



Appeal Decisions

Hearing held on 8 August 2023

Site visit made on 8 August 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2023

Appeal A Ref: APP/Y0435/W/23/3319810

The Foresters Arms Public House, 21 Newport Road, New Bradwell, Milton Keynes MK13 0AG

- 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 Adrian Cattell (Paul Newman New Homes) against the decision of Milton Keynes City Council.
- The application Ref: 22/03135/FUL, dated 19 December 2022, was refused by notice dated 13 February 2023.
- The development proposed is a full planning application submission to Milton Keynes Council by Paul Newman New Homes for the demolition of the Foresters Arms Public House class A4 and redevelop for residential development class C3 at 21 Newport Road, New Bradwell.

Appeal B Ref: APP/Y0435/W/22/3313306

The Foresters Arms Public House, 21 Newport Road, New Bradwell, Milton Keynes MK13 0AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Adrian Cattell (Paul Newman New Homes) against Milton Keynes City Council.
- The application Ref: 22/00931/FUL, is dated 8 April 2022.
- The development proposed is a full planning application submission to Milton Keynes Council by Paul Newman New Homes for the demolition of the Foresters Arms Public House (Class A4) and redevelop for residential development Class C3 at 21 Newport Road, New Bradwell.

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed, and planning permission for a full planning application submission to Milton Keynes City Council by Paul Newman New Homes for the demolition of the Foresters Arms Public House (Class A4) and redevelop for residential development Class C3 at The Foresters Arms Public House, 21 Newport Road, New Bradwell, Milton Keynes MK13 0AG is refused.

Application for costs

3. Applications for costs were submitted by Paul Newman New Homes against Milton Keynes City Council. This is the subject of a separate decision.

Procedural Matters

4. The Council's reason for refusal as listed on the Decision Notice and putative reason for refusal suggest that the requirements of Policy HE1 elevate a Non-Designated Heritage Asset to that of a Designated Heritage Asset. However, the precise wording of Policy HE1 is that when considering developments that affect a Non-Designated Heritage Asset, any harm should be balance against the benefits of the proposal.
5. The Council refused the planning application for three reasons. Two of these pertained to the effect of the development upon biodiversity and drainage. In respect of Appeal B, the Council's putative reasons for refusal also included such concerns. However, subsequent to the submission of the appeals, the Council has withdrawn these reasons. As I have no reason to disagree with the views reached by the Council in these instances, I have proceeded on this basis.

Main Issue

6. The main issues relevant to these appeals is whether the building represents a Non-Designated Heritage Asset; and whether any harm to the Non-Designated Heritage Asset is outweighed.

Reasons

7. The appeal site consists of a two-storey building that was originally constructed as a public house. Towards the rear of the site is an outbuilding. The public house has subsequently been extended through the provision of extensions to the side and to the rear of the building. The public house has also been the subject of further internal and external alterations.
8. The appeal site is located in New Bradwell. I understand that this settlement saw rapid growth during the 19th century owing to the growth of the railway industry in nearby Wolverton, including activity at Wolverton Railway Works. Owing to this growth, a significant amount of building took place over a short period of time. This development pattern included several public houses, in addition to other community and commercial facilities within the vicinity of the appeal site. There was also the provision of many dwellings.
9. The pattern of development typically took place in a linear pattern. Such buildings were constructed on an individual basis or in small groups. Therefore, within a line of buildings in the surrounding area, there are notable variations in terms of the form and design of buildings.
10. The building was constructed as a public house within a predominantly residential area. It retains, to a degree, the appearance of such a public house. Therefore, the building assists in providing a narrative regarding the way New Bradwell grew and the historical period in which much of this growth took place.
11. Furthermore, the building has notably different proportions to some of the nearby buildings. Of particular note, the frontage of the building is much wider than some of the adjoining structures. In consequence, it is readily apparent from the street that the function of the appeal site was originally different to some of the neighbouring properties. This occurs even though any signage associated with the public house has been removed.

12. In addition, although there were once several public houses in New Bradwell, the evidence before me indicates that, at least some of these, have been demolished. Therefore, the building plays a role in outlining the differences in society at the time when New Bradwell was developed when perhaps attendance of public houses was more common than the modern day. In consequence, the building does have some historic value in terms of explaining how society during the 19th century operated.
13. I note that some of the other public house buildings in the surrounding area are Listed Buildings. However, the appeal site, as a recognisable former public house building plays a role in highlighting the variety of buildings within the vicinity and the fact that buildings were constructed by a variety of developers during a similar period of time.
14. I understand that settlements other than New Bradwell featured substantial growth during the 19th century, albeit frequently due to the presence of other industries. However, the provision of public houses in New Bradwell provides an insight into how, and why, the settlement developed. In result, the presence of public houses in other settlements, which might be associated with different industries, does not mean that the building foregoes its historical interest.
15. The surrounding area features a variety of other buildings such as another public house and other buildings that were originally constructed for communal activities during the 19th century. In addition, there are several dwellings constructed to different designs and proportions. These also contribute to explaining the development of New Bradwell, even though the use of the building as a public house has ceased.
16. Therefore, the appeal site is not the only building which helps to highlight the pattern, and reasons, for development in the vicinity of the appeal site. Whilst this reduces the overall level of historic interest in the building, it does not remove it. In result, the appeal site has a moderate historic value.
17. It appears that the existing building has only been used as a public house. Therefore, residents of the vicinity may have some traditions of visiting the appeal site and some shared experience, perhaps with ancestors. However, given that the evidence before me indicates that the public house has been closed for a notable period and that business activity was declining before that point. In consequence, the overall communal value of the building is limited.
18. The building was constructed during the 19th century. However, as previously described the building has since been extended to a notable proportion. This means that the floor plan has been substantially changed. In addition, much of the original internal features have been removed since the building first became operational. In result, the internals of the building do not provide any significant information regarding the manner in which the public house would have operated, or appeared, during its first period of use. In result, the building has limited evidential value.
19. The building is of two storeys featuring a degree of symmetry and a broadly rectangular footprint. The building features a different roof pitch to some of the neighbouring dwellings. Whilst these design features ensure that the building appears to be of a different form to the nearby buildings and therefore highlight its original use, the overall form of the building has been eroded.

20. This is because the building has been extended to the side and to the rear. In addition, the rear extension appears to have connected the public house to an outbuilding. Therefore, the footprint of the current building is significantly larger than the original structure.
21. In addition, the sense of symmetry has been eroded by the presence of a flat-roofed side extension. As this has a notably different form, it detracts from the proportions of the original public house building. This effect is further created by the extension being reasonably flush with the original building.
22. It is apparent that the building has been altered through changes to doors and windows and the rendering of the front elevation of the building. It is also notable that other alterations have been made to elements of the building, such as a brickwork, window apertures and roof trusses. Therefore, this serves to diminish the architectural significance of the building. This means that the building has only limited architectural value.
23. There is some debate regarding whether the appeal site represents a Non-Designated Heritage Asset. The Planning Practice Guidance defines a Non-Designated Heritage Asset as, amongst other items, a building having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. The Planning Practice Guidance also states that a substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets.
24. In this instance, I have identified that the existing building features limited communal, architectural, and evidential value and moderate historic value. Therefore, when these matters are combined, the heritage value of the building exceeds the more than a little significance threshold identified within the Planning Practice Guidance. In consequence, the building can be accurately described as being a Non-Designated Heritage Asset.
25. Although it would be possible to impose a condition that would ensure that a record of the building could be made, the Framework (at Paragraph 205) is clear that the ability to record evidence of the past should not be a factor in deciding whether such loss should be permitted. Therefore, this matter does not overcome my previous findings.
26. In considering this appeal, I have been directed towards an appendix of Plan:MK. Amongst other matters, this states that Non-Designated Heritage Assets in New Bradwell include public buildings. However, the wording of this section is clear that this is not an exhaustive list. Therefore, I do not find that this requires me to disregard the preceding points.
27. My attention has been drawn to some appeal decisions, which have assessed whether particular buildings are Non-Designated Heritage Assets. Whilst I have had regard to these, I am also mindful that the judgement of whether a building meets this definition will vary depending upon the individual evidence relating to the specific site. Therefore, the fact that previous appeal decisions have concluded that different buildings are not Non-Designated Heritage Assets does not allow me to disregard my previous findings.
28. I therefore conclude that the appeal site represents a Non-Designated Heritage Asset, which would be demolished by the proposed development. This total loss would therefore amount to harm to the historic environment. The

developments, in this regard, would conflict with the requirements of Policy HE1 of Plan:MK (2019) (Plan:MK). Amongst other matters, this seeks to ensure that proposals sustain and, where possible, enhance the significance of heritage assets.

Whether harm is outweighed.

29. In considering this appeal, I have been referred to Policy HE1 of Plan: MK. Amongst other matters, this seeks to ensure that developments that result in harm to the significance of Non-Designated Heritage Assets will be resisted unless the need for, and benefits of the development clearly outweigh the harm, taking into account the asset's significance and importance.
30. Paragraph 203 of the National Planning Policy Framework (the Framework) is clear that the effect of a proposal on the significance of a Non-Designated Heritage Asset should be taken into account when reaching a decision. The decision-making process should have regard to the scale of any harm or loss and the significance of the heritage asset. In addition, a balanced judgement will be required having regard to the scale of any harm, or loss and the significance of the heritage asset.
31. The building's significance is predominantly derived from its historic value. However, it does have particular importance in explaining the reasons why, and how, New Bradwell developed. This means that the building is of significance.
32. In this instance, the proposed development would result in the demolition of the existing building. This means that there would be total loss. It therefore follows that there would be a large amount of harm to the historic environment, which would occur irrespective of the design of the proposed dwellings, and the use of architectural features, such as chimneys. This matter therefore attributes a significant amount of weight in my considerations.
33. The development would add to the local housing supply in an accessible location. However, it is apparent that the Council can demonstrate a five-year housing supply. Notwithstanding this, it was also established at the hearing that the Council's Housing Supply position is, in part, reliant upon the delivery of windfall sites.
34. However, it has not been demonstrated that there are problems, or delays, in such windfall sites coming forward for residential development. Given this matter, when combined with the scale of the development, I can only give the increase in local housing supply a limited amount of weight. This would occur irrespective of whether the development could be implemented in a relatively short period of time.
35. The proposed development would result in the reuse of previously developed land. This is a matter that could potentially be attributed a greater amount of weight. However, it has not been demonstrated that the building would not be physically capable of being converted to meet another use, or that the conversion of the existing public house building would not be financially viable.
36. I understand that the appeal site was marketed for a notable period of time, and that there was limited interest in the site. However, although there was some discussion at the hearing, there is relatively little documented evidence before me regarding an assessment of whether a conversion of the building would be financially viable, and the reasons for this.

37. Therefore, in the absence of sufficiently detailed justification, I must conclude that not all options to retain the existing public house building have been explored. This occurs even though I acknowledge that there is limited demand for a public house of the type that is present in this location.
38. Therefore, it is not possible to categorically conclude that the building is incapable of being retained. In consequence, this means that I cannot give the redevelopment of the site a significant amount of weight.
39. The proposed development would result in some economic benefits arising from the construction and occupation of the dwellings. However, owing to the scale of the development, these economic benefits are unlikely to be of a large scale. Furthermore, some of these would also be of a time-limited duration. Therefore, they can only be given a limited amount of weight.
40. It is likely that the occupation of the proposed development would increase in the revenue raised through Council Tax. However, the purpose of Council Tax is, in part, to fund services required by the future residents.
41. At the hearing, it was suggested that the proposed development might be attractive to residents already living as part of households in the administrative district of Milton Keynes. Whilst this might be a matter of note, there is no mechanism before me by which this might be secured. In consequence, the matter of increased Council Tax revenue carries only a limited amount of weight.
42. Therefore, the proposed development would result in significant harm to the historic environment. However, the benefits of the scheme, either individually or cumulatively, do not outweigh this harm. In consequence, the development would result in unjustified harm to a Non-Designated Heritage Asset. The development, in this regard, would conflict with the requirements of Policy HE1 of Plan:MK; and the Framework.

Other Matters

43. Concerns regarding the manner in which the applications were considered by the Council fall outside of the scope of this decision.

Conclusion

44. The proposal would result in harm to the historic environment arising from the loss of a Non-Designated Heritage Asset, which would not be justified. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, which indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the Appeal A should be dismissed; and that Appeal B should be dismissed, and planning permission be refused.

Benjamin Clarke

INSPECTOR

APPEARANCES

For the Local Planning Authority:

Charlotte Ashby	Milton Keynes City Council
Martin Ellison	Milton Keynes City Council
Natalie Shafiroff	Milton Keynes City Council

For the appellant:

John Pugh-Smith	39 Essex Chambers
Neil Arbon	Caulmert Ltd
Bob Sutton	Cotswold Archeology
Robin Smithyman	Kedd Ltd
Paul Newman	Paul Newman New Homes
John Sullivan	Paul Newman New Homes
Adrian Cattell	Paul Newman New Homes

Interested Party:

John McLaughlin	Campaign for Real Ale
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Documents submitted at the Hearing:

Extract from Appendix B of Plan:MK