



Appeal Decision

Site visit made on 26 July 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2023

Appeal Ref: APP/Y0435/W/23/3315608

The Globe, 50 Hartwell Road, Hanslope MK19 7BZ

- 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 Clayson Country Homes Ltd against the decision of Milton Keynes City Council.
 - The application Ref 21/03369/FUL, dated 21 October 2021, was refused by notice dated 9 December 2022.
 - The development proposed is proposed conversion and extension of vacant public house into 2-dwellinghouses and the erection of 1 detached dwelling to the rear of the site.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed conversion and extension of vacant public house into 2-dwellinghouses and the erection of 1 detached dwelling to the rear of the site at The Globe, 50 Hartwell Road, Hanslope MK19 7BZ in accordance with the terms of the application, Ref 21/03369/FUL, dated 21 October 2021, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are: -
 - whether the public house is commercially viable;
 - whether the effects of carbon emissions can be mitigated in terms of the requirements under the development plan; and
 - the effect of the proposal on the living conditions of future occupiers of the proposed dwellings.

Reasons

Viability of the Public House

3. The Globe is a vacant public house within a mainly residential area in Hanslope. The appeal site includes the building and land associated with it including a garden and an access which also serves three recently constructed dwellings.
4. The appellant has submitted information as part of this appeal which sets out details of marketing for the site. The Council has indicated that, from the information submitted, it is satisfied that the pub is no longer commercially viable.
5. I appreciate that local residents have strongly objected to the loss of the pub and are critical about the maintenance of the building and what they consider

to be unrealistic high rental costs, amongst other things. Whilst the loss of the pub is unfortunate, I have no substantive evidence that would justify its retention taking into account the relevant planning policies.

6. I note that a previous application that would have seen improvement works to the pub together with the erection of three dwellings remains incomplete but as this is not a matter that is enforceable, I cannot attribute great weight to it in determining this appeal.
7. On the basis of the information before me therefore, the proposal would not conflict with Policy ER11 of Plan: MK 2016-2031¹ which seeks to ensure that all means of retaining local shops, banks and public houses has been explored and the Council are satisfied that the existing use is no longer commercially viable.

Carbon Emissions

8. One of the reasons for refusal relates to the lack of sufficient measures to reduce carbon emissions as required by Plan: MK Policy SC1. However, the Council has indicated that this could be addressed by the submission of a sustainability statement. As this can be obtained through a planning condition, I find no conflict with this policy and subsequently no harm in this regard.

Living Conditions

9. The submitted plans identify the two dwellings resulting from the conversion of the pub as plots 1 and 2 and the proposed new dwellings as plot 3. Plot 3 would be located to the rear of plots 1 and 2 with plot 1 overlooking the rear garden and part of the side elevation of plot 3. The separation distance between plot 1 and plot 3 would fall short of the Council's standards as set out in its SPD².
10. However, in terms of privacy, there would be overlooking of the garden area from plot 1 to plot 3 but due to the orientation of the two properties, there would not be any direct overlooking into the respective properties. Furthermore, Plot 3 would be slightly off-set when viewed from the rear of plot 2 and therefore the relationship between the two houses would not lead to a poor outlook. Despite the shortfall in terms of the SPD therefore, I do not find any actual harm in this instance.
11. The Council indicate that the proposed extension to plot 1 would have an unacceptable impact on plot 2. However, other than the addition of a proposed garage for plot 1, the part of the building that would be extended would be to plot 2. This would be set away from the boundary and have minimal impact on the occupiers of plot 1. Any impact with regard to the effect between these two properties would be minor and not justify refusing permission.
12. I consider that the proposal as applied for is acceptable and future occupiers of the three properties would be provided with acceptable living conditions. The proposal would not conflict with Plan: MK Policy D5 which sets out criteria to ensure good standards of amenity including, privacy and outlook. I also do not consider that the proposal would conflict with the objectives of the SPD.

¹ Milton Keynes Council – Plan: MK 2016-2031 Adopted March 2019.

² Milton Keynes Council New Residential Development Design Guide Supplementary Planning Document, Adopted April 2012 (SPD).

13. Amended plans have been submitted but given my findings I have not taken these into consideration when making my decision.

Other Matters

14. I appreciate that there are many concerns about the loss of the pub and its historical significance in the village. However, despite the age of the building, I have no evidence that would justify refusing the proposed change of use on heritage grounds. I also appreciate that local residents consider that the pub should be a designated community asset but I have no evidence as to whether this was or is a realistic option.
15. In addition to the loss of the pub, concerns have been expressed by local residents regarding the harmful effect the proposal would have on the character and appearance of the area. This includes the loss of the pub garden and the open space it provides. However, despite this loss and the subsequent development of this open area, I am satisfied that the proposed development would not have a harmful effect on the character and appearance of the area as a whole. The existing building would be retained, although altered in its use and appearance and the proposed house to the rear would not be dissimilar to the other three houses under construction. The same access would serve the proposed development as well as those previously approved.
16. I appreciate that there is concern about the unfinished nature of the previous approved scheme by the appellant and concern about this site. I agree that the adjacent site does little to benefit the appearance of the area. However, completion of the works is not a matter that is controlled by planning legislation.
17. I note the concerns about there being no need for additional housing but this is not a reason to withhold permission here. I have considered these and all other matters raised but none alter my conclusion.

Conditions

18. The Council has submitted conditions which I have considered in the light of the Planning Practice Guidance (PPG) and the National Planning Policy Framework. In addition to the standard time condition, a condition requiring the development to be carried out in accordance with the submitted plans is necessary for the avoidance of doubt and in the interests of proper planning. It is also necessary that finished materials are satisfactory in terms of the character and appearance of the area and the existing building.
19. A condition requiring details of surface water drainage is necessary in order to ensure that the site is adequately drained and to ensure that there is no increased flood risk resulting from the proposed development. A condition requiring site levels is necessary as no details are submitted in particular in relation to the proposed new build, plot 3.
20. The submitted bat survey found evidence of bats and makes recommendations which are required to be carried out. A condition therefore is necessary in the interests of biodiversity.
21. Plan: MK Policy SC1 requires development proposals to demonstrate sustainable construction principles. As referred to above in considering carbon emissions, a condition is reasonable.

22. A condition specifically requiring parking spaces to be provided is not necessary as off-street parking provision is shown on the approved plans and I have already agreed a condition requiring the development to be carried out in accordance with them. Also, I do not consider that a condition is necessary requiring the provision of bicycle storage facilities as each dwelling would have adequate private space to park bicycles. Furthermore, a condition requiring bin collection point(s) is not reasonable or necessary as two of the properties would have frontage to Hartwell Road and future occupiers of these would be no different to those of other properties in this area with regard to where bins are put out for collection. Plot 3 would be set further back but ensuring that a specific collection point was utilised for this property would not be enforceable.
23. A landscaping condition is suggested but given that this is the conversion and development of an existing building together with just one other dwelling, there is little scope for landscaping beyond the private rear gardens proposed and small areas to the front of the proposed dwellings, I do not therefore consider that a condition is necessary.
24. The Council has suggested a condition requiring details of the management company responsible for the future maintenance of all shared/unadopted roads, footways and parking areas within the site. However, the future responsibility of an unadopted access is a private legal matter and such a condition would not be enforceable and therefore I consider that it fails the test required for conditions.
25. A condition requiring electric charging facilities for vehicles is not necessary as this is dealt with under other legislation, in particular the Building Regulations. The provision of digital communication in particular broadband is now an expected part of modern living but it may not be possible to secure its provision by a condition as this would be dependent on facilities in the area for broadband providers. I do not therefore consider that a condition is reasonable or enforceable.
26. I have amended the wording of some of the conditions in the interests of clarity and conciseness and taking into account the PPG and the Framework.

Conclusion

27. For the reasons given above I conclude that the appeal should be allowed.

J D Clark

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: -
 - *Drawing Nos: -*
 - *Existing: - MS-4534B Sheets 1 & 2; & MS-4534A Sheets 1 to 4*
 - *Proposed: - GLO 001; GLO 002; GLO 003; GLO 004; & GLO 005.*
- 3) No development shall commence above slab level until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 5) No development above slab level for the detached dwellinghouse hereby approved (plot 3) shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 6) The development shall be carried out in accordance with the recommendations; construction and lighting; enhancements; and general advice set out in the submitted document by Lockhart Garratt entitled

Bats – Nocturnal Survey Report, Ref: 21-0397 Version 1, dated August 2021.

- 7) No development above slab levels shall take place until a Sustainability Statement has been submitted and approved in writing by the Local Planning Authority. The statement shall follow the principles set out in Plan: MK Policy SC1.