



Appeal Decision

Site visit made on 29 September 2021

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2021

Appeal Ref: APP/D3505/W/21/3269479

Plough and Fleece Inn, Great Green, Cockfield IP30 0HJ

- 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 R East & J Sadler against the decision of Babergh District Council.
 - The application Ref DC/20/04886, dated 30 October 2020, was refused by notice dated 22 December 2020.
 - The development proposed is the Change of use of public house to a single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the Council's refusal of planning permission and the start of this appeal and my site visit, Babergh District Council (the Council) decided on 5 October 2021 to list the Plough and Fleece Inn as an Asset of Community Value (ACV)¹. I have, therefore, taken this into account as a material consideration in my consideration of the issues of this appeal, along with comments on this ACV listing from the appeal parties.

Main Issue

3. The main issues are:
 - whether or not the proposed change of use from a public house to a dwelling would be acceptable, with regard to the loss of an existing employment site.
 - The effect of the loss of the public house as a valued local facility

Reasons

4. The Plough and Fleece Inn (the PH) is a 2 storey detached property with car parking on site, and is located in the village of Cockfield, a village made up of relatively strung out development, with little in the way of a defined centre. The appeal property is located on Great Green, opposite a large green that contains playing fields and a pavilion.

¹ The Localism Act 2011 and the Assets of Community Value (England) Regulations 2012

5. The proposal is for a change of use from a Public House (Sui Generis use), with ancillary residential accommodation, to a single dwelling (C3 Use).
6. From the material submitted for the purposes of this appeal it would appear that the PH was operating until 20 March 2020 when, due to the Government's restrictions on such venues to manage the current Covid 19 pandemic, the PH closed for business and there was no evidence on my site visit that the PH has opened since that date.

Employment Use

7. Whilst the PH has been owner operated by the appellants, apparently without any other employees, the PH use does provide a living, with in kind benefits, and has the potential for other employment to be part of its operation. Whilst I acknowledge that it is business, warehousing and industrial land and premises that are generally held to be in employment sites, I find, that it is reasonable to consider the PH use to be in a land use that provides jobs.
8. Policy EM24 of the Babergh District Local Plan 2006 (the Local Plan) seeks to prevent the redevelopment or re-use of existing employment land for non-employment purposes unless their retention for an appropriate employment use has been fully explored, by either an agreed and sustained marketing plan or where it can be demonstrated that the premises are inherently unsuitable or not viable for all forms of employment related use.
9. In the absence of any evidence that the appellants have sought to bring the PH back in to use themselves or to sell or let the property for other employment uses, or that the property would be unviable or unsuitable for employment generating uses, I find that the proposal would conflict with Policy EM24 of the LP and the associated Supplementary Planning Document Safeguarding Employment Land (SPD).
10. The National Planning Policy Framework (2021) (the Framework) does, however, set out a less restrictive approach to the protection of employment sites. This Policy and the associated SPD are, therefore, not in full conformity with the Framework and I can afford them less than substantial weight in my considerations. In this regard the tilted balance for the presumption in favour of sustainable development set out in Paragraph 11 d) ii of the Framework therefore applies. The appellants have drawn my attention to a recent appeal² for a change of use of a public house to a dwelling in the Council area where the same conclusion was drawn by that inspector.
11. Policy CS15 of the Babergh Core Strategy and Policies Local Plan (2014) (the CS) seeks to protect or create jobs and sites to strengthen or diversify the local economy, particularly through the creation of new employment in higher skill occupations. The proposed change of use to a C3 dwelling would not, therefore, be in accordance with this policy, which generally seeks to ensure that new development is sustainable, as it would result in the loss of an existing employment site. I further note that there are no reasons to suggest that effective management and running of a public house does not involve high skill levels. However, I have not been provided with any evidence that there is a

² Appeal Ref: APP/D3505/W/20/3248328

shortage of employment sites that the location and nature of the appeal property would meet. I find, therefore, that only slight harm to the local economy would accrue from the proposal.

Valued local facility

12. Paragraph 84 of the framework makes it clear that in order to support a prosperous rural economy local planning authorities should, amongst other things, promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. In addition, Paragraph 93 of the Framework states that to provide the social, recreational and cultural facilities and service needs, planning policies and decisions should plan positively for the provision and use of shared space and community facilities, such as public houses to enhance the sustainability of communities and to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
13. The listing of a building as an ACV can be an indication of the value that the local community place on a property to further the social wellbeing or social interests of the local community. Cockfield Parish Council opposes the proposed change of use, and a significant number of objections were received to the planning application. I consider that this shows significant community support for the retention of the Public House. The ACV listing is very recent however, and I have not been made aware that a community offer has, as yet, been forthcoming.
14. From the documents submitted for the purposes of this appeal, which detail the management and financial aspects of the PH's recent history, it would appear that, similar to many but not all public houses, there have been trading and operational difficulties prior to the current Covid 19 pandemic, which the appellants have been unable to successfully address.
15. This material does include evidence that the PH was unsuccessfully marketed as a going concern in 2016, however, no price or market price comparison detail has been provided and no evidence of any more recent marketing has been made available to me, I can therefore only provide limited weight to this in my considerations. Various documents and submissions also detail evidence of sometimes sporadic opening, with event management and day to day trading issues that have been ongoing and appear to have been contributory factors in the PH's decline as a going concern. This is evidenced by details provided by the appellants of the profits of the business between 2017 and 2019.
16. The PH is one of two public houses in the village of Cockfield, however, these are approximately 4km apart, reflecting the strung out nature of the village. The PH is located prominently opposite a large green, which appears to be the focus of much of the community and sport facilities and activities of the village. Given the documented growth of the village, particularly in the local area of the PH, it seems to me it is uniquely placed to take advantage of its location.

17. It is suggested that the pavilion on the green opposite the PH performs many of the functions and services previously provided by the PH and consequently provides a competitive alternative to the public house. However, whilst this would meet some of the needs of the local community and potentially visitors, I consider that it is not providing a reasonable alternative facility that would compete fully with those of a public House.
18. Allowing the change of use would permanently remove the only public house within walking distance of a significant part of Cockfield. Village public houses are, however, an important part of the social fabric of their community, which is recognised by the Framework, and also have the potential to provide economic benefits to rural areas through the attraction of visitors.
19. Taking into account that, from the material provided to me for the purposes of this appeal, the retention of the pub has generated considerable support within the community and has been listed as an ACV, I consider that it can be deemed to be a valued local facility. In arriving at this conclusion, I am aware that the pub is presently closed, and it cannot, therefore, be a current asset in practical terms, however, from the evidence before me I consider that it has been an asset in the near past and has potential to be an asset in the future.
20. I, therefore, conclude that the proposal would result in the permanent loss of a valued local facility, which would have a significant harmful effect on the social vitality of the community. The proposal would, therefore, be contrary to Policies CS17 and CS21 of the CS and Paragraphs 84 and 93 of the Framework which collectively seek to develop sustainable places and safeguard and enhance existing services, facilities and amenities that are important to the sustainability of local communities.

Other Matters

21. Whilst the Council is meeting its housing delivery targets, these are not capped and windfall sites that provide for additional dwellings do collectively make an important contribution to housing stock. However, the proposal would result in a single new dwelling, and the PH already provides a single ancillary dwelling. Although resulting in a larger dwelling the proposal would have no effect in terms of its contribution to the council's housing stock and is, therefore, a neutral factor in my considerations.
22. In considering the public benefits of the proposal, the conversion of the PH to a single dwelling might result in a limited and small short-term benefit to the local construction industry through the conversion process.
23. In considering an appeal³ for the development of land formerly associated with the PH for 5 dwellings, the inspector concluded that due to the historical and architectural value of the PH, it constitutes a non-designated heritage asset. I see no reason to demur from this conclusion. However, given the nature of the proposal as a change of use, I do not find that it would result in any harm to its significance as a non-designated heritage asset.
24. The documents submitted for this appeal contain a significant number of comments and observations of a personal and often emotionally charged

³ Appeal Ref: APP/D2505/W/18/3213481

nature, however, I confirm I have determined this appeal on its planning merits only.

Planning Balance and Conclusions

25. In terms of the three overarching objectives of sustainable development set out in Paragraph 8 of the Framework, the proposed change of use does not, as I have set out above, deliver benefits of any significance. It is my view that the proposal would not constitute a sustainable form of development and that no overriding social, economic or environmental benefits have been demonstrated. In judging each of the objectives in this case in line with Paragraph 9 of the framework, which does not require economic, social and environmental gains to be sought jointly and simultaneously, I have found, as set out above, only very limited benefits, alongside limited harmful effects on the local economy through the reduced provision of employment sites and the significant harmful effect on the social vitality of the community through the permanent loss of a valued local facility.
26. Consequently, I conclude that the proposal does not comply with Policy EM24 of the LP and the associated SPD, in so far as they accord with the Framework, Policies CS15 and CS21 of the CS and Paragraphs 84 and 93 of the Framework. The harmful impact of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply and for the reasons given, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR