



Appeal Decision

Site Visit made on 10 March 2021

by H Miles BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 APRIL 2021

Appeal Ref: APP/Z1510/W/20/3250968

The Sportsmans Arms, 26 Sportsmans Lane, Hatfield Peverel CM3 2NW

- 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 & Mrs Danny & Denise Donegan against the decision of Braintree District Council.
 - The application Ref 19/01832/FUL, dated 8 October 2019, was refused by notice dated 18 February 2020.
 - The development proposed is described as: "extensions to existing public house, proposed landscaping and parking arrangements. Re-submission of refused application 18/01553/FUL".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of this appeal the North Essex Authorities' Shared Strategic Section 1 Local Plan (Section 1 Plan) has been adopted. Both main parties have had the opportunity to submit comments on the relevance of the Section 1 Local Plan to this case. I have taken any comments received into consideration.
3. The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) (the Local Plan), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Section 1 Plan, and the Hatfield Peverel Neighbourhood Development Plan 2015-2033 (the Neighbourhood Plan).
4. In its decision, the Council has referred to Policy CS9 of the Core Strategy which has been superseded, Policy HPE8 of the Draft Hatfield Peverel Neighbourhood Development Plan which has not been provided to me as part of the made Neighbourhood Plan, and Policies in the Braintree District Publication Draft Local Plan which does not form part of the adopted development plan. There is nothing before me to suggest that there are no outstanding objections to the policies in the draft plans and in any event an emerging plan whose status is unclear can carry only limited weight. Therefore, whether or not there is any conflict with these policies has not affected my decision.
5. Notwithstanding the concerns of the appellant, it is my duty to determine this appeal in accordance with the development plan, which at the time of this decision includes the Section 1 Plan, unless any material considerations indicate otherwise.

Main Issues

6. The main issues are the effect of the proposed development on:
- The character and appearance of the host property and the surrounding area
 - The setting of the nearby listed buildings 28 Sportsman Lane, Lightfoots and White Gates.
 - Highway safety.

Reasons

Character and Appearance

7. The Sportsmans Arms is a vacant pub. The main pub has a modest two storey form with a pitched tiled roof. It has single storey additions to both sides which also include a pitched and tiled roof, complementing the host building. These are secondary to the main building and retain its modest character. There is also a large grassed pub garden with open boundary treatment to the road, compatible with the open surroundings and indicative of its public use. It is within a countryside area with the substantial grounds of the Grade II* listed Priory to the rear, the narrow country lane of Sportsman Lane to the North and open land in its immediate surroundings. The site is clearly distinguishable as a small, traditional country pub.
8. The Local Planning Authority identifies the Sportsmans Arms as being a non-designated heritage asset due to its age, thought to date from the 1860s. Based on the evidence before me and my observations its significant features are its historic countryside public house character and simple, modest appearance.
9. The existing front elevation is characterised by rendered walls beneath two pitched roofs. This would be replaced by two large front projecting gables and an overhang at first floor. This would completely obscure the existing pitched roofs and simple character of the host building. The extent of the ground floor extensions to the sides and rear would be disproportionately large. They would result in extensive areas of discordant roof forms which would harmfully dominate the original building. Whilst there is an example of a thatched roof opposite, this is on an historic building and is not a common feature in the area. As such, the appeal scheme would fundamentally alter the appearance of the host building with very few of its original distinguishing features retained.
10. Consequently, the scale of the harm to the non-designated heritage asset would be considerable, to the detriment of its historic character and significance. It would therefore conflict with Policies RLP40 and RLP90 of the Local Plan and Policy ECN1 of the Neighbourhood Plan as well as the relevant policies in the National Planning Policy Framework, February 2019 (The Framework) which together require development in the countryside to have an acceptable visual impact and seek a high standard of layout, scale and design.
11. I do not find that the use is inappropriate in the countryside and therefore there would not be conflict with Policy CS5 of the Core Strategy.

Setting of Listed Buildings

12. Directly adjacent to the site is 28 Sportsmans Lane, a Grade II listed building. It is a 17th Century House and it derives its significance from features including its historic timber framed, plaster, brick and red roof tiled external appearance. It shares a boundary with the appeal site and due to this close proximity and visual relationship, the Sportsmans Arms site forms part of its setting. The modest scale of the pub and the undeveloped appearance of the garden means that the significant features of the listed building are experienced in public views. Consequently, the appeal site forms a positive part of the setting of this listed building.
13. The scale of development proposed at ground floor, combined with the proposals to introduce hardstanding to much of the remaining open area would result in a large scale urban backdrop to 28 Sportsmans Lane. Moreover, public views towards the heritage asset would be lost. Of those that remain, the prominence of the significant features would be undermined as they would be seen in the context of the developed urban character of a bulky building and across a car park.
14. Lightfoots is a Grade II listed building opposite the site. It has a timber framed, plastered exterior with handmade red clay tiles which form part of its significance. The open character of the Sportsmans Arms' grounds results in the significant features of this heritage asset being experienced from Sportsmans Lane. As such, the modest built development and undeveloped pub garden of the Sportsmans Arms site forms a positive part of the setting of this listed building.
15. The increased amount of built development on the site would partially obscure or be harmfully prominent in the outlook towards the heritage asset. This would detract from the appreciation of its significance and would be harmful to its setting for this reason.
16. White Gates is a Grade II listed 15th Century house also opposite the site. Its important features include its thatched roof and timber framed plastered exterior. The Sportsmans Arms site is also visible in public views towards this listed building, and the undeveloped nature of the appeal site safeguards the prominence of the heritage asset in these views. As such it is a positive part of its setting.
17. Again, the considerable extent of the alterations proposed, including the urban character of the car parking proposals, would be detrimentally conspicuous in vistas towards the listed building. The proposed development would therefore dominate in views of the heritage asset and its significant features, harmful to its setting.
18. The application was not refused on the grounds that it would have a harmful effect on the setting of the Grade II* listed Priory and grounds which are to the rear of the appeal site. I have taken into account the distance of the site from the Priory buildings and the relationship between the grounds and the rear of the appeal site and there is nothing before me to suggest that the setting of the Priory and its associated grounds would be adversely affected by the proposal.

19. I have a duty to have special regard to the desirability of preserving the setting of Listed Buildings. Heritage assets are irreplaceable and great weight should be given to their conservation. Having regard to this duty, I attribute considerable importance and weight to the harm that would arise in this case. Taking all these factors into consideration, the proposed development would be contrary to Policies RLP90 and RLP100 of the Local Plan and the relevant policies in the Framework. These seek that new development should have a high standard of design including conserving features of historic importance and preserve and enhance the setting of listed buildings. I quantify the harm identified as less than substantial in terms of the Framework due to the scale of the development. Such harm should be weighed against the public benefits of the scheme.
20. The proposal would provide a pub and restaurant in this community where there are limited public facilities, providing important economic and social benefits and a contribution to the rural economy. Whilst it may be necessary to provide 60 covers to make the business viable, there was no definitive evidence to justify this assertion. It therefore carries limited weight in my assessment.
21. It has been suggested the proposed development would act as enabling development for the maintenance of the Grade II* listed Priory and its grounds which is under the same ownership as the appeal site. However, there was no specific evidence regarding the condition of this site and what, if any, maintenance work is required, or how it would be secured. I am therefore not persuaded that the proposal would be of any benefit to the Priory or its grounds.
22. Therefore, the public benefits would not outweigh the permanent harm to the settings of the nearby listed buildings to which I attribute considerable importance and weight.

Highway Safety

23. The proposed development provides space for the parking of 34 cars. The standards referred to in the Local Plan require the provision of a maximum of 80 car parking spaces for the proposed development. The appeal site is located on a narrow, unlit, country lane where on-street parking would not be safe. The site is not located in an urban area and is not accessible to public transport. Therefore, the majority of customers would travel by private car.
24. It is suggested that although the proposed development would accommodate 60 diners, these customers may car share, travel by taxi or walk to the site, justifying the provision of fewer spaces than the standards require. However, the development also provides a bar area, and staff would be required to travel to the site and with a venue of the scale proposed it could host events which could attract significant numbers of guests. This could lead to some overspill parking in this area where there is limited capacity to safely accommodate such parking. Consequently, this would lead to customers or staff parking in inappropriate locations where passing parked cars would be potentially dangerous.
25. The appellant has suggested that overspill parking could be accommodated at the Priory. However, no details of where and how this parking would occur, or a mechanism which would secure such an arrangement are provided.

26. A car park of 34 spaces might be adequate for much of the time. However, this does not justify a shortfall of provision which could result in unacceptable overspill parking with consequential safety implications on the lane when the restaurant was operating at or close to capacity.
27. As such, the proposed development would be harmful to highway safety and it would be contrary to Policy RLP56 of the Local Plan which requires off street parking in accordance with adopted parking standards.

Conclusion

28. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for this reason, I conclude that the appeal should be dismissed.

H Miles

INSPECTOR