



Appeal Decision

Site visit made on 3 January 2024

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2024

Appeal Ref: APP/E3715/W/23/3327432

The Shoulder of Mutton Public House, Sawbridge Road, Grandborough, Near Rugby, Warwickshire, CV23 8DN

- 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 Karvel Ltd against the decision of Rugby Borough Council.
 - The application Ref R22/1339, dated 6 December 2022, was refused by notice dated 19 April 2023.
 - The development proposed is to convert a double decker bus into a holiday let in the grounds of a public house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On my site visit, I noted that a bus had been parked at the appeal site. Nonetheless, the proposed use does not appear to have commenced.

Main Issues

3. The main issues relevant to this appeal are:
 - the effect of the development upon the character and appearance of the surrounding area;
 - the effect of the development upon the setting of the Grade II Listed Building of The Shoulder of Mutton Public House; and
 - the effect of the development upon flood risk.

Reasons

Character and appearance

4. The appeal site consists of a public house located in a village. The public house has been constructed to a historical design and palette of materials. Although some of the surrounding buildings appear to have been constructed more recently, they have a design complimentary to the public house. In addition, the presence of space around the buildings is a notable feature. These matters, when combined, mean that the surrounding area features a traditional and open character.
5. The change of use would not result in the erection of a new building. However, a key element of the proposal is placement on the site of a physical entity for the operation of a holiday let. This would result in an increase in physical form.

In addition, there is no evidence before me that would indicate that the proposed use would be of a temporary nature. Therefore, the significant increase in physical form arising from the development would be permanent.

6. The increase in physical form causes concern as the increased massing would have a character that is markedly different from the appearance of the existing buildings. In result, the proposed development would be incongruous for it would conflict with the traditional style of architecture. Although the appeal scheme features some cladding, this would not be reflective of buildings elsewhere.
7. The proposal would result in a permanent increase in the overall level of massing present at the appeal site. Therefore, there would be an erosion of the vicinity's open character.
8. The proposed development would be visible from several different vantage points in the surrounding area. Of note is that there is an access road located to the side of the appeal site, which features a sign describing it as 'The Lane'. The Lane leads to a footpath that runs to the rear of the appeal site.
9. From these locations, the incongruous form arising from the development would be experienced by a great number of people. In addition, views of the bus would be possible, to a more limited degree, from the nearby Sawbridge Road and some neighbouring properties. These factors when combined would render the proposed development a strident addition.
10. The bus would be sited in part of the Public House's car park. However, it is likely that any vehicle using the car park would be stationary on a temporary basis. This would contrast with the appeal scheme, which would be permanently sited. Therefore, the use of the car park in its current form does not have the same effect as the proposed development would have.
11. It has been suggested that the proposed development could be relocated to other points of the appeal site. However, I have not been provided with details of alternative locations. Therefore, it is not possible to assess whether these would overcome the adverse effects.
12. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with the requirements of Policy SDC1 of the Rugby Local Plan (2019) (the Local Plan). Amongst other matters, this seeks to ensure that developments demonstrate high quality, inclusive and sustainable design.

Setting of the Listed Building

13. The proposed development would be close to the Grade II Listed Building that is the Public House. For the purposes of this appeal, the significance of the Listed Building is, in part, derived from the presence of open areas that surround the building. It is understood that this reflects the appearance of the building's vicinity when the public house was originally constructed. Therefore, the setting of the Listed Building contributes to its overall significance.
14. The proposed development would result in a notable increase in the level of massing at the appeal site. In result, there would be a reduction in the

provision of open space that surrounds the public house. This means that the setting of the Listed Building would be eroded.

15. In addition, the open space forms a transitory space between the Listed Building and the buildings in the wider area. Therefore, the increase in the overall level of massing arising from the permanent placing of the bus at the appeal site would result in a more engineered appearance. This would conflict with the existing setting.
16. It has been suggested that the proposed development would have a similar size to the public house's existing conservatory. However, the conservatory is predominantly glazed and adjoins the existing public house building. In contrast, the proposed development would be physically separate from the existing building and located near to public viewpoints. In result, the appeal scheme would be a more prominent addition. Furthermore, the proposal would result in a reduction in the level of open space surrounding the public house.
17. The appeal scheme would also have a greater height than the existing conservatory and owing to the materials that the bus and the cladding has been constructed from, the proposed development would have a greater level of prominence than the conservatory. In result, the presence of the conservatory does not allow me to disregard my previous findings.
18. I therefore conclude that the proposed development would have an adverse effect upon the setting of the Listed Building. The development, in this regard, would conflict with the requirements of Policies SDC1 and SDC3 of the Local Plan. Amongst other matters, these seek to ensure that new developments should aim to add to the overall quality of the area; and sustains and enhances the significance of the Borough's heritage assets.

Flood risk

19. The proposed development is on a site that is relatively level in nature. In addition, the evidence before me indicates that the appeal site as defined by the red line shown on the submitted location plan includes areas that fall within Flood Zones 1, 2 and 3.
20. The holiday let would be in Flood Zone 1. However, the site entrance is in Flood Zone 3. This means that it has a higher probability of flooding. Given the importance of the access to the proposed development, it is necessary to consider the effect upon flood risk.
21. In consequence, the absence of a Flood Risk Assessment (FRA) is particularly concerning. Of note, an FRA should demonstrate how flood risk will be managed throughout the development's lifetime, taking climate change into account. In addition, it should detail whether a proposed development is likely to be affected by current or future flooding from any source and whether the development will be safe.
22. Therefore, in the absence of any evidence to the contrary, it is not possible to conclude that the occupiers of the proposed accommodation would be protected from flooding should it occur. This would also include an assessment as to how occupiers of the development would be able to leave the site, if required to do so, during a period of flooding.

23. The proposed development would be holiday accommodation. Although it would not be used as the occupier's permanent accommodation, if permission were forthcoming for the proposed development, people could occupy the development throughout the year. This means that residents may be present at the site during periods of flooding.
24. I understand that the Council, in considering the planning application, did not request that an FRA be submitted for assessment. Whilst this may be the case, it is incumbent upon me to assess the proposed development with reference to the requirements of national and local planning policies.
25. Therefore, given the absence of information that would allow me to conclude that the occupiers of the proposed development would be protected from flooding and, if required to do so, be able to leave the development, the absence of a suitable FRA is particularly concerning.
26. Although it has been suggested that the proposed development would have permanently fitted plumbing, this would not address concerns in respect to how occupiers of the development would be able to escape should flooding arise from causes elsewhere.
27. I therefore conclude that the proposed development would have an adverse effect upon flood risk. The development, in this regard, would conflict with the requirements of Policy SDC5 of the Local Plan. Amongst other matters, this seeks to ensure that new developments are located in areas with the lowest probability of flooding; and are flood resilient and resistant, including safe access and escape routes.

Planning Balance

28. The harm that would occur to the setting of the Listed Building would not be severe and therefore it would be 'less than substantial' within the meaning of the National Planning Policy Framework (the Framework). Paragraph 208 of the Framework requires such harm to be weighed against the public benefits of the proposal.
29. In this instance, the proposed development would result in the provision of accommodation for tourists. It is therefore likely that the development's usage would generate additional economic activity through the installation process and potential support of the existing public house. Furthermore, it is likely that the occupiers of the proposed accommodation would also support other facilities in the wider area.
30. However, owing to the limited number of occupiers that could be accommodated in the proposed development at any one time, such benefits are only likely to be of a small scale. Furthermore, any economic benefits arising from the installation process are likely to be time-limited in effect. In consequence, they can be attributed a limited amount of weight.
31. Therefore, when giving significant importance and weight to the special attention I must pay to the desirability of preserving or enhancing the setting of the Listed Building, I find that the harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 206 of the Framework as harm to designated heritage assets would not have clear and convincing justification.

Conclusion

32. The proposed development would therefore conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR