

Appeal Decisions

Site visit made on 18 January 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2022

Appeal A Ref: APP/W3520/W/21/3271036

The Angel Inn, 5 High Street, Debenham IP14 6QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Stacey Paine against Mid Suffolk District Council.
 - The application Ref: DC/20/05595 is dated 1 December 2020.
 - The development proposed is described as change of use of mixed C3/Sui Generis drinking establishment use to mixed C3/Class E and replacement of C20 rear extension.
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Appeal B Ref: APP/W3520/Y/21/3271041

The Angel Inn, 5 High Street, Debenham, Stowmarket IP14 6QL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mrs Stacey Paine against Mid Suffolk District Council.
 - The application Ref: DC/20/05596 is dated December 2020.
 - The works proposed are works to facilitate change of use from mixed C3/Sui Generis drinking establishment use to mixed C3/Class E and replacement of C20 rear extension.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The Council did not issue decisions within the prescribed period or within an agreed extension of time period. The appellant exercised their right to appeal against the failure of the Council as the local planning authority to determine the applications.
4. The description of proposed listed buildings works in the banner heading above for Appeal B is taken from the appeal form and Planning Officer's Report, in the interests of precision.
5. A new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of this new policy document in relation to the appeals, and so will not be disadvantaged by my consideration of it.

6. As the proposal relates to a listed building and is in a conservation area, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
7. While not among the putative reasons for refusal set out in the Planning Officer's Reports, the effect of the proposal on the Debenham Conservation Area (CA) in which the appeal building is located, is raised as a matter of concern by some local residents and I am duty bound to consider such impacts under s72(1) of the Act.

Main Issues

8. The main issues are:

- The viability of the Angel Inn as a public house;
- Whether the proposal would a) preserve the Grade II listed building, the Angel Inn (Ref: 1199398), or any features of special architectural or historic interest that it possesses, and b) preserve or enhance the character or appearance of the CA; and
- Whether the proposal would appropriately meet local business, employment, community facility and sustainability needs.

Reasons

Viability

9. The CA is located towards the centre of the large Suffolk village of Debenham, which is defined as a Key Service Centre within the local development plan. The CA focusses around the approximately T-shaped central road layout that comprises the historic spine of High Street and the intersecting Gracechurch Street, and residential areas in the vicinity. The CA has a wealth of historic timber-framed buildings, partly reflecting its heritage as a centre for Suffolk dairying. Among these buildings is the Angel Inn, which fronts onto the High Street, a short distance from the junction with Gracechurch Street. The Angel Inn is located within the northern foreground of St Mary Magdalene Church, which is a focal point at the approximate centre of the High Street.
10. The Angel Inn has 'kerb appeal' with an attractive traditional main frontage, and its location on the main 'spine' road through Debenham gives it some prominence. The village centre, including the High Street has a distinctive mixed residential and commercial character and charm, which the presence of the historic listed public house building reinforces. This combination of locational factors contributes to the sense of the Angel Inn being an integral part of the historic heart of the village. That the appeal building borders the village's retail core, as illustrated in the NP's Proposals Map,¹ does not diminish this sense, 'on the ground'.
11. Having apparently ceased trading in Spring 2019², the pub was closed and the building empty when I visited the site. Whether or not the Angel Inn is viable as a public house is a matter of dispute between the parties in this case. On the one hand, the VA commissioned by the appellant assesses the property as being capable of operating as a public house, but with its trading potential

¹ Page 47 of the NP.

² As per paragraph 10.1 of the Viability Assessment (VA) commissioned by the appellant.

restricted by its size and local parking. On the other, the Council and some members of the local community consider that the pub has not been marketed at a sufficiently realistic price to help gauge its future viability as a pub, and that lack of viability has not been decisively demonstrated.

12. The substantial length of the pub's marketing period is undisputed. That said, having started at £375,000 in 2019, the asking price was reduced to £295,000 in 2020. Furthermore, the independent valuation (IV) commissioned by Debenham Parish Council valued it at £270,000 in 2019, having taken into account various factors including several other apparently comparable pub sales transactions in the region.
13. While the full rationales for various potential purchasers not completing purchase of the appeal property are not before me, interest was apparently shown by several parties with hospitality and catering business experience. The above indicates that the Angel Inn has sufficient potential as a public house to attract the initial interest of various interested potential operators, even towards the higher end of the price range. However, that a sale has not been completed at prices above the IV of £270,000 calls into question the realism of the asking price during the marketing period.
14. At ground floor level, the right hand barroom feels relatively small, and its decor and fittings have a somewhat tired and incongruous twentieth century feel. The left hand barroom, labelled on the plan as a dining room, has greater room depth and a lighter feel, with a large historic fireplace a charismatic focal point. While the fabric of the pub appears generally sound, described in the VA as in fair structural repair for its age, there is potential for a historically sympathetic refresh of interior decor.
15. It is undisputed that Covid has had some dampening economic effects in recent times. That said, as the nature of the pandemic and responses to it evolve, it is not a given that these factors would preclude the future viability of the appeal property as a pub within Debenham village centre. Furthermore, the following combination of factors indicates potential for the Angel Inn to be viably run as a public house.
16. It is situated in the heart of the large village of Debenham, which has a population of around 2,500 residents³, within a mix of shops and businesses and several churches that help attract some footfall in the vicinity of the pub. These include the nearby Co-op supermarket, which is a noticeable draw for customer activity and associated vibrancy in the village centre. The NP's Prosperity and Health section⁴ indicates that the village's population has a higher total weekly income than both national and county averages. Furthermore, between around 150 and 300 more houses are envisaged in Growth Policy DEB 1 of the NP. Accordingly, the Angel Inn is a charismatic public house premises at the heart of a large, growing and relatively prosperous historic Suffolk village.
17. Also, visitor economy potential is indicated by the nature and location of the village, as described in the IV as a desirable historic village situated approximately 13 miles north of Ipswich and 8 miles west of the market town of Framlingham in Suffolk, with visitor attractions including Framlingham Castle

³ As per paragraph 3.11 of the Debenham Neighbourhood Plan 2016-2036 (NP).

⁴ Paragraph 3.21 of the NP.

(8 miles) and the coastal towns and villages of the Suffolk Heritage Coast (25 to 30 miles).

18. The trading accounts summary for the two years prior to the pub's closure, presented by the Community Bid Steering Group⁵, indicates that the pub operation was able to generate a commercial return. Also, the presence of several cafe type businesses and The Woolpack pub indicates that the village centre has an established identity as a destination for socialising with refreshment for residents and visitors, that has endured despite the pandemic. Should Covid lockdown continue to be lifted, it is possible there could be further potential to revitalise this scene. Within this context, the Angel Inn has a good sized commercial kitchen⁶, which provides scope for dining trade to contribute to turnover. It also has a fairly spacious rear yard, the potential pub-dining use of which may be worth further exploration.
19. While there is a hospitality sector in the village centre, the Angel Inn building stands out as the historic pub building on the northern part of the High Street. With one other pub, The Woolpack on the High Street, there are not lots of other competing historic pubs in the vicinity. Moreover, the Angel Inn building has a cultural heritage profile with a long history as a pub at the heart of the village.
20. This combination of factors points to some potential for daytrippers, weekend break visitors and other 'staycation' and tourist visitors in the area to use the pub. Furthermore, the volume of passionate local community support for retention of the pub use, and the asset of community value re-registration further indicates potential customer interest in the Angel Inn. The formation of the Community Bid Steering Group, and their initial fundraising pledge of tens of thousands of pounds further points to this interest.
21. Furthermore, this large Suffolk village has a range of housing within convenient walking distance of the pub. Also, on-street parking exists in the vicinity of the Angel, on the High Street and elsewhere nearby, which provides some capacity, in addition to other carparking for example at the junction of High Street and Cross Green.
22. The above together points to The Angel Inn being located at the centre of this large village, accessible to a range of residents and potential visitors.
23. I do not underestimate the concern expressed in the NP that 'it isn't possible within a mediaeval street pattern, to accommodate today's service and customer vehicle requirements adjacent to business and retail outlets, and, to accommodate substantial growth in the future'. However, a variety of other businesses with regular customer and servicing access requirements are operating in the locality. Also, there is no detailed parking survey or potential purchaser feedback on parking as a decisive obstacle, for example, before me to persuade me that accessibility is a decisive constraint on the Angel Inn's viability as a pub premises.
24. Thus, while the NP identifies car parking capacity in the village as one of residents' greatest concerns, and the appellant's agent considers it a barrier to potential success of the building as a food destination, it does not automatically follow that there is a parking shortfall so severe as to decisively undermine the

⁵ Appendix 1 of the Further Statement on Behalf of the Community Bid Steering Group.

⁶ As described in section 11.0 of the VA.

future viability of the Angel Inn as a pub, particularly given its walkable catchment at the centre of this large, growing, prosperous, charming and historic Suffolk village.

25. In conclusion, I find it likely that there is reasonable potential for the retention and reopening of the Angel Inn as a viable pub, to positively and distinctively contribute to the diversity, authenticity and vibrancy of the village's hospitality offer. Therefore, I am not persuaded that the Angel Inn's current empty condition reliably indicates a lack of future pub potential.

Heritage assets

26. The listed building is a two storey, timber-framed and rendered building, with a main pitched tile roof and carriage entrance. The building has a long history dating from around the fifteenth century, predominantly as a public house. Its prominent presence as a historic pub building at the heart of CA in the village centre contributes to the building's special interest, and the CA's character and significance.
27. An architecturally unsympathetic flat-roof kitchen extension was added to the rear elevation of the building in the twentieth century. Nevertheless, the rare, sixteenth century rear first-floor gallery provided access to bedchambers and enabled patrons to watch entertainment in the yard. This, together with substantial ground floor fireplace lintels with evil-averting symbols, and the other historic fabric, use and presence of the inn building, contribute to its special interest. The building was subject to various modifications from the sixteenth to nineteenth centuries, including addition of a chimney and service bay.
28. Consequently, the listed building embodies evidential and historic values, which contribute to both the building's special interest and the significance of the CA.
29. Given the above, the CA's significance, insofar as it relates to these appeals, lies in its illustration of the village's architectural evolution from the late medieval period to the twentieth century, as manifested in its characterful mix of historic buildings and High Street identity. The special interest of the listed building, insofar as it relates to these appeals, is primarily associated with the legibility of its fifteenth to nineteenth century architecture, and long-standing public house function at the heart of this historic Suffolk village High Street.
30. Within this context, the addition of partitioning in proposed bedroom No 1 would be a reversible alteration in part of the building where legibility of the historic plan form has been substantially diluted through previous evolution. Consequently, this element of the proposal would not harm the legibility and special interest of the listed building.
31. Also, the sloping glazed roof of the proposed single storey extension would distract less from the relationship between the gallery and the inn yard than the current flat-roof extension, viewed from upper rear windows. Also, the glazed rear wall of the proposed extension would better reveal part of the rear elevation than the existing, more solid and angular kitchen extension.
32. However, that said, the additional height and bulk of the proposed two storey extension, attached to the listed building with a strip of glazing, in combination with the new glazed single storey extension, would result in increased modern bulk at the rear building that would draw attention away from the historic form

- and character of the listed building, including its rare first floor gallery. These impacts would be noticeable viewed from the inn's rear yard.
33. Consequently, I cannot agree that the proposal would result in a sympathetic contrast between the proposed modern extensions and the historic inn building, or enhance the character of the area.
34. Furthermore, what little is illustrated of the building's rear elevation in 1933 does not indicate a compellingly sympathetic precedent for the proposed single storey extension. As such, this factor carries little weight in this case.
35. The loss of the pub kitchen would deter potential future return of the building to pub use. Furthermore, the cessation of the listed building's use as a historic pub, having been an inn from around the sixteenth century, would detract from the historic character of the building and its host stretch of townscape at the heart of this historic Suffolk village High Street. This adverse impact on the historic character of the listed building and the CA would be noticeable to village residents and visitors. The proposed extension's distraction from the historic form and character of the rear facade of the listed building would add further harm to the character of the CA, albeit to a localised extent.
36. Taking the above together, the combination of incongruent massing, design and material would distract from the historic form of the building. Consequently, the proposal would erode the historic legibility of the building and harm the character and appearance of the CA.
37. Therefore, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the CA. I give this harm considerable importance and weight in the planning balance of these appeals.
38. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the scale and substance of the proposal, I find the harm to the listed building to be less than substantial in this instance, but nonetheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against public benefits of the proposal, including any contribution to securing optimal viable use of listed buildings.
39. The proposed removal of the existing modern flat-roof extension to the rear of the building would be a benefit. The mono-pitch glazed roof of the proposed single storey extension would distract less from the historic relationship between the gallery and the inn yard than the more solid, flat-roof extension. Also, the glazed rear wall of the proposed single storey extension would better reveal part of the rear elevation that is enclosed by the existing extension. Albeit the combined new modern bulk of the proposed two-storey rear elevation and glazed extension would result in some distraction from the Angel Inn's historic rear facade, including its historic gallery.
40. The proposal would bring some new life to the empty building. This would include additional retail/office space on the High Street, albeit tempered by the loss of pub use. The proposal would also contribute to local housing supply in the form of enlarged residential accommodation, including an increase from three to four bedrooms. However, as identified earlier, it is not decisively

demonstrated that the building's viable future use as a pub would be prevented in the proposal's absence.

41. Accordingly, I attach moderate weight to the benefits of the proposal, and find that its public benefits do not outweigh the great weight given to the conservation of designated heritage assets and the less than substantial harm to their significance which I have identified.
42. I therefore conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building, and the character and appearance of the CA. This would fail to satisfy the requirements of the Act and paragraph 202 of the Framework. This would also conflict with Policy CS5 of the Mid Suffolk Core Strategy, and Policy DEB 18 of the Debenham Neighbourhood Plan 2016-2036 (NP), and Policies HB1, HB3 and HB4 of the Mid Suffolk Local Plan, which together seek to ensure that proposals conserve, and where appropriate enhance the historic environment. As a result, the proposal would also not be in accordance with the development plan.

Local needs

43. The NP's principal objective is to provide for the sustainable development of the village through the achievement of a better balanced community. This is to be done through particular emphasis on the key outcomes of a) providing affordable, smaller homes for younger and older people⁷, b) recreational facilities and employment opportunities for the young, and health related services for older residents⁸, and c) retaining 'all that is good about the village', including its history and heritage, its charm and character, the range of facilities and services, its environment and wealth⁹.
44. Furthermore, Objective 3 of the NP is to support initiatives which enhance the diversity of the local economy. The aims under this objective include to further diversify the economy, and 'to continue to grow the tourism offer. Preservation of the historic core and conservation area of the village is central to this'.
45. Within this mix of local needs and priorities, the Angel Inn has the potential to fulfil a valuable role as a facility for recreation and social interaction, employment opportunities, and retention of the village's heritage, historic charm and character, which would contribute to its range of facilities and services, environment and wealth. Such are the various ways that the Angel Inn could potentially contribute to meeting key local needs, as a historic village centre pub.
46. On employment sites, Policy DEB 11 of the NP allows for the possibility of non-employment use that is expected to adversely affect employment generation, only where, among other things, one or more criteria appropriate to the site, have been met.
47. The existing use mix at the appeal property includes some residential. However, the proposal would substantially reduce usable commercial ground floor floorspace within the appeal building by around three quarters, to approximately 29 sq.m. Also, much of the pub floorspace would be given over to non-employment, residential use. As such, the proposal would include

⁷ As per paragraphs 1.6 and 2.8 of the NP.

⁸ As per paragraph 2.8 of the NP.

⁹ As per paragraph 2.9 of the NP.

expansion of non-employment use into parts of the premises which have been operated as pub floorspace, and, as established earlier in this decision, have potential to be so in the future. Consequently, some non-employment use is proposed on premises that have been used for employment purposes, and assessment under Policy DEB 11 of the NP is required.

48. The presence of the other Woolpack pub and several cafes in the village does not, in itself demonstrate a sufficient supply of alternative and suitable employment land available to meet local employment, job growth requirements. Thus, criterion a) of Policy DEB 11 is not met.
49. The proposal would also replace the sui generis drinking establishment use. I appreciate the appellant's intention to increase the stability and flexibility of the building's use, including its employment use. However, the Council's Economic Development team (EDT) considers that within this proposal so weighted to residential, the remaining serviced area would be inadequate and unlikely to attract a business occupier. The EDT would also regret the loss of the social and visitor amenity provided by a pub. I see no reason to doubt the validity of these local expert concerns. Even if the proposed mix of uses were viable, it is as established earlier, questionable whether the appeal property has been marketed as a pub at a genuinely realistic price. As such, criterion b) of Policy DEB 11 is not met.
50. The loss of the historic pub use, commercial pub kitchen and the associated erosion of cultural identity and economic activity are, together, likely to have an adverse impact on the vibrancy, distinctiveness and historic charm of the village centre, reducing its ability to attract residents and visitors. As such, I am not persuaded that the proposed alternative mix of uses would demonstrably offer greater benefits to the community in meeting local business, employment, community facility and sustainability needs. Thus, criteria d) and f) of Policy DEB 11 would not be met.
51. Furthermore, the proposal would conflict with paragraph 84 of the Framework, which seeks to support a prosperous rural economy, including through retention and development of accessible local services and community facilities, such as public houses. It would also not accord with paragraph 93 of the Framework, which seeks, among other things, to guard against the unnecessary loss of valued facilities, particularly where this would reduce the community's ability to meet its day-to-day needs.
52. The proposal on other land in Debenham for change of use to dwellinghouse and erection of extensions¹⁰, as cited by the appellant, which was granted planning permission in 2019 differs in several ways from the appeal proposal. It was on a different site and road, for a vets practice not a pub. Furthermore, in the other case the Council considered that the provisions of Policy DEB 11 were met. This limits the extent to which the other case is analogous to that before me. Also, the current appeal case has its own setting and circumstances, and as such I assess it on its own merits.

Planning Balance and Conclusion

53. As set out above, I have determined that the public benefits of the proposal are insufficient to outweigh the less than substantial harm that would be caused to

¹⁰ Planning Application Ref: DC/19/01305.

the significance of the heritage asset. Accordingly, I confirm that overall the benefits of the proposal are insufficient to outweigh the totality of harm that I have identified in relation to main issues.

54. The Angel Inn is likely to require investment and dedication to bring it back into operation as a pub. Nevertheless, judging by the potential identified above, and the community passion for it to remain as a pub, I find that it would be premature and unjustified to 'call time' on the Angel Inn's long history as a charismatic public house at the heart of this large, growing and relatively prosperous historic Suffolk village, through the appeal proposal.
55. For the reasons given above I conclude that these appeals should be dismissed.

William Cooper

INSPECTOR