



Appeal Decision

Site Visit made on 9 February 2021

by Rachel Walmsley MSc, MA, BSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2021

Appeal Ref: APP/K0235/W/20/3263289

The Royal George, 57 High Street, Stagsden, MK43 8SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to planning permission.
 - The appeal is made by David Barker, Priory House Estates Ltd against the decision of Bedford Borough Council.
 - The application Ref 20/00489/FUL, dated 24 February 2020, was refused by notice dated 21 May 2020.
 - The development proposed is change of use of public house and flat to a dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - i) whether there is sufficient evidence to justify the loss of the pub as a community facility in accordance with local and national planning policy,
 - ii) the effect of the proposal on local biodiversity, and;
 - iii) the effect of the proposal on a non-designated heritage asset.

Reasons

Community facility

3. The Local Plan (2020) at paragraph 12.65 in referring to the loss of public houses directs the reader to chapter 11. Here, policy 83 categorises a public house as an essential local shop with its change of use only permitted if all three of the criteria listed can be met.
4. The financial information before me demonstrates that the pub was largely unviable for the time it operated between 2012 and 2015. The evidence also suggests that prospective tenants turned down the pub for financial reasons which would correspond with the financial information before me. However, it is not clear how widely or for how long the pub was marketed. Furthermore, some of the marketing was carried out discreetly for reasons that are understood. But as a result I cannot say confidently that the opportunity to buy or tenant the pub has been fully explored and therefore the concern for viability raised by some prospective purchasers/tenants is the determining reason for a lack of interest. Indeed, as the evidence before me identifies, 'as

- yet, no-one has made an application for the tenancy' which to my mind does not rule out the possibility of a tenant or purchaser being found.
5. The letter from Satchells (2018) refers to Stagsden being too small for a pub and inappropriately located but without justification. I note that the village sustains some services and facilities which suggests that there is financial activity within the village. Plus, it seems from third party comments that there is interest within the community for a pub albeit I recognise that the community has not been forthcoming in this regard. That said, nor do I have evidence of the community turning down the opportunity for financial reasons.
 6. Despite the application being made last year, the evidence before me is outdated and is not an accurate reflection of the pub as it stands today, in terms of viewings, marketing and viability. I appreciate that the current pandemic is a challenging time for the leisure industry but there is nothing in the evidence before me which evaluates the likely effects of this.
 7. All in all, on the basis of all that I have seen before me, and for the reasons given, I have found insufficient evidence to justify the loss of the pub as a community facility. As such the proposal is contrary to criterion (ii) of policy 83 of the Local Plan (2020) and paragraph 83 (d) of the National Planning Policy Framework (2019) which seeks the retention and development of accessible public houses. Having found that the development would be contrary to criterion (ii) of policy 83 of the Local Plan (2020), it is not necessary for me to assess the proposal against the others listed.

Biodiversity

8. Parties do not dispute the fact that the site is within a Red Zone for Great Crested Newts and has the potential to provide roosting and nesting habitats for bats and birds respectively. With no specific or substantive evidence to suggest otherwise, I take the same view. Similarly, parties do not dispute the likely impact of the development on protected species.
9. The appellant suggests that this could be covered by a planning condition, should permission be granted. Paragraph 99 of Circular 06/2005 states that "it is essential that the presence or otherwise of a protected species, and the extent to which they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision." It is not appropriate, therefore, to rely on a planning condition to assess the impact of the development in this regard. As such, without mitigation measures in place, the development would be harmful to the local population of protected species.
10. The development proposes to convert some of the existing hardstanding to garden which naturally would increase the potential for biodiversity. If I had not found harm to protected species, I would have considered it reasonable to have secured works regarding biodiversity by condition. I have nevertheless found that the development would have a harmful effect on protected species and as such the proposal would be contrary to policy 42S of the Local Plan (2020) and the National Planning Policy Framework (2019) which seek to protect and enhance biodiversity and allow development with the appropriate mitigation.

Non-designated heritage asset

11. The Council states that the appeal property should be considered as a non-designated heritage asset. This is not to say that the property is designated as such. The public house has an appealing architecture with a façade that is well proportioned. Given its age and its location within the village I have no doubt that the property has featured strongly within the community and in the history of the area. However, I have no evidence before me of the public house being identified as a non-designated heritage asset in local and neighbourhood plans or other relevant sources of planning information for any of the characteristics identified. Nor am I aware that the property has been judged against published criteria to ascertain if the building constitutes a non-designated heritage asset under the terms expressed in the Planning Practice Guidance (PPG). I find, therefore, that the building does not qualify as a non-designated heritage asset as set out in the PPG. I have therefore considered the proposal in the context of character and appearance.
12. The development does not increase the scale of the building or materially alter its external appearance. The layout of the site would remain largely as existing, the main exception being a reduction in the size of the parking area to create a garden. Together with the development making use of a building that is currently vacant and in a poor state of repair, the development would improve the visual quality and attractiveness of the local area and cause no harm to the character and appearance of the area. All in all, the development would not have a harmful effect on a non-designated heritage asset and would not be contrary to policy 41S of the Local Plan (2020) which seeks development that preserves or enhances historical assets.

Other matter

13. Whilst the proposal would increase housing supply, it would involve only one unit of accommodation. Similarly, given the size of the premises, any positive local economic and social benefits would be small. These matters attract limited weight. The environmental benefit of re-using the building carries moderate weight.

Conclusion

14. Whilst I have concluded that the development would not have a harmful effect on a non-designated heritage asset, this and other matters raised in support do not outweigh the harm that would be caused as a result of the loss of a community facility and the harm to local biodiversity. For the reasons set out above, the proposal would be contrary to the development plan and therefore the appeal is dismissed.

R Walmsley

INSPECTOR