



Appeal Decision

Site Visit made on 19 July 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2021

Appeal Ref: APP/J1535/W/21/3267612

Cock & Magpie Public House, Epping Green, Epping, CM16 6PU

- 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 Antella Development Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/0952/19, dated 5 April 2019, was refused by notice dated 2 December 2020.
 - The development proposed is described as "Application for Outline Planning Permission for the demolition of an obsolete former Public House, change of use of land and re-development to provide x 8 no. new dwelling houses, including ancillary works."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council have submitted their emerging local plan for examination. The examining inspector has advised the Council on necessary actions following the examination. While there is no timescale for adoption of the emerging plan, there is no indication of fundamental unresolved objections to the policies within it that are relevant to this appeal. Accordingly, the relevant policies carry significant weight in the determination of this appeal.
3. The application was submitted in outline form with all matters reserved. I have determined the appeal accordingly, treating the submitted plans as illustrative on all matters.
4. The number of proposed houses was reduced from ten to eight during the application. Accordingly, I have used the description of development given on the appeal form.
5. The Government released a revised National Planning Policy Framework in July 2021. The main parties were invited to comment on the revised document as part of their submissions on this appeal.

Main Issues

6. The main issues are:
 - Whether the proposal would result in the unacceptable loss of an employment use and community facility; and,
 - Whether the scale of the appeal proposal would constitute overdevelopment of the appeal site.

Reasons

Employment use and community facility

7. The building is a public house and restaurant that is vacant and has fallen into a state of some disrepair, with evidence of vandalism despite hoardings around the site. The site was marketed between April and May 2018, and then on an ongoing basis from September 2020. No acceptable offers to take the premises on for operation as a public house or restaurant have been reported from this marketing.
8. Policy CF12 of the Epping Forest Local Plan Alterations 2006 (the LP) states that proposals for the loss of a community facility must show that the use is either no longer needed or no longer viable, and if it is still needed is provided elsewhere and accessible within the locality to existing and potential users.
9. Policy D 4 of the Epping Forest District Local Plan Submission Version 2017 (the ELP) requires that the loss of valued community facilities and existing employment premises be justified by evidence that the community facility is no longer needed or it is no longer practical, desirable or viable to retain them. Policy E 1 of the ELP further states that the change of use of existing employment premises will not normally be permitted unless the applicant can demonstrate through evidence that there is no longer a reasonable prospect of the site being used for the existing employment use.
10. The neighbouring public house, the Travellers Friend, has been listed as an asset of community value, indicating that it is well supported by the local community, and there are also other public houses within a relatively short distance of the site. The marketing information provided indicates that smaller, rural public houses such as this one are most vulnerable to closure.
11. However, marketing for the property has been relatively short in duration, and I note that the most recent marketing information shows the significant deterioration in condition of the site. There are significant works required to restore the building and site to usable condition. It is not clear from the evidence provided whether the value of the premises in the most recent marketing reflects the added investment that would therefore be required to return the site to use.
12. The most recent tenant of the business has been successful in running another restaurant in the area. However, there is little evidence of what measures were employed at the appeal site to encourage custom prior to the tenant leaving the business.
13. While there is competition in the local area for trade, there is insufficient evidence to show that the public house and restaurant use is no longer needed or viable in this location. The appeal proposal would therefore result in the unacceptable loss of an employment use and community facility contrary to Policy CF12 of the LP and Policies D 4 and E 1 of the ELP, the relevant criteria of which are set out above.

Scale of development

14. Permission is sought in outline with all matters reserved, but indicative plans have been provided to show a potential layout for the site if developed. The eight houses as shown would allow space within the site for visitor parking,

circulation space and a reasonable provision of garden space for each house. The site is previously developed land in an existing built-up, residential area of the settlement.

15. The houses would be set back from the road with eight parking spaces between the road and the houses furthest forward on the site. This would result in a hard edge to the development that would be incongruous in the street scene, especially given the entrance to Epping Long Green immediately next to the site. In addition, it would result in a lack of engagement between the houses and street where neighbouring properties on this side of the street are set close to their site frontages. However, as layout is a reserved matter this could be revised if outline permission were granted.
16. The houses on plots 1 and 8 and 4 and 5 would have the least separation between principal elevations within the development. This separation would still allow the houses to accord with the 25 degree rule, and therefore receive acceptable levels of natural light. In any case detailed control of the scale, design and layout development could be exercised at reserved matters stage and ensure that no unacceptable harm to the privacy of future occupiers would result from the relationship.
17. Epping Green offers limited facilities for residents, with the nearest shops being at least a mile from the appeal site. There are bus services providing travel to larger settlements, but it is still likely that future occupiers will mainly rely on private transport to access services and facilities. However, the site is in an existing residential area immediately next to public open space and with a school nearby. As the development would involve the reuse of previously developed land, the site is not an unsuitable one for new housing.
18. The site shares a highway frontage with large detached houses on both sides of the street, but there are smaller terraced houses on The Magpies to two sides of the site. Given this context, the scale of the appeal proposal would not amount to overdevelopment of the site, subject to agreement of an appropriate scale, design and layout. In principle, therefore, the development would accord with Policies DBE1, DBE5, DBE6 and DBE8 of the LP and SP 3, T 1, DM 5, DM 9 and DM 10 of the ELP. Collectively these policies require, amongst other criteria, that new development respect their setting in terms of scale, proportion, siting, massing, height and orientation and that they provide high quality homes.

Planning Balance

19. The development would result in the creation of eight new houses providing family accommodation. This would support the Government's objective of significantly boosting the supply of homes. While there is no evidence to suggest that the Council has a shortfall in its supply of deliverable housing land, this does not diminish the value of new housing. In addition, there would be economic benefits in the short-term from employment of local labourers and purchase of materials, and in the longer term from the occupation of the proposed dwellings including spending on local trades and services and support for the local school. The proposal involves the recycling of previously developed land, and the site has access to local facilities including a school, with bus access to Epping and Harlow and public open space next to the site. Cumulatively, these benefits attract moderate weight as there is limited access to facilities and the economic benefits of eight houses would be relatively small.

20. Set against these benefits is the loss of the public house as a community facility and source of employment. This attracts significant weight, as the value of public houses is considerable, especially in rural areas where access to day-to-day services and facilities is limited, as is the case in Epping Green even allowing for the presence of the Travellers Friend nearby.
21. In this instance, therefore, the harm arising from the appeal proposal would outweigh the benefits. There are therefore no material considerations to indicate that the appeal should be determined other than in accordance with the development plan.

Other Matters

22. The building is locally listed. The National Planning Policy Framework requires a balanced judgment having regard to the scale of or loss and the significance of the heritage asset. While the site has a lengthy history of operation as a public house, the current building is of little heritage interest following extensive internal and external alterations that have substantially weakened its overall significance. Accordingly, there would be no compelling reasons to resist its loss on heritage grounds if I had been minded to allow the appeal.
23. The Council's reason for refusal relating to the scale of development refers to Policy CP7 of the LP. However, this policy has not been submitted by either party and therefore I have not been able to consider it in my determination of this appeal.

Conclusion

24. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR