



Appeal Decisions

Hearing Held on 3 November 2020

Site visit made on 4 November 2020

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2020

Appeal A: APP/J1915/W/20/3245571

The White Horse Inn, High Road, High Cross SG11 1AA

- 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 Sean Coleman against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1148/FUL, dated 30 May 2019, was refused by notice dated 26 July 2019.
 - The development proposed is refurbishment and change of use of The White Horse public house (Listed Building) to create 3 no. two bedroom dwellings together with the construction of 4 no. three bedroom dwellings (revised application to LPA Refs. 3/17/1258/FUL & 3/17/1259/LBC).
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Appeal B: APP/J1915/Y/20/3245561

The White Horse Inn, High Road, High Cross SG11 1AA

- 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 Mr Sean Coleman against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1149/LBC, dated 30 May 2019, was refused by notice dated 26 July 2019.
 - The works proposed are refurbishment and change of use of The White Horse public house (Listed Building) to create 3 no. two bedroom dwellings together with the construction of 4 no. three bedroom dwellings (revised application to LPA Refs. 3/17/1258/FUL & 3/17/1259/LBC).
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Decision

1. The appeals are dismissed.

Preliminary Matters

2. The description of works on the application form is the same for both appeals. However, s.7 of the Planning (Listed Buildings and Conservation Areas) Act 1990, sets out that listed building consent is only required for any works for the demolition of a listed building, or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest. On that basis, listed building consent would not be required for the change of use of The White Horse Inn to residential use, or the construction of 4 no. three bedroom dwellings as proposed. However, listed building consent would be required for the works of alteration required to

provide 3 no. two bedroom dwellings in the listed building. I have therefore dealt with the s.20 appeal on that basis.

3. The White Horse Inn lies within the setting of a number of other listed buildings which include The Old Waggon (Grade II*) immediately adjoining the site to the south. As such I have had regard to my statutory duties under s.66(1). The Council found no harm in this respect, and similarly, given the minimal changes to the front of the site, I find no harm in this regard either.

Main Issues

4. A main issue in both appeals is the effect of the proposed development/works on the special architectural and historic interest of The White Horse Inn, which is Grade II listed, and its setting. In Appeal A there is a further issue of the effect of the proposed development on the local community.

Reasons

The White Horse Inn

5. The White Horse Inn dates from the late 17th Century. The oldest part of the building which fronts High Road is timber frame plastered with weatherboarding detailing to the sides; a known historic vernacular of the area. It sits within a group of other historic buildings at the core of High Cross. In terms of layout it has a 'lobby-entrance plan' in which the original entrance is directly in front of the chimney stack with two main rooms either side. This is a typical domestic plan for the period of construction of the building. The White Horse Inn has significance, therefore, insofar as it has evidential, historic and aesthetic value as a well-preserved building of its time.
6. Part of the proposals before me are to sub-divide The White Horse Inn into three separate residential properties. The front, oldest part of the building, would be divided into two. This would involve splitting the property along the central chimney stack, thereby partitioning off the two rooms either side of this and the original entrance at ground floor. This would disrupt the 'lobby-entrance plan' making the building less legible thereby eroding its significance in this respect.
7. In addition to this, at first floor, one of the rooms to one side of the chimney stack is to be further subdivided with a stud partition. This would again upset the original layout of the most historic part of the building. Even if demountable partition walls were installed, day-to-day, and for the foreseeable future, the historic layout of the building would be concealed.
8. Furthermore, the change at first floor would result in the insertion of a window in the side elevation of the building to serve the newly created room. This window would be inserted into weatherboarding resulting in a loss of historic fabric and a significant alteration to the historic visual appearance of the building. It is also unclear whether the window, which would be not insignificant in size, would be impeded by the timber frame of the property. In the absence of such information I cannot be satisfied that further harm to historic fabric would not occur as a result of this insertion.
9. It would be unacceptable to leave such a consideration to the discharge of conditions stage given the implications of these works to the structure of the

building. The insertion of new doors at ground and first floor into the most historic parts of the building raises similar concerns to those above.

10. The subdivision of the more historic part of the building would also require the insertion of an additional staircase. This would be inserted in a part of the building which appears to date from the late 17th Century – early 18th Century, or in any event, appears to be of significant age given the uneven appearance of the ceiling here. Therefore, again, the insertion of a staircase here would result in a significant loss of historic fabric. For all of the above reasons I therefore find harm to the special architectural and historic interest of The White Horse Inn.

The setting of The White Horse Inn

11. The setting of The White Horse Inn includes the land to the side and rear which, until relatively recently, was used for parking and as a garden for the public house. There is little substantive evidence before me of any more specific historic use of this area other than general conjecture that it would have always been used in connection with the property. Notwithstanding this, the area in which the residential development would be located has a strong visual relationship with the public house given their close proximity. There is also a historic connection insofar as the land appears to have always been associated with the building.
12. In principle, given the modest contribution the rear of the site makes to the significance of the listed building, a sensitive residential development here could work. However, the proposals before me would not achieve this. Firstly, in spite of its low eaves design, the overall height of the development would be higher than the public house. Whilst the dwellings are to be set well back from the public house and would be of a similar height to residential development immediately to the east, this adjacent development is on visually separate land to the appeal site and behind a clear boundary. Nevertheless, it is still visible from the front of the public house. Therefore, development of a similar scale, closer to, and with far less to separate it from the public house, would be more impactful, such that it would amount to harm to the setting of the listed building by virtue of overdominance. The points made thus far are sufficient in their own right to warrant the dismissal of both appeals.
13. In addition to the above I also have concerns over how the development surrounds the listed building with parking, an access road, and the new dwellings, leaving very little space around the former public house to allow it to sit comfortably in its setting. Every scrap of land is to be carved up into various new and separate uses such as small private gardens, parking spaces, bin stores etc. which altogether would give it an overdeveloped appearance.
14. Taking the above points together the proposed works would be harmful to the special architectural and historic interest of The White Horse Inn and its setting. In addition to this the proposal would also conflict with Policies VILL2, DES4, HA7 of the East Herts District Plan (2018) (DP) which require new development to respect local character and to protect listed buildings.
15. The harm I have found would be 'less than substantial' given the overall impact of the proposals on the listed building. My assessment of harm is greater than negligible or minor as put to me by the appellant and, for the reasons given, tending towards moderate harm. Nevertheless, any such harm attracts

considerable importance and weight. As per para 196 of the National Planning Policy Framework (the Framework) this harm should be weighed against the public benefits of the proposal. I return to this balance later in my decision.

Local community

16. Policy CFLR8 of the DP seeks to protect community facilities, which, as set out in the supporting text, includes public houses. The text explains that within villages and the rural area public houses play an important role in terms of providing a social venue, local employment opportunities and contributing towards vitality. Consequently, Policy CFLR8 only permits the loss of such buildings in certain circumstances, the first being that an assessment has been undertaken which clearly shows that the facility is no longer needed in its current form.
17. The appellant has provided evidence that the public house is no longer needed by way of a Public House Viability Test. This is based on an objective test set by the Campaign for Real Ale and is designed to address what the business could achieve if it were run efficiently by a reasonable operator. The report sets out various alternative investment scenarios and types of operation, but every scenario leads to a loss-making position. This is due in part to the limited population of High Cross (taking into account recent development), strong local competition, and high refurbishment costs due to the age, condition and listing of the building.
18. I have also considered the effect of increasing the size of the carpark to attract a larger dining clientele but conclude that this would not make such a significant gain to mitigate the loss of all outside space. Similarly, if the profits from the 4. no houses proposed were secured to renovate the pub, the parking required for a profitable public house would be practically all lost. In any event, this scenario is not put to me by the appellant, and there is nothing before me to secure this. To bring these points together, I find the appellant's evidence compelling and there is nothing substantive on the Council's side to rebut it.
19. The White Horse Inn, now vacant, was the last public house in High Cross. However, there are two public houses in Wadesmill; the neighbouring village, which are accessible on foot within a (circa) 20 minute walk along a lit pavement. I agree that it would be desirable to have a public house within High Cross, but there is provision of this type of community facility within a comfortable walking distance for the average person.
20. Taking these points together I find that the evidence before me clearly demonstrates that the White Horse Inn is no longer needed in its current form. I therefore find no conflict with Policy CFLR8 of the DP.
21. The Council would like to see evidence of marketing the public house for approximately 12 months but Policy CFLR8 does not specify what type of assessment is required and I consider the assessment before me has adequately demonstrated compliance with this policy for the reasons set out above.
22. I note that the Parish Council are aware of two potential interested parties in purchasing the public house; although one has now found alternative premises. However, this is not sufficient to override my findings above, and there is nothing to suggest these persons would not come to similar findings as I upon

more in-depth investigation. I have also had regard to the draft Thundridge Neighbourhood Plan and appreciate the value local residents place on The White Horse Inn, but this does not outweigh the compelling evidence before me regarding its viability.

Public benefits

23. I return now to the public benefits of the proposals in line with para 196 of the Framework. The White Horse Inn is currently vacant and as a result is deteriorating and vulnerable. As set out above it is no longer viable and in need of a new use to secure its future. The proposals therefore provide a clear benefit in this regard. However, it has not been demonstrated that this is the only way the site could be re-developed. I therefore afford this benefit moderate weight.
24. Alongside this there is the benefit of the addition of a small number of houses to local housing supply, and the economic and social benefits attached to this of additional employment during the construction period and then on-going spending and increased vitality in the local area from new residents. The proposal also involves previously developed land for which there is support in the Framework. I attach moderate weight to these benefits also.
25. Taking these benefits together I nevertheless find that the weight to be attached to them is not sufficient to justify the harm that would be caused to the special architectural and historic interest of The White Horse Inn and its setting; harm that must be given considerable importance and weight in the balancing exercise.

Conclusion

26. The appeals are dismissed.

Hayley Butcher

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Zack Simons	Landmark Chambers
Justin Wickersham	Optimis Consulting
Leila Cramphorn	Optimis Consulting
Michael Lawton	Trinity Solutions
Jonathan Edis	Heritage Collective
Matthew Briffa	Briffa Philips Architects
Tom Nichols	Everard Cole
Claire Browne	Heritage Collective

FOR THE LOCAL PLANNING AUTHORITY

Eilis Edmonds	East Hertfordshire District Council
Mike Brown	East Hertfordshire District Council

INTERESTED PARTIES

David Malyan	Neighbour
Britta Hawes	Parish Council