
Appeal Decision

Site visit made on 4 August 2020

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2020

Appeal Ref: APP/C3430/W/20/3251859

The New Inns Pub, Kiddemore Green Road, Brewwood ST19 9BH

- 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 John Dyke of Central Homes Ltd against the decision of South Staffordshire Council.
 - The application Ref 19/00021/FUL, dated 14 January 2019, was refused by notice dated 21 February 2020.
 - The development proposed is conversion of the existing New Inn Public House to 1 x 5 bed house with associated amenities.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site lies within the Green Belt. Although the officer's report finds that the development would be inappropriate development in the Green Belt, this is not cited as a reason for refusal.

Main Issues

3. The main issue is whether the development would accord with local policies with regard to the retention of local services and facilities in the interests of sustainable communities.

Reasons

4. The New Inns public house has been empty since it was sold by the brewery in 2017. It is in a rural location at the end of a scattered line of occasional dwellings about a mile from the village of Brewwood. It is proposed to convert the public house to a dwelling.
5. Policy EV9 of the Local Plan¹ (LP) supports the provision and enhancement of essential community facilities. It sets out criteria against which the redevelopment of community facilities are to be assessed, including a viability test.
6. The Council considers that there is insufficient evidence to indicate that the public house was marketed at a realistic price for at least 12 months, to demonstrate that its use as a public house is no longer viable or that it is a redundant facility. The appellant purchased The New Inns when marketed by

¹ Core Strategy, December 2012

- the brewery and there is nothing before me to indicate that this was not an open market sale or that anyone wishing to buy the public house to retain it as a community facility did not have the opportunity to do so. Nonetheless, three years have elapsed since the appellant purchased the property and there has been time to undertake a marketing exercise to overcome this policy test.
7. I appreciate that a CAMRA viability assessment has been provided. However, although this sets out the location of nearby public houses and their facilities, it does not include any financial information to support the appellant's arguments. In my experience a viability assessment should include a likely business model with an analysis of issues such as customer base and footfall, turnover and essential renovations. There may be many reasons why the brewery sold the premises. It does not necessarily follow that the current use is not viable in different circumstances, particularly given its extensive parking area. Interested parties have indicated that there may be people wishing to invest in the building as a public house and have also disputed the brewery's apparent reasons for its sale. These issues are not addressed by the appellant.
 8. The immediate customer base for a community facility in this location appears to me to be very small and The New Inns would compete with the nearby Oakley Arms, which offers food as well as entertainment. Nonetheless, the CAMRA assessment lists ten public houses within a 5 kilometre radius of the site. The appellant argues that this indicates the market is saturated but it could equally indicate that there is a high demand, particularly given the location's easy reach of the Birmingham conurbation.
 9. I conclude that the assessment is of limited weight and that there is insufficient evidence before me to allow me to conclude beyond reasonable doubt that the building is redundant as a community facility.
 10. The Council has sought legal advice. This analyses the text of LP Policy EV9 and highlights its lack of precision. It sets out that The New Inns should be considered to be an essential facility under this policy. It also outlines three paths by which the development might pass the tests set out in LP Policy EV9. It appears to conclude that two of the tests require proposals to pass the viability test, and the third path requires there to be alternative provision. As there is limited information before me to conclude that the public house is unviable or redundant, it remains that the development would result in the loss of a community facility and therefore fails all the tests set out in LP Policy EV9.
 11. In this regard Members have not ignored Counsel's advice. This advice clarified the policy only.
 12. Consequently, the development would not accord with LP Policy EV9 with regard to the retention of local services and facilities in the interests of sustainable communities.

Other matters

13. Paragraph 143 of the National Planning Policy Framework (the Framework) sets out that inappropriate development in the Green Belt is by definition, harmful. Although Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt, it lists exceptions, *including the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.*

14. LP Policy GB1 sets out criteria for the acceptability of development in the Green Belt. The over-arching test is that such development has to be acceptable within the terms of the Framework. The Local Plan precedes the Framework by some years and Paragraph 213 of the Framework sets out that due weight should be given to existing policies according to their consistency with the Framework.
15. The SPD² refers to floor area to assess the proportionality of alterations and extensions to existing buildings. However, the Framework refers to size which is a more general measure including external dimensions, floor area and volume. As such, overall size should be the consideration for assessing the proportionality of extensions and alterations, rather than just floor space.
16. In any case the SPD sets out that increases in floor area for alterations in the Green Belt should be within the range of 20 - 40 per cent. The public house has already benefited from extensions since 1948 and if the development went ahead the dwelling would have a floor area that had been extended by an additional 48 per cent above that of the original building. This would be a disproportionate increase in floor area and well beyond the range set out in the SPD.
17. The public house comprises a fairly narrow two storey structure, with a flat front elevation under a dual pitched roof. There is a series of single storey flat and pitched roof extensions attached to the sides and rear.
18. Although the proposals drawing does not have a scale bar, a comparison between the survey and proposals drawings suggests that the dwelling's ridge would be well over one metre higher than the public house's ridge. Moreover, the proposed dwelling would extend the public house's first floor at the rear, above an existing single storey extension, effectively doubling the depth of the two storey structure. Although a further rear extension would be demolished, its floor area appears to be significantly less than the proposed first floor extension. There would also be substantial changes to the roof form which would be considerably more bulky than existing.
19. As such the dwelling's scale and extent would subsume the original structure and it would have a significantly larger volume and overall size. This seems to me to amount to far more than what could be considered to be alterations and extensions, and in any case would be disproportionate compared to the size of the original building.
20. Consequently, the development would fail to comply with the exceptions set out in Paragraph 145 of the Framework as set out above, as well as LP Policy GB1.
21. Buildings that are to be extended and altered should be considered only under Paragraph 145 only. Paragraph 146, referred to in the officer's report, is concerned only with the re-use of a building, not its enlargement or alteration.
22. Paragraph 133 sets out that one of the essential characteristics of the Green Belt is its openness, and Paragraph 134 states that one of the five purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. This development's overall size and volume would be far bulkier than the existing structure and this would detract from the openness of the Green Belt.

² Green Belt and Open Countryside SPD, 2014

The current building's typology and ad hoc extensions are not determinative in this regard. The development would therefore represent inappropriate development in the Green Belt and would have an adverse effect on openness in the Green Belt. All harm in the Green Belt carries substantial weight.

23. Paragraph 144 of the Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, is clearly outweighed by other considerations. There is nothing before me in terms of local housing need to indicate an imperative to build a five bedroomed dwelling of this size, on this site. The current building has a pleasing cottage appearance and is reflective of its evolution over 200 or so years. It is unclear why major building works including improvements to first floor accommodation and an alleged sympathetically designed extension should amount to other considerations sufficient to clearly outweigh the harm of inappropriate development in the Green Belt.
24. However, as I have found harm in relation to the main issue it is not necessary for me to consider this issue further.

Other matters

25. Interested parties have raised a concern in relation to the development's effect on the character and appearance of the area. However, I have found harm in relation to viability and is not necessary for me to consider this further.

Conclusion

26. In the light of the above I conclude that the development would fail to comply with the relevant policies of the Local Plan. The appeal is dismissed.

A Blacq

INSPECTOR