
Appeal Decision

Site visit made on 10 August 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/D0840/W/20/3251246

Mark of Friendship, New Street, Millbrook, Cornwall, PL10 1BY.

- 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 Punch Partnerships (PML) Ltd against the decision of Cornwall Council (the LPA).
 - The application Ref. PA19/07150, dated 9/8/19, was refused by notice dated 4/3/20.
 - The development proposed is the proposed change of use of public house to three dwellings, external alterations and demolition of outbuildings to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed change of use of public house to three dwellings, external alterations and demolition of outbuildings to the rear at the Mark of Friendship, New Street, Millbrook, Cornwall, PL10 1BY. The permission is granted in accordance with the terms of the application Ref. PA19/07150, dated 9/8/19 and subject to the conditions in the attached Schedule.

Preliminary Matter

2. An application for an award of costs has been made by the appellant against the LPA. This application is the subject of a separate decision.

Main Issue

3. The main issue is the likely effect of the proposal upon the social well-being of the local community.

Reasons

Planning Policy

4. The development plan includes the Cornwall Local Plan Strategic Policies 2010-2030 (LP) and the Rame Peninsula Neighbourhood Development Plan 2017-2030 (NP). The most relevant policies to the determination of this appeal are LP policies 1 (sustainable development), 4.4 (community facilities) and NP policy 1 (new housing). Objective a of the NP includes encouraging healthy and sustainable communities with new housing for local people in harmony with the environment and objective c aims to provide a high quality of life in the villages with improved community facilities to meet changing needs.
5. The National Planning Policy Framework (the Framework) is an important material consideration that carries considerable weight. Amongst other things, it states that the purpose of the planning system is to contribute to the

achievement of sustainable development. In promoting healthy communities the Framework aims to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

6. My attention has also been drawn to the Cornwall Design Guide 2013 and the Council's Chief Planning Officer's Advice Note 'Good Design in Cornwall' 2017. Neither of these documents are determinative to the outcome of this appeal.

Benefits

7. The proposed development would secure the re-use of a vacant building within the built-up area of Millbrook and would increase choice / stock of housing. There would be no harm to the quality of the local environment and a condition could be attached to a permission to ensure these new dwellings were occupied by the owners or tenants as their primary (principal) residence. The proposal would accord with the provisions of NP policy 1 and NP objective a.
8. The appeal site is well-related to services and facilities, including other public houses¹. Occupiers of the proposed dwellings would help to support these services and facilities and the conversion / demolition works would provide some limited support to the construction industry.
9. The above benefits can be given moderate weight in the planning balance.

Social Well-Being

10. Public houses can assist in promoting social interaction between people and can help to meet the social objective of the Framework by supporting strong and vibrant communities. I note from some of the representations, that amongst other things, the Mark of Friendship pub was used as a venue for live music, accommodated local darts and pool teams (including instruction for local youths) and hosted various functions and receptions. It was clearly valued by some members of the local community, including the parish council.
11. However, in June 2020, Cornwall Council de-listed the Mark of Friendship pub as an Asset of Community Value (ACV). The reason given was: the pub is not the only licensed premises in the immediate area, or the only venue which could be used for live music; the uses of the pub are not determinative on their own to show that the pub is one this is important to the social wellbeing of the community; and the uses of the premises are not sufficiently supported to show that they were regular enough to be non-ancillary to the use of the premises. These reasons sit very awkwardly alongside the Council's reason for refusing planning permission. In particular, its claim that the proposed development would result in the loss of a valued community hub to the detriment of the social cohesion and sustainability of Millbrook.
12. LP policy 4.4 seeks to retain community facilities wherever possible and their loss will only be acceptable where the proposal shows: a) no need for the facility or service; b) it is not viable; or c) adequate facilities or services exist or the service can be re-provided in locations that are similarly accessible by walking, cycling or public transport. I note the legal advice provided by the appellant's Solicitor regarding the interpretation of this policy and the argument that the Council has been inconsistent when applying LP policy 4.4.

¹ There are two public houses (Devon & Cornwall Inn and the Bar Tusker) nearby in West Street.

Nevertheless, my reading of the policy is that criterion a) must be applied along with either criterion b) or c) when considering applications and appeals.

13. In support of its argument that there is no need for the appeal site to remain in use as a pub the appellant has submitted marketing information. This can be helpful in assessing whether or not there is any continuing need for premises to remain in use as public houses. In this regard, the Mark of Friendship has been marketed since July 2019 by an estate agent that operates primarily in the licensed and leisure sector. There have been a number of enquiries but only one official viewing and one offer to purchase, but for residential use.
14. There is an element of doubt² in my mind as to the robustness of the marketing process. However, if there was a continuing need for this facility I would have expected offers to have been made by now, either by a community group or somebody else intending to operate the premises as a public house. No such offers have been made or any realistic interest shown in the resumption of a public house use. Whilst Millbrook is a sizeable settlement, there is nothing of substance to demonstrate that three public houses would be necessary to meet the social needs of the local community.
15. Over time, social and drinking habits have changed and this is likely to continue as a result of the COVID-19 pandemic. Although three pubs would offer more choice of drinking establishments for the local community, I agree with the Council's officers that, on balance, the marketing details demonstrate that there is no need for the appeal site to remain in use as a public house. Criterion a) of LP policy 4.4 is therefore met. There is nothing of substance to demonstrate that there is a need for this facility to remain.
16. The appellant's have also submitted a detailed viability report in an attempt to demonstrate that criterion b) of LP 4.4 has been met. However, if adequate facilities or services exist, as provided for by criterion c), there would be no policy requirement to examine the viability report. That said, the report concludes that the appeal site has no long-term future as a public house.
17. In addition to the two other pubs in Millbrook, which are conveniently located for many local residents, there is a village hall in very close proximity to the appeal site. There are also other community services / facilities in Millbrook including a church, chapel and scout hall, all of which provide opportunities for community / social interaction. In this regard, I note from the NP that Millbrook *"is a thriving community with a good range of facilities"*. The surrounding area also includes other public houses and community facilities. If the appeal was to succeed, there would be adequate remaining facilities and services to support the social well-being of the local community. Criterion c) of LP policy 4.4 is therefore also met.
18. I recognise that allowing the appeal would disappoint some members of the local community, including the parish council. However, I must determine the appeal on the basis of the evidence before me. This indicates that the proposals would accord with the provisions of LP policy 4.4 and be unlikely to have any significant effect upon the social well-being of the local community.

² The premises have been marketed with a guide price considerably above the anticipated realisation price and the marketing details include reference to a residential development opportunity.

Planning Conditions

19. In addition to the 'standard' condition requiring development to commence within three years, in the interests of certainty a condition would be necessary specifying the approved plans. As already noted above, a 'residency' condition would be necessary to ensure the dwellings met the provisions of NP policy 1.
20. To reduce the risk of flooding and to ensure adequate measures are in place should the need arise to evacuate residents, a condition would be necessary requiring further details to be submitted to and approved in writing by the Local Planning Authority. As the development relates to an existing building that could be occupied by people there are no exceptional circumstances to justify requiring these details by way of a pre-commencement condition.
21. To safeguard the character and appearance of the area a condition would be required requiring details of the proposed hard and soft landscaping.

Planning Balance/Overall Conclusion

22. Given all of the above, including the benefits of the proposal and the reasons for Cornwall Council's decision to de-listed the Mark of Friendship pub as an ACV, there is greater force in the appellant's argument for granting planning permission. The proposal would comprise sustainable development in accordance with LP policy 1 and I conclude that the appeal should succeed.

Neil Pope

Inspector

SCHEDULE OF PLANNING CONDITIONS

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 carried out in accordance with the details show on the following approved plans: 1:1,250 scale location and block plan (ref.19-3156-103 P1); 1:100 scale proposed site layout (ref. 19-3156-100 P3); 1:100 scale proposed floor plans (ref. 19-3156-101 P3) and; 1:100 scale proposed elevations (ref. 19-3156-102 P3).
3. The dwellings hereby permitted shall not be occupied otherwise than by persons as their Only or Principal Home. For the avoidance of doubt, the dwellings shall not be occupied as second homes or holiday letting accommodation. The occupants will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request to do so) such information as the Authority may require in order to determine whether this condition is being complied with.
4. None of the dwellings hereby permitted shall be occupied until details of flood mitigation and management have been provided and approved in writing by the Local Planning Authority. The details shall include:
 - a. flood resilience methods, materials and techniques;
 - b. flood protection measures;
 - c. site specific emergency evacuation plan;

d. timetable of implementation.

The development shall be undertaken and managed in accordance with the approved details and timetable and the mitigation shall be retained thereafter.

5. None of the dwellings shall be occupied until details of the hard and soft landscaping works, including a timetable for undertaking these works, have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall be occupied in accordance with the approved details.