



Appeal Decisions

Site visit made on 14 September 2022

by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal A Ref: APP/L3245/Y/20/3250533

Boars Head Hotel, Church Street, BISHOPS CASTLE, SY9 5AE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Darren Price against the decision of Shropshire Council.
- The application Ref 19/03997/LBC, dated 5 September 2019, was refused by notice dated 11 February 2020.
- The works proposed are redevelopment of the Boar's Head and Curly Tail to include the following: -Change of use and alterations to The Boar's Head to form 2 dwellings, including demolition of rear extensions. Change of use and alterations to The Curly Tail to form a single dwelling, including demolition of flat roofed extension. Erection of a pair of semi-detached cottages. Associated site works and landscaping.

Appeal B Ref: APP/L3245/W/20/3250529

Boars Head Hotel, Church Street, BISHOPS CASTLE, SY9 5AE

- 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 Darren Price against the decision of Shropshire Council.
- The application Ref 19/03996/FUL, dated 5 September 2019, was refused by notice dated 11 February 2020.
- The development proposed is redevelopment of the Boar's Head and Curly Tail to include the following: -Change of use and alterations to The Boar's Head to form 2 dwellings, including demolition of rear extensions. Change of use and alterations to The Curly Tail to form a single dwelling, including demolition of flat roofed extension. Erection of a pair of semi-detached cottages. Associated site works and landscaping.

Decisions

1. The appeals are dismissed.

Preliminary Matter

2. As the proposal is in a conservation area and relates to a listed building, 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).

Procedural Matters

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
4. The official listing refers to the Boar's Head Inn. However, the public house is referred in other documentation, including the applications as the Boar's Head Hotel. I use this name throughout my decision letter. However, I treat them both as one and the same.

5. The description of the proposal is not accurate. It is clear from the evidence that the appeal before me relates to the conversion of the Boar's Head Hotel to two dwellings; the conversion of the Curly Tail to form one dwelling; and the erection of one new dwelling rather than the two semi-detached properties set out in the description. I note this change has not been amended on the appeal forms accompanying Appeal A and Appeal B.
6. This revised scheme was that on which the proposals were determined, and I have done likewise.
7. Following my site visit I wrote to both parties to request their consideration of the impact, if any, of the proposed change of use of the public house on its significance as a heritage asset, together with the impact on the historic fabric of the internal works resulting from its physical sub-division. As such, no party would be prejudiced by my considering these matters.

Main Issues

8. The main issues are whether the works would preserve a Grade II listed building, the Boar's Head Inn, its setting, and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Bishop's Castle Conservation Area; the effect of the loss of the public house and guest accommodation on the social and economic vitality of wider community; and whether the proposals would provide satisfactory living conditions for future residents in terms of private outdoor amenity space and access to open space.

Reasons

Heritage Assets

9. The substantial public house fronts Church Street on the corner with Station Street in a prominent location in the midst of the historic streetscape of Bishop's Castle. The Boar's Head Hotel was listed in 1985 and dates from the seventeenth century. It was originally constructed as a timber building, but in the mid-nineteenth century it was refaced with a stucco finish over limestone rubble, and with a partial underbuild. In addition, there are a number of twentieth century extensions to the rear which have little architectural or historic significance.
10. The appellant states that the Boar's Head was originally built as a coaching inn to serve the Bishop's Castle. Nonetheless, notwithstanding that the Historic England listing suggests that the Hotel had originally been built as a private home, it is widely acknowledged that it has functioned as a public house as part of the cultural fabric of Bishop's Castle for centuries and was first licensed in 1642. Consequently, I find that the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the historic legibility of the form and the function of the building with special regard to its communal and historic value as a public house. In addition, the historic fabric of the building, including its layout also contributes to its historic significance.
11. A former seventeenth century outbuilding has been extended and converted to provide holiday accommodation associated with the Boar's Head Hotel. This lies along Station Street and is read as part of the historic curtilage of the Hotel.

12. The proposals would change the use of the public house to two dwellings. The appellant maintains that there would be little harm to the listed building as there would be limited impact on the fabric of the building. I accept that the removal of the twentieth century additions at the rear would be an improvement on the current situation, and that some of the interventions such as the proposed partition of the bar area at ground floor level could be reversible, and that significant unsympathetic works took place in the 1980s including the removal of internal walls at ground floor and exposure of the stone walls. Nevertheless, the cumulative impact of the loss of historic fabric, such as through the insertion of an oak staircase of generic modern design with subsequent unavoidable destruction of 2.5 sq m of ceiling, including possibly original oak floorboards and the puncturing of two walls around the boiler room to provide easy access from the proposed kitchen to the proposed dining room would result in harm to the fabric of the building. As would, further puncturing of the wall of the existing kitchen to allow the bottom treads of the stairs, which are said to date from the nineteenth century, to be turned to provide access to the first floor of the second unit, together with the provision of French doors to access garden 2 which again would result in the loss of fabric of an external wall.
13. Similarly, at the first floor, little justification has been provided for removing the lath and plaster between the timbers which form an internal wall to bedroom 4 and the removal of the existing timber partitions which whilst described as modern, have some evidential value in relation to the layout and history of the public house and which are clearly not contemporary. The blocking up of the internal window above the stairs, the door to Bedroom 4 and the opening to the corridor within the timber frame and a new separating wall which would obscure the timber framing would all impact on the ability to view and understand the historic fabric of the Hotel. Moreover, no detail has been provided of how the services would be treated, such as any down and vent pipes to the new bathroom in dwelling 1.
14. All external signage is intended to be removed. This loss of a clear physical manifestation of its historic use as a public house would result in harm to its evidential value as a coaching inn. However, this harm could be overcome through an appropriate condition requiring the retention of some signage.
15. The removal of the ceiling in the kitchen would allow the exposure and repair of the original timber framed wall to the building. There is nothing before me to suggest that this repair could not take place independent of the wider scheme before me. Therefore, it does not weigh in favour of the proposed development.
16. Given the nature of the movements associated with a public house, or coaching inn, the rear of the public house would historically have been both physically and visually busy. Indeed, as part of my site visit, I noticed extensive timber fencing at the rear consistent with the more utilitarian services which are of necessity associated with public houses. Consequently, given the temporary nature of the fencing, and that the detailed design could be controlled by condition, the fencing would not harm the architectural or historic significance of the listed building.

17. The proposed works would result in four individual self-contained dwelling units on the site. This would alter the historic character of the site, by altering both the predominant use and the density of development.
18. I am aware that neither the Council's conservation officers, nor the response by Historic England raised any substantive concerns relating to the proposed works. Notwithstanding these comments, given my finding above, I consider that the above physical interventions which I consider to result in harm to the historic fabric of the building, including to its historic legibility, together with the loss of communal and historical value following the proposed loss of the Hotel from the communal life of Bishop's Castle, and the loss of ready public access within the Boar's Head hotel, would harm both significance and the special historic interest of the listed building.
19. As much of the physical fabric would remain unaltered, I find that the degree of harm would be less than substantial.
20. The physical conversion of the Curly Tail holiday accommodation to one dwelling, including the demolition of the flat roof single storey extension and weather boarding of the stone gable would result in no harm to the setting of the Grade 2 listed building, given that the mass of the building would revert to its original barn like form. However, the proposed enclosed boundary treatment to the garden area, together with the car port associated with the new dwelling would appear incongruous and present a physical and visual barrier between the former barn and public house. This would considerably temper the functional link to the public house and thereby adversely impact on its historic significance.
21. However, the proposed single new house which would lie in a similar position to the line of the proposed kitchen in dwelling no 2 would directly face onto the service area. It would ape in scale and position the outbuildings that would have historically served the public house, and which can be seen through the map regression provided. As such, given that it directly fronts onto the service area and can be read as having a functional link to the public house, it would not have an adverse impact on the setting of the listed building.
22. Given my conclusion relating to the garden area related to the conversion of the Curly Tail, I conclude that the proposed works as a whole would result in harm to the setting of the listed building. However, this harm would be less than substantial.
23. The Bishop's Castle Conservation Area is tightly drawn along the historic core of Bishop's Castle which is a small medieval settlement on the Welsh borders. From my site visit it was clear that it is a bustling settlement, characterised by the services which it provides to a rural hinterland, including public houses and shops and is a significant and attractive tourist attraction, building on its attractive townscape. The Boar's Head Hotel sits on a significant corner site in the lower end of Bishop's Castle on flat terrain. Its substantial size and prominent position, together with its centuries old use as a public house and coaching inn makes a positive contribution to the perception of Bishop's Castle as a historically important centre.
24. The proposed works would not have a substantive impact on the external appearance of the building. Nonetheless, the change of use to dwellings would alter the character of the buildings from a publicly accessible building, which

contributes to the vitality of the centre to private homes. This in turn would have an adverse impact on the character of the Conservation Area. This adverse impact, although low, would amount to less than substantial harm.

25. Given my conclusions above, I find that the proposal would fail to preserve the special interest of the listed building and the character of the Bishop's Castle Conservation Area. Consequently, I give this harm considerable weight and importance and weight in the planning balance of these appeals.
26. Paragraph 199 of the National Planning Policy Framework 2021 (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. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. As set out above, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
27. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant is of the opinion that the proposal would be beneficial because he has been unable to operate the business viably or to find a purchaser. In addition, the proposed conversion and construction of a new dwelling would result in four additional dwellings, albeit the Boar's Head Hotel provides accommodation for the landlord. Therefore, the works would contribute a net gain of three residential units. For the reasons set out below, I am not persuaded that the continuation of the use of the Boar's Head Hotel could not be successfully made viable in different circumstances. Consequently, whilst I am aware of the position in which the appellant finds himself, this is a private matter, and its resolution does not provide a public benefit. When combined with the limited contribution to the housing supply from the three additional units, this would not outweigh the harm that I have identified in relation to the setting of the listed building, the listed building itself, nor the Conservation Area.
28. As the proposed works would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and would be contrary to policies CS6, CS17 of the Shropshire Core Strategy (CS) adopted in 2011, and policies MD13 of the Shropshire Council Site Allocation and Management Development Plan (SAMdev) adopted 2015, which require development to protect and enhance the historic environment.

Loss of community facility

29. The Boar's Head Hotel, as a large public house in a prominent location, with associated holiday accommodation, does and has the potential to contribute to the vitality of Bishop's Castle. This is identified within Policy CS 15 as a Key Centre to serve a rural hinterland. The importance of public houses to communities is made explicit within paragraphs 84 and 93 of the Framework.
30. I note that there is nothing to suggest that the designation of the business as an Asset of Community Value has been pursued. Nonetheless, this does not undermine the contribution of such facilities to the health of the community. I have been made aware, unsurprisingly, given the historic nature of the town,

that there are already a number of established public houses within Bishop's Castle, and at the time of the applications that two bed and breakfast businesses were on the market. However, I have no further details before me relating to how these were marketed and am aware of further applications for more accommodation suggesting a market for additional tourist beds. Moreover, whilst I would agree that the loss of the Boar's Head Hotel would not seriously undermine the community and vitality of the town, and that compensatory provision may come forward elsewhere, this high bar, in itself, is not the test laid out in Policy CS8 of the CS, nor the approach supported by the Framework.

31. I have been provided with information relating to the profitability of the enterprise, the most up to date which relates to 2019, and previous attempts to diversify the business. I have also been provided with the sales particulars. However, there is no substantive evidence before me that the public house could not, in different circumstances, be successfully operated and thereby serve as a community facility and contribute to the quality of life of residents and visitors. Indeed, the correspondence from both sales agents makes this clear. Consequently, given the prominent location within the core of Bishop's Castle and its complementary role within the social and economic fabric, there is no evidence before me to justify the loss of the community facility within a Key Centre, contrary to policies CS8, and CS15 of the CS and paragraphs 84 and 93 of the Framework, which protect existing community facilities.

Living conditions

32. Each dwelling would provide appropriate levels of internal space. However, the garden area associated with the units would be relatively small in comparison to the floor area. Nonetheless, in the context of the site-specific circumstances of a town centre site and the conversion of a listed building the levels of private amenity space would not be unacceptable. Similarly, whilst the proposals would not contribute to open space at a level consistent with policy MD2 of the SAMdev this would not be determinative.

Other Matters

33. I am aware that both applications were refused contrary to officer recommendation and that neither Historic England nor the Council's Conservation Officer raised objections to the amended proposals. Nonetheless, I have determined the applications on their merits on the basis of the evidence before me.
34. In coming to my conclusion, I have been aware of the letters of support which have reiterated points which have already been considered in the bulk of my Decision.

Conclusion

35. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

Louise Nurser

INSPECTOR