not change or outweigh the factors that have led to my decision on the main issues. However, allowing this appeal does not alter the effects of Part 5, Chapter 3, of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 which, among other things, impose a moratorium in relation to a "relevant disposal" of an asset of community value.

Conclusion

28. In light of the above I allow the appeal.

Conditions

29. The conditions set out in the accompanying schedule are based on those suggested by the LPA and agreed between the parties in principle at the Hearing. Where necessary I have amended the wording of these in the

interests of precision and clarity in order to comply with advice in the Planning Practice Guidance.

30. Condition 2 is imposed for the certainty. Condition 3 is imposed to ensure any boundary treatments are respectful to the character and appearance of the Conservation Area.
31. I noted from the site visit that there is a listed wall adjoining the rear elevation of the public house enclosing the garden of Porch Cottage, which the LPA wish to protect via condition. The wall is not directly implicated in any part of the proposal. Furthermore, I consider the wall has the benefit of statutory protection under its designated status. I therefore do not consider such a conditional protection necessary.
32. Condition 4 relating to obscure-glazing is necessary in the interests of the privacy of existing and future occupiers. Condition 5 is reasonable to ensure that adequate parking and turning areas are laid out to serve the development, although with the land already hard surfaced and sloping away from the High Street, it is unnecessary to require details of surface water drainage.
33. Condition 6 would secure appropriate landscaping to enhance the appearance of the site, and its maintenance until becoming established.
34. Given the uses and buildings on site at present, I have considered it unnecessary and irrelevant to the development permitted to impose a condition requiring contaminated land surveys and remediation. I do however deem it necessary in the interests of safeguarding the living conditions of neighbouring occupiers to impose condition 7 regarding hours of construction work.
35. It was raised at the Hearing that the Conservation Officer required details pertaining to doors and windows to be submitted to ensure the new fixtures are appropriate to the character and appearance of the Conservation Area. Since no objection was raised by either party, I impose condition 8 accordingly.

David Wallis

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans BRD/18/028/001, BRD/10/028/002, BRD/18/028/004A, BRD/18/028/007 and BRD/18/028/008A.
- 3) Prior to the first occupation of the development hereby approved, details of all boundary walls, fences or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such thereafter.

- 4) The first-floor windows on the eastern/front elevation of the converted outbuilding shall be fitted with obscured glazing and shall be fixed shut and retained as such thereafter.
- 5) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. BRD/18/028/008A for 5 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. That space shall thereafter be kept available at all times for those purposes.
- 6) Prior to the first occupation of the development, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
 - i) earthworks showing existing and proposed finished levels or contours;
 - ii) hard surfacing materials;
 - iii) retained landscape features
 - iv) planting plans including schedule of plants, species, sizes and density of planting; and
 - v) implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 7) Demolition or construction works shall take place only between 0730hrs and 1830hrs Monday to Friday, 0730hrs to 1300 Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 8) Prior to any new openings being constructed, details of the materials to be used in the new doors and windows of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

APPEARANCES

FOR THE APPELLANT:

Jon Durbin	Jon Durbin Associate
John Gumble	Appellant
Jill Gumble	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Eilis Edmonds	Planning Officer, East Herts District Council
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INTERESTED PERSONS:

Jill Buck	of Widford Parish Council
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