



Appeal Decision

Site visit made on 7 October 2020

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 13th January 2021

Appeal Ref: APP/K2420/W/20/3252017

The Prince of Wales Inn, 52 Coventry Road, Hinckley LE10 0JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Xifaras against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 19/00892/OUT, dated 7 August 2019, was refused by notice dated 7 November 2019.
 - The development proposed is the demolition of existing buildings and erection of 12 apartments.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal seeks outline planning permission, with all matters reserved except access, layout and scale. I have considered the appeal on this basis and have treated any plans in relation to the reserved matters as illustrative.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to whether the existing building is a non-designated heritage asset (NDHA).

Reasons

4. The Prince of Wales Inn is a large public house which lies on a route into the town centre. The building is not recorded as a designated heritage asset. However, the Council considers that it is a NDHA. The Planning Practice Guidance on the historic environment confirms that local planning authorities may identify NDHAs as part of the decision-making process on planning applications. There is no requirement for NDHAs to already be included within a Historic Environment Record, a Conservation Area or local history records in order for the Council to exercise this judgment.
5. Policy DM11 of the Site Allocations and Development Management Policies Development Plan Document (the SADMP) states that the Council will carefully manage development that might adversely impact heritage assets. Policy DM12 of the SADMP sets out that all development proposals affecting heritage assets and their setting will be expected to secure their continued protection or enhancement.

6. The National Planning Policy Framework (2019) (the Framework) states at paragraph 197 that the significance of a NDHA should be taken into account in determining applications. In weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
7. The Council has adopted selection criteria for Locally Important Heritage Assets (LIHA). These are broadly consistent with the Framework, which defines significance as “the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic”. I therefore attach full weight to the Council’s criteria in determining the appeal.
8. Turning first to the building’s historic interest, the Council has provided details of historical references to a Prince of Wales inn. These relate to the inn prior to its rebuilding in the 1930s, with the first reference appearing in the early nineteenth century. Thus, they provide some evidence that the site’s use for a public house spans a significant period of time, and therefore some evidence of the social development of the area. As a result, some limited historic interest derives from the continuing use of the site as a public house.
9. There is minimal substantive evidence before me of the trends which informed the creation of “roadhouse” public houses, or to suggest that such establishments historically made an important contribution to the identity or character of the area. Thus, submissions that the building forms such an example carry only minimal weight in my determination.
10. As a result of the above factors, the building has some significance derived from limited historic interest.
11. The building has some decorative features both externally and internally. Whilst it is submitted that aspects of its design represent the Neo-Georgian architectural style, the evidence before me does not persuade me that these are high quality examples in accordance with the LIHA criteria. The building’s signage and lettering are features consistent with its use, but do not represent artistic endeavour so notable as to form an important contribution to the area’s appearance.
12. A number of representations refer to the importance of the inn to the community. These suggest that the building is perceived as a source of social interaction and cohesion. Furthermore, the inn was recently designated an Asset of Community Value and therefore its use to further the social wellbeing of the local community has been recognised. Accordingly, I conclude that it holds some community interest.
13. Turning to features which may make the building stand out from its surroundings, there is minimal substantive evidence before me to suggest that the building is a rare surviving example of a “reformed” public house, or that no other examples of this exist within the local area. Thus, I have no evidential basis on which to concur with the submission that the building is unusual or rare.
14. Nevertheless, the building’s external materials, layout and decorative features form a design which appears consistent with its age. The design of the windows harmonises reasonably well with the inn’s appearance despite their

modern materials, so that they do not cause harm to its significance. Whilst only limited apparently original features remain to the interior, the building consequently generally retains its exterior architectural integrity, despite some minor additions.

15. Furthermore, the building has a prominence in the street scene which results from its scale, its location on a prominent corner plot, the conspicuous scale of its first floor side window and its chimneys, its distinctiveness and its separation from surrounding development. It is highly visible in public views from Coventry Road and from Marchant Road opposite the site. Accordingly, it has some landmark quality which contributes positively to its significance.
16. Thus, I conclude that the inn is a NDHA which has significance which derives from the combination of its historic interest, its value to the community, its architectural integrity and its landmark quality. As a result, this significance should be taken into account in the determination of the appeal.
17. The separation between the inn and development to either side provides a spacious appearance which contributes positively to this relatively built-up street scene. The proposed apartment block would extend across the current gap between the inn and No. 60 Coventry Road, occupying almost the full frontage of the plot. This increase in the scale of built form at the site would have a harmful effect on the character and appearance of the area by the reduction of the current spaciousness. This harm would be limited due to the relatively small size of the gap concerned.
18. As the proposal would entail the demolition of the inn, it would require the total loss of the NDHA and hence the scale of the loss of significance would be total. The proposal would consequently have a harmful effect on the NDHA. The Framework sets out that heritage assets are an irreplaceable resource, and therefore I attach substantial weight to the harm which the proposal would cause to the significance of the NDHA. The apartment building would additionally cause limited harm to the character and appearance of the area.
19. Thus, the proposal would have a harmful effect on the character and appearance of the area. The scheme consequently conflicts with Policies DM11 and DM12 of the SADMP, the aims of which are set out above. Further conflict exists with Policy DM10 of the SADMP, which requires proposals to complement or enhance the character of the surrounding area with regard to scale and layout. Additional conflict exists with the historic environment aims of the Framework.

Other Matters

20. A unilateral undertaking was provided during the appeal process. It sets out payments for an off-site open space contribution. From the information before me, I am not content that all the monies requested have been proven to be fairly and reasonably related in scale and kind to the development. As a result, without further refinement of the information to back up this case, I consider that there is a tension with the test in Regulation 122 of the Community Infrastructure Levy Regulations 2010. I am therefore unable to take the undertaking into account in determining this appeal.
21. Paragraph 92 of the Framework states that planning decisions should plan positively for the provision and use of shared spaces (such as, amongst others,

public houses) and should guard against the unnecessary loss of valued facilities and services, in order to provide the social, recreational and cultural facilities that the community needs. The appellant submits that it is contradictory for the Council to conclude that paragraph 92 does not justify the refusal of permission, but to identify the building as a NDHA for its community value.

22. The Framework paragraph 92 is concerned with the need for community facilities, and the Council concludes that surrounding facilities would offer sufficient alternative provision if planning permission were granted. However, local and national historic environment policies concern the significance of the heritage asset itself, including any contribution made by its setting. Furthermore, the significance which I have identified above derives from a combination of factors rather than any one element. Therefore the two considerations require different assessments, and I do not concur with the submission that a finding of compliance with one must necessarily result in the same finding with regard to the other.
23. I acknowledge that two schemes¹ of a large scale exist or are proposed in the vicinity of the appeal site. These lie on the other side of the road from the site, where development has a more industrial appearance in keeping with the scale of the schemes. Furthermore, both developments include landscaped buffers adjacent to Coventry Road and set back built form, which are elements which would contribute positively to the inn's setting. The Council concluded that these schemes would enhance the character and appearance of the area, and I see no reason to disagree. Therefore their effect on the significance of the inn is likely to be acceptable.
24. Whilst the supporting text to Policy DM11 of the SADMP identifies various industries to be particularly important in telling the story of the development of local settlements, this does not preclude the identification of significance for other reasons. Therefore the inn's lack of an identified connection to these industries does not prevent it from having other significance.
25. In determining the appeal I am required to assess the historic value of the building. This assessment does not take account of the comparative value of other buildings within the settlement. Thus, the merits of other local buildings have only minimal relevance to the main issue of the appeal.
26. I have had regard to other matters raised, including concerns about the proposal's effect on the living conditions of nearby occupiers and on highway safety. However, as I am dismissing the appeal on the main issue for the reasons given above, I have not pursued these matters further.

Planning Balance and Conclusion

27. The appellant contends that the Council cannot demonstrate a five year housing land supply (5YHLS). If I were to accept this, paragraph 11 of the Framework sets out that it is then necessary to grant permission for development proposals, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

¹ Local Planning Authority Refs: 17/01073/FUL and 18/01237/FUL

28. Furthermore, as I have found that the building is a NDHA, paragraph 197 of the Framework requires me to undertake a balanced judgment having regard to the scale of any harm or loss and the significance of the heritage asset. As I am required to identify both any benefits and any harm of the proposal as a whole, an assessment of these with regard to the effect of the proposed apartment block is relevant to the balance.
29. In terms of benefits, there would be some economic uplift during construction through short-term employment and the purchase of building materials. Future occupiers would also contribute to the local economy. Socially, the development would add to the supply of housing, in a location with access to services and facilities. This would be in accordance with the Government's objective of significantly boosting the supply of homes. Occupiers would additionally be likely to participate in the local community. These benefits would be limited given the relatively modest scale of the development.
30. Against that, the proposal would cause the total loss of the NDHA, and hence the total loss of its significance, to which I attach substantial weight. It would additionally cause limited harm to the character and appearance of the area.
31. For these reasons the harm caused by the development would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. Consequently, the proposal does not benefit from the presumption in favour of sustainable development.
32. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR