



Appeal Decision

Site Visit made on 13 July 2021

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021

Appeal Ref: APP/D4635/W/21/3270684

White Hart Inn, 66 Worcester Street, Wolverhampton WV2 4LQ

- 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 Harjeet Cheema (Harrisons Group) against the decision of Wolverhampton City Council.
 - The application Ref 20/00864/FUL, dated 26 June 2020, was refused by notice dated 18 December 2020.
 - The development proposed is the conversion of White Hart Inn into 7no. self contained 2 bedroom flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description used above has been taken from the Appellant's planning application form. While I note the Council used a different description in their decision notice, the appellant's description is sufficiently accurate and concise and so I have used this.
3. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have determined this appeal in the context of the revised Framework, on which the parties have been given the opportunity to comment.

Main Issues

4. The main issues in this case are the effect of the proposal on:
 - the surrounding community with regard to the provision of meeting places; and,
 - the character and appearance of the appeal building and surrounding area, including the Worcester Street Conservation Area (WSCA).

Reasons

Surrounding Community

5. The appeal site contains a large two-storey public house which is currently vacant. Policy C3 of the Wolverhampton Unitary Development Plan 2001-2011 (WUDP) considers a public house to be a community meeting place (CMP), along with clubs and community centres. From the evidence before me, and my observations on site I note there are a number of public houses and similar uses nearby.

6. The policy seeks to limit the loss of such CMPs except where certain requirements can be met. On a plain reading, I find the policy requires that both points 1 and 2 are met, as well as either point 3 or 4, this accords with the Council's interpretation of the Policy. Although the Appellant has referred to the policy of a neighbouring Council which is superficially similar to Policy C3, it is not appropriate nor possible for me to infer any actual similarity in meaning or intent.
7. It is clear from the evidence before me that the appellant does not intend to retain any of the community facility or replace it elsewhere, the proposal would therefore result in the complete loss of a CMP. The Appellant has not submitted any specific evidence to demonstrate that it would be economically unviable to retain or replace the public house use. However, as noted above, there are a number of nearby facilities which would provide a similar service to the same community and, lacking any evidence to the contrary, I find it likely that these could collectively accommodate the activities displaced from the appeal building.
8. It is clear from the submitted evidence that marketing has been carried out since October 2019 when the facility closed. This has included a letting board and details on the internet and in the estate agent's offices. However, this has predominantly been over the same period as the Covid-19 global pandemic which has resulted in national lockdowns, the full relaxation of which only occurred in July 2021. As such I find that only 5 months of marketing clear of this have been demonstrated. Given that the food and drink industry has been closed or subject to ongoing restrictions for a considerable portion of time during the lockdown I find that the limited level of interest raised by the Appellant is not unexpected. While I note that the interest appears to have predominantly been for night-time drinking establishments, from the limited information available to me I find that these would provide a space for socialising and drinking and, in this sense, would have certain similarities to a public house use. Overall, this suggests some confidence in the need for such a use, rather than a lack of demand. Furthermore, although the pandemic has had a significant impact on the food and drink industry, I have no evidence before me to suggest it is more than a temporary situation which will improve following the relaxation of restrictions.
9. The appellant has brought to my attention that four different businesses have operated from the appeal site in the span of nine years. While I note the changes, I do not find them to signify that the facility is not an important community facility, especially given that no gap in its operation is shown by the evidence before me. Although I note that the public house is currently closed and vacant, I find this in part results from the appellant apparently purchasing the site with the intention to convert the building to residential use, rather than use it as a public house, as well as the pandemic.
10. Although I have been mindful of the intended redevelopment of the area, given the stage at which it is at, and the evidence before me, I cannot be certain what future impact it would have on the appeal site. As a result, I have given this matter very little weight in my consideration of the appeal.
11. As such it has not been conclusively demonstrated that there is no longer a need for this facility. The proposal does not include the retention of any of the existing CMP use and does not propose a replacement facility elsewhere. I

therefore find the proposal would result in the complete loss of a CMP, harmful to the local community by way of further reducing the availability of CMPs for use for social, cultural, or religious activities.

12. Given the harm identified above, to the provision of CMPs for the surrounding community, the proposal would conflict with Policy C3 of the WUDP and Policy CSP1 of the Black Country Core Strategy (BCCS). These policies collectively, and amongst other things, resist the loss of CMPs and to support Strategic Centres by way of a high-quality built environment with a good mix of uses, including cultural facilities. This would also conflict with the overarching guidance of the Framework with regards to the provision and retention of facilities which meet community needs.

Character and Appearance

13. The appeal site is at the junction between Worcester Street and Pitt Street within the commercial centre of Wolverhampton and the WSCA. The area is predominantly characterised by long terraces of commercial properties in brick with traditional shop frontages that are largely intact. Although I acknowledge that there are some empty units and some buildings are in a poor state of repair, the variety of shops means the area remains vibrant. I find the significance of the area to stem from the commercial character with its vibrant and active frontages, the terraced form of development and the extent to which the appearance of the properties are still intact. The appeal building, which is locally listed, is a large, feature building and by way of its detailed appearance and existing use, contributes towards the significance of the area. Moreover, by way of its siting at the junction it is a prominent feature within the WSCA.
14. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) requires me to pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national planning policy on heritage assets is set out in the Framework. At paragraph 197, it sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
15. Although currently vacant the existing use of the appeal building, as a public house, would contribute towards a lively and vibrant street scene with regular comings-and-goings from the building and activity visible through the large windows. Given the number of flats proposed within the building there would likely be a noticeable level of comings-and-goings, but these would still be much less than would be expected with a public house. Moreover, activity on and around the site would be reduced compared with a community use, and it is likely that the majority of the commercial signage would also be lost over time. Likewise, curtains or blinds are likely to be installed which would further present a residential character to the building, undermining its commercial character. As such the proposed change of use would significantly alter the character of the building. Given its prominent position this would be detrimental to the commercial character and appearance of WSCA as well as of the wider area more generally.
16. This would be exacerbated by the use of a one-way mirrored film on the ground floor windows, and blinds and curtains which would prevent views into

the building and therefore of any activity within. Given its siting within a commercial area, the proposed film and use would cumulatively result in a dead frontage in the street scene. Moreover, the film's reflective finish would appear overly modern and therefore incongruous with the traditional materials characteristic of the existing building and street scene. As a result, I find it would distract from the appreciation of the historic and architectural significance of the public house as well as of the wider WSCA.

17. Whilst it is proposed to retain the existing windows, and that any new doors and fenestration would be in style sensitive to the conservation area, this is not sufficient to outweigh the harm identified above as a result of the change of use and reflective film. An example of a change of use of a public house has also been brought to my attention. From the evidence before me I understand that the example is not in a similar location and that the resultant use is not comparable to that before me.
18. I am mindful of the scale of the development in relation to the designated heritage asset, the WSCA, and find that the harm caused would be less than substantial in terms of the Framework. However, the Framework is clear at Paragraph 199 that great weight should be given to an asset's conservation. In this case the harm that I have identified needs to be weighed against the public benefits of the development.
19. In terms of public benefits, I note that the proposal would result in new dwellings in an accessible location close to the city centre and public transport, and that they would meet a need for two-bedroom flats. Moreover, the spending power of future occupiers would provide economic benefits to the centre. Although it has not been disputed that the Council can demonstrate a five-year housing land supply, the provision of additional dwellings would contribute towards the Government's aims of increasing housing supply. However, it has not been demonstrated that there is a specific identified need for two-bedroom flats. Although very close to the city centre, given its scale in comparison to the centre I find the proposal would only result in a small economic benefit. Therefore, given the foregoing, I give these matters cumulatively only moderate weight.
20. It has also been raised that the development is necessary in order to preserve the building by way of securing its optimum viable use. During my observations on site I noted that there were a number of areas of damp and water damage on the first floor. It is possible that, if left unchecked, this could worsen to the detriment of the heritage asset's long term viability. However, it has not been demonstrated that the building could not be repaired without the proposal. Moreover, I do not find the marketing and other evidence above to convincingly demonstrate that the conversion to flats is necessary to secure the optimum viable use. As such I give this matter limited weight.
21. The application of the mirror film on a number of the ground floor windows would protect the privacy of future occupiers and therefore contribute towards a good standard of living accommodation. However, a good standard of accommodation is to be expected and I therefore find that it is not a benefit of the scheme and so I attribute this only neutral weight.
22. Accordingly, I find that the public benefits do not outweigh the harm that would be caused to the conservation area and locally listed building. As such the development would harm the character and appearance of the locally listed

host building and CSCA contrary to Policies HE4, HE5 and HE19 of the WUDP, and Policies CSP4 and ENV2 of the BCCS. Together, and amongst other things, these policies require that development is of a high-quality design which respects its surroundings, and that where it affects heritage assets it preserves or enhances the assets and is accompanied by sufficient detail to demonstrate this. The proposal would also conflict with the overarching aims of Section 16 of the Framework on conserving and enhancing the historic environment.

Conclusion

23. The government's objective is to significantly boost the supply of housing and the proposal would provide seven flats in a location with adequate access to services where they would provide some economic uplift. However, given the small scale of the proposal and that there is no dispute over the Council demonstrating a five-year housing land supply, the provision of the additional housing attracts only moderate weight. Although the scheme would provide a good standard of accommodation, this is to be expected and therefore is a neutral factor in the planning balance. Overall, I attribute the benefits collectively a moderate weight.
24. Conversely, the proposal would not preserve the character and appearance of the conservation area in accordance with Section 72(1) of The Act and would result in harm to heritage assets and the provision of CMPs. These matters attract significant weight and outweigh the benefits associated with the proposed development.
25. Therefore, the proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. As such, for the reasons given above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR