



Appeal Decision

Site visit made on 28 February 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2023

Appeal Ref: APP/J1915/W/22/3299772

The Bell, High Street, Standon SG11 1LA

- 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 Hawthorn Community Pub Co (Mr J Calder) against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/0078/FUL, dated 14 January 2022, was refused by notice dated 7 April 2022.
 - The development proposed is erection of fabric tent as part of existing drinking area.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. From my site visit, it is plain that the development has already been carried out and accords with the plans as submitted.

Main Issue

3. The main issues in this appeal are: -
 - the effect of the development on the character and appearance of the area, with specific reference to the Standon Conservation Area (the SCA) and the setting of the Grade II listed Bell Inn.
 - the effect of the development on the living conditions of adjacent residential properties, with specific reference to noise and disturbance.
 - the effect of the development on flood risk.

Reasons

Character and appearance

4. The structure is accompanied by a significant amount of wooden decking, and at the time of my site visit, was occupied by a considerable number of tables and associated seating.
5. The SCA Appraisal states that the village was part of the late Iron Age and Roman landscape and most Listed Buildings date from the 17th Century or earlier. In summary, the appraisal states that the Conservation Area is visually rich in quality buildings and landscape features and is composed of four main identity areas. High Street, where the appeal site is located, is within Area A.

6. The setting of the Bell Inn is associated with the historic townscape in this part of Standon. In unacceptably eroding this element which contributes positively to the special interest and significance of the building, the proposal would detract from the setting of the listed building.
7. The tent structure has an obvious and modern appearance that bears no resemblance to the local historic structures and the character of the SCA. As such it would appear as a conspicuous and uncharacteristic feature that would fail to respect or retain any sense of the historic surroundings. Despite the location of the tent at the rear of the Public House, it is clearly visible from High Street and from the A120.
8. The proposal does not fit with the overall form and layout of its surroundings and causes harm to the intrinsic character and quality of the Bell Inn and the appeal site, as well as wider harm to the historic, architectural and landscape character of the locality. Such harms, though localised, would not respect village character or local distinctiveness. Rather than offer a visually attractive or positive enhancement to the locality, the proposal would appear conspicuously out of place.
9. The obtrusive and unrelated impact of the development would be tangible from public vantage points. I therefore consider that the development causes harm to the character and appearance of the area, and the character and appearance of the SCA as a whole would not be preserved or enhanced.
10. The National Planning Policy Framework (the Framework) advises at paragraph 199 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the conservation of the heritage asset.
11. In undermining the setting of the Bell Inn, which also contributes to the historic significance of the SCA, and in detracting from the quality of the historic buildings and the long-established historic townscape, the proposal would also detrimentally affect how the SCA is experienced. I therefore consider that the proposal would cause harm to the significance of the SCA and would fail to preserve its character and appearance.
12. In light of the above, I find that conflict arises with s72(1) and s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
13. I consider that the proposal would cause less than substantial harm to the setting and thereby the significance of the Grade II Bell Inn. I attach great weight to the conservation of these assets regardless of the less than substantial harm identified. Even so, these harms should be weighed against the public benefits of the proposal as directed by paragraph 194 of the Framework.
14. Although the outdoor facilities are no longer needed to allow the public house to operate within previous Covid restrictions, the development would provide additional space and an alternative year-round experience for customers, and likely increased staffing requirements. I acknowledge, therefore, that some economic benefits would be likely derived from this and in providing greater consumer choice.

15. I also appreciate that this comes at a time when the hospitality industry is recovering from the effects of the COVID-19 pandemic. It is also put to me that the development would encourage the continued existence of the public house. However, I have little substantive evidence before me of the particular contribution that this facility makes to the business as a whole or what the specific effects on the business may be without it. Furthermore, I have identified harm caused by the siting and inappropriateness of this facility.
16. Therefore, and having regard to paragraph 202 of the Framework, I have no substantive evidence before me that there would be sufficient public benefits derived from the development that would outweigh the less than substantial harm to the Conservation Area and the Listed Building.
17. Even if I were to accept that the harm would be at the lower end of the spectrum of less than substantial harm, the public benefits associated with the proposal do not outweigh the harm I have identified to the significance of the designated heritage asset.
18. Consequently, the development would be contrary to Policies DES4, HA1, HA4 and HA7 of the East Herts District Plan (2018) (the DP) which expect development, amongst other matters, to be of a high standard of design and layout to reflect and promote local distinctiveness and preserve and enhance the historic environment of East Herts.

Living Conditions

19. The structure within the beer garden at the rear would be only a few metres from the rear of the nearest residential dwelling and its private amenity space. The tented area is capable of being used all year round, unlike a beer garden, which is normally expected to be used in the warmer, drier months. The tented area is likely to be busy and could be the source of considerable noise and disturbance because of voices, possibly the use of music, and the general clatter and business of a public house.
20. Residents, who may be used to the hustle and bustle of a beer garden, would consider this to be an unacceptable nuisance at such close quarters in times when it would not be expected, such as in cold and inclement weather. I note the comments of the Council that a number of complaints have been received by them since the tented structure has been operational.
21. A core principle of the Framework is that a good standard of amenity should be sought for all existing and future occupants of land and buildings. Given the proximity of residential dwellings to the proposed site the use of the marquee for functions and general use, which could involve amplified music in a structure with poor noise attenuation properties. I consider it would lead to noise levels audible and greater than those normally expected over a longer period throughout the year.
22. Given the form and materials of the structure, together with the possible use of amplified music during use and functions, I consider conditions would be insufficient to protect the adjacent residential properties from noise nuisance. In the absence of a detailed noise assessment with appropriate noise mitigation measures, I cannot conclude favourably on this issue.

23. I find conflict with policies DES4 and EQ2 of the DP, which, amongst other matters, expect development to avoid significant detrimental impacts on neighbouring properties, ensuring that their environments are not harmed by noise and disturbance, as well as being designed in a manner that minimises the direct and cumulative impact of noise on the surrounding environment.

Flood Risk

24. There appears to be no disagreement that the appeal site is located within Flood Zone 2. The Framework states that a site-specific flood risk assessment should be provided for development in Flood Zone 2.
25. The appeal proposal is an open sided structure, affixed into the ground, located within a grassed area, and the grassed area is largely covered by wooden decking of limited height.
26. The statement of the appellant comments that anecdotally, the only recall of an issue was when the drainage system on the highway could not cope with the volume of water at the time.
27. However, as no flood risk assessment has been provided it has not been adequately demonstrated that the proposal would not increase the risk of flooding, or be vulnerable to flooding, either in its entirety or as severable elements. It remains that this is a requirement of the Framework as well as part of Local Plan Policy.
28. Therefore, I find the proposal in conflict with policy WAT1 of the DP which, amongst other matters, expects development proposals to neither increase the likelihood or intensity of any form of flooding, nor increase the risk to people, property, crops or livestock from such events, both on site and to neighbouring land or further downstream. I also find conflict with the flood risk guidance as set out in the Framework.

Other Matters

29. I have noted the representations on both sides of this appeal, and whilst some parties have forwarded the positive impact of the structure in terms of its community usage, I find that the harm caused to heritage assets, living conditions of local residents and the lack of consideration to flood risk, significantly outweighs any positivity in terms of community use or any post-Covid recovery of the business.

Conclusion

30. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate I should take a different decision other than in accordance with this.
31. For the reasons outline above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR