
Appeal Decision

Site visit made on 6 February 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th March 2024

Appeal Ref: APP/Q3115/W/23/3321241

**Horse & Harrow, Main Street, West Hagbourne, Oxfordshire, Didcot
OX11 0NB**

- 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 Cordage 7 Ltd against the decision of South Oxfordshire District Council.
 - The application Ref P22/S3609/FUL, dated 23 September 2022, was refused by notice dated 21 April 2023.
 - The development proposed is change of use of existing public house (Sui Generis) to provide a three-bed dwelling and a four-bed dwelling (Use C3), erection of a three-bed and two four-bed dwellings (Use C3) on land adjacent to the public house accessed from Main Street, with associated parking and landscaping, along with the demolition of existing outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of existing public house (Sui Generis) to provide a three-bed dwelling and a four-bed dwelling (Use C3), erection of a three-bed and two four-bed dwellings (Use C3) on land adjacent to the public house accessed from Main Street, with associated parking and landscaping, along with the demolition of existing outbuilding at Horse & Harrow, Main Street, West Hagbourne, Oxfordshire, Didcot OX11 0NB in accordance with the terms of the application, Ref P22/S3609/FUL, dated 23 September 2022, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Cordage 7 Ltd against South Oxfordshire District Council. That application is the subject of a separate Decision.

Preliminary Matters

3. I have taken into account the revised version of the National Planning Policy Framework ('the Framework') published in December 2023. While there have been changes to paragraph numbers since the previous iteration, the parts of the Framework most relevant in this case have not significantly changed. I am satisfied, therefore, that the revised version of the Framework does not raise new considerations necessitating further submissions from the parties.
4. On 22 November 2023, all designated Areas of Outstanding Natural Beauty in England and Wales became 'National Landscapes'. However, the legal

designation and policy status of these areas are unchanged. I have proceeded on that basis.

5. Part of the land associated with the Horse and Harrow is within the administrative area of the Vale of White Horse District Council. That land is subject to a separate appeal decision¹ in relation to its change of use to provide additional residential garden space (Use Class C3).

Main Issue

6. The main issue is whether or not the loss of the public house as a community facility would be justified.

Reasons

Community Facility

7. West Hagbourne is identified as an 'Other Village' within the settlement hierarchy of the South Oxfordshire Local Plan (the LP). The LP advises that 'Other Villages' lie at the bottom of the settlement hierarchy, being hamlets or very small settlements with very limited or no services. The Horse and Harrow public house is located at the south-western edge of West Hagbourne and is the only pub in the village.
8. LP Policy CF1 states that proposals that result in the loss of an essential community facility will not be permitted unless, in the case of commercial facilities, evidence can be provided to demonstrate that the facility is not economically viable.
9. The main parties agree that the pub is the only community facility within the village. Public houses can assist in promoting social interaction between people and can help to meet the social objective of the Framework by supporting strong and vibrant communities. I note that some representations, including by the Parish Council, indicate that the Horse and Harrow is clearly valued by some members of the local community. Consequently, its loss would have a negative impact upon the quality of life of the community, particularly in the social sense.
10. The nearest alternative public house is the George and Dragon in Upton, located approximately 850 metres walking distance from the Horse and Harrow. I note that the West Hagbourne Village Lunch Club, which previously met at the Horse and Harrow, currently meets at the George and Dragon. The nearby villages in the surrounding area also provide other public houses and community facilities, including the Fleur de Lys public house and Hagbourne Village Hall in East Hagbourne. I acknowledge that the distances, limited street lighting, and incomplete footways, make travel to the alternative community facilities less attractive than journeys to the Horse and Harrow for residents of West Hagbourne. Nevertheless, whilst retaining the Horse and Harrow would assist in promoting social interaction between people, realistic opportunities for community / social interaction would remain in the local area.

¹ APP/V3120/W/23/3325356

11. The appellant's Viability Study (Savills, October 2022) concludes that the pub is not viable in the short, medium, or long term. This conclusion is corroborated by the findings of the Council's appointed Viability Assessor, Davis Coffey Lyons (DCL). Both the Savills and DCL viability assessments find that significant investment is required to refurbish the Horse and Harrow to enable it to trade competitively and maintain a sustainable level of trade. I find the DCL Report to provide a more complete financial appraisal as it takes into account property costs (whether rent or a notional return on freehold asset value in terms of interest repayment and amortisation) and depreciation.
12. The DCL Report projects £230,000 per annum in net sales, and a net profit before tax of £2,375. These figures assume completion of refurbishment works, including a modernised trade kitchen, that would allow the business to provide a reasonable food offering, and more attractive trading areas. The DCL Report estimates that £100,000 (at the very minimum) is likely to be required to refurbish the pub and advises that no operator would spend that amount in the expectation of making an annual profit of £2,375. As a result, the DCL report concludes that the Horse and Harrow is not likely to be economically viable in the future.
13. The Savills Viability Study states that the pub made a loss of £49,146 in 2019. The current tenants of the pub advise that profitable trading has been difficult given the rural nature of the pub and the significant level of competition in the surrounding area. There is no substantive evidence before me to indicate that the headline loss figure for 2019 is in any way inaccurate or skewed. It is reasonable to suggest that the small scale of the population of West Hagbourne, and the high level of competition due to the presence of numerous other pubs in the nearby area, results in a difficult trading environment.
14. The evidence before me, including the representations of local residents, suggests that a significant level of investment in the Horse and Harrow is necessary in order to bring it up to the standard of competing premises. This investment is required for the pub to sustainably attract customers and to generate the net sales projected in the viability assessments. Significant investment would likely be necessary whether the premises were to operate as a public house or for other alternative community uses. I have had regard to the suggestions that the Horse and Harrow could generate additional profit by diversifying into additional enterprises such as letting rooms, a community shop, mother and toddler groups, and coffee mornings. However, there is no substantive evidence before me to indicate that such additional enterprises are likely to be forthcoming or that they would be profitable.
15. I have had regard to the examples of thriving rural public houses in the local area drawn to my attention, including the circumstances of The Crown in South Moreton. I note that in the case of The Crown, the pub was purchased, refurbished and reopened by the local community (comprising over 130 shareholders). Whilst the Horse and Harrow has not been marketed for sale, the publicity of the planning application, and subsequent appeal process, do provide a window of opportunity for anyone considering making an offer to publicly declare such. I have not been made aware of any substantive intent to make an offer, either by a community group, or by somebody else, keen to operate the premises as a public house. The lack of any substantive evidence of potential offers, combined with the limited number of objections to the

proposal, suggests that there is not extensive community support, or market demand, for the retention of the public house.

16. I have also had regard to the Council's Community Facilities Viability Assessment publication (CFVA) as referred to in paragraph 10.4 of the supporting text to LP Policy CF1. The CVFA seeks to provide a framework of questions that may assist in determining the viability of a business. The CFVA does not, however, represent a strict list of development plan policy requirements. As such, whilst marketing information can be helpful in assessing whether or not the retention of a premises as a public house is realistic, it is not necessarily essential for marketing to have occurred in order to assess whether a public house is viable.
17. I note that the The Lamb² public house was marketed prior to the Council granting permission for its conversion to a dwelling. I do not, however, have full details of the circumstances that led to the proposals at The Lamb being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. Notwithstanding this, the prior marketing of The Lamb does not necessitate the marketing of the Horse and Harrow for consistency of compliance with LP Policy CF1 to be demonstrated. In any case, I have determined the appeal on its own merits.
18. Whilst I appreciate the concerns of the Parish Council and members of the local community regarding the loss of the public house, the Savills and DCL viability assessments represent substantive and coherent evidence that indicates the appeal pub is not a viable enterprise. Overall, both from the evidence before me and my own observations, I find it has been adequately demonstrated that the appeal pub is not a viable enterprise. As such, the loss of the Horse and Harrow public house as a community facility would be acceptable with regards to the requirements of LP Policy CF1.

Other Matters

Heritage

19. The eastern part of the site is within the West Hagbourne Conservation Area (the Conservation Area) and the public house is locally listed on account of its historical interest, therefore representing a non-designated heritage asset. The historic and architectural interest of the public house contributes positively to the significance, character and appearance of the Conservation Area.
20. S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The proposed new build dwellings would sit comfortably within the existing pattern of development and the conversion of the pub would remove some of the 20th Century additions which detract from its original features.
21. Both the Council's Conservation Officer and the appellant's Heritage Consultant agree that the development would not result in harm to the significance of either designated or non-designated heritage assets. I see no reason to depart from that agreed position. Accordingly, the proposal would preserve the significance, character, and appearance of the Conservation Area.

² LPA Ref: P22/S4127/FUL

North Wessex Downs National Landscape

22. The appeal relates to an infill site that makes a limited contribution to the wider open landscape, relating more closely to the buildings nearby. As such, the proposal would not harm the character or natural beauty of the North Wessex Downs National Landscape.

Planning Balance

23. I have not found the proposal to conflict with the development plan with regards to the loss of a community facility. The Council does not object to the provision of housing in this location and, with reference to LP Policies STRAT1, H1, and H16, I see no reason to disagree.
24. The proposal would align with the government's aim to boost housing supply, if only by a modest amount. This counts in its favour and aligns with the social role of sustainable development which seeks to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations.
25. I note that a range of ecological enhancements are proposed including additional bird and bat boxes. Subject to these matters being secured by condition, I acknowledge that a biodiversity net gain could be achieved. The development would reuse previously developed land, as encouraged by the Framework, and the dwellings would also include a range of energy efficiency measures, thus representing environmental benefits.
26. With regard to the economic role of sustainable development, the proposal would lead to the creation of construction work and support for local services and facilities arising from future occupiers.
27. Taken together, I give moderate weight to the proposal's contributions to the environmental, economic and social objectives of the Framework.
28. Weighing against these benefits would be the loss of a community facility that has historically provided local employment. Whilst I note the Framework aims to guard against the unnecessary loss of valued facilities and services, given I have found the public house not to be viable, and that alternative provision exists in the local area, I attach only moderate weight to the loss of the public house as a community facility.
29. I appreciate that allowing the appeal will disappoint some members of the local community, including the parish council. However, I must determine the appeal on the basis of the evidence before me. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations, including the Framework, indicate otherwise. Overall, I find the proposal to comply with the development plan when taken as a whole. I have taken account of all other matters raised and there are no material considerations, taken individually or cumulatively, that outweigh the identified benefits or indicate that the appeal should not succeed.

Conditions

30. I have considered the Council's suggested conditions against the advice in the Framework and the Planning Practice Guidance. Where necessary I have adjusted the wording to improve precision and consistency with that advice.
31. In addition to the standard commencement condition, it is necessary to attach a condition to identify the plans with which the scheme shall accord. This will provide certainty regarding the scope of the permission.
32. Conditions are also required to secure samples of external materials, details of boundary treatments and landscaping, in the interests of the character and appearance of the area.
33. I have attached conditions to require submission of a surface water drainage scheme, a surface water management strategy, and a SuDS compliance report. These conditions are in the interests of preventing flooding during and after construction.
34. For reasons of highway safety, sustainable transport, and to ensure satisfactory parking provision, conditions are necessary to ensure accesses, vehicular parking areas, cycle parking, and visibility splays are provided and maintained.
35. In the interests of ecology, amenity, and character and appearance, conditions ensuring tree protection, appropriate landscape planting, control of external lighting/glazing, and protection/enhancement of biodiversity and habitats are necessary.
36. In the interests of living conditions, ecology, highways safety and efficiency, a condition requiring a Construction Method Statement is necessary. A condition securing proposed energy efficiency and carbon reduction measures is necessary in the interests of sustainability.
37. Conditions 3 to 7 are pre-commencement conditions as construction management, drainage, tree protection, and ecology measures will need to be agreed before works begin to prevent the development resulting in harm in these regards.

Conclusion

38. For the reasons above, the appeal is allowed.

S D Castle

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development hereby approved shall be carried out in accordance with the details shown on the following approved plans:
 - 22.3359.0000 Rev P3, Location Plan
 - 22.3359.100 Rev P13, Proposed Site & Landscaping Plan
 - 22.3359.101 Rev P2, Proposed Floor Plans Unit 1
 - 22.3359.102 Rev P2, Proposed Elevations Unit 1
 - 22.3359.103 Rev P2, Proposed Floor Plans Unit 2 & 3
 - 22.3359.104 Rev P2, Proposed Elevations Units 2 & 3
 - 22.3359.105 Rev P2, Proposed Floor Plans Unit 4
 - 22.3359.106 Rev P3, Proposed Elevations Unit 4
 - 22.3359.107 Rev P3, Proposed Floor Plans Unit 5
 - 22.3359.108 Rev P4, Proposed Elevations Unit 5
 - 22.3359.109 Rev P6, Proposed Street Scene
 - 2208-055 SP07, Swept Path Analysis
 - 2208-055 SP08, Swept Path Analysis
 - 2208-055 VS01 Rev B, Visibility Splays at Site Access Points

except as controlled or modified by conditions of this permission.

3. No site clearance, preparatory work or development shall take place until the tree protection measures detailed within the approved Arboricultural Implications Assessment and Method Statement Report submitted by Eco Urban Arboricultural (report ref: 17952 - AIA 4) have been put in place. The development thereafter shall be carried out in full accordance with the approved Tree Protection Plan.
4. No development shall commence until a full surface water drainage scheme has been submitted to and approved by the local planning authority. The surface water drainage scheme shall follow the surface water drainage hierarchy set out in CIRIA C753 and shall provide infiltration testing undertaken in accordance with BRE 365. The surface water drainage system shall accord with the non-statutory technical standards for sustainable drainage systems, and include details of the levels, size, position and construction of drainage works. The drainage scheme shall be sized to accommodate a minimum of the worst case 1 in 30 year storm with evidence to demonstrate that the site can accommodate the worst case 1:100 year storm + 40% climate change storm, without any flows exiting up to this storm event and any storage on site not causing a nuisance or flooding to property. Thereafter, the development shall be implemented in accordance with the approved details prior to first occupation of the dwellings hereby approved.
5. No development shall commence until a surface water management strategy has been submitted to and approved by the local planning authority. The surface water management strategy shall include details for managing surface water during construction, including details of the levels, size,

position and construction of drainage works. Thereafter, the approved strategy shall be implemented in accordance with the approved details.

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - a. parking of vehicles of site operatives and visitors;
 - b. loading and unloading of plant and materials;
 - c. storage of plant and materials used in constructing the development;
 - d. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e. wheel washing facilities;
 - f. measures to control the emission of dust and dirt during construction;
 - g. a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h. delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

7. No development or works of site preparation shall take place until a detailed Biodiversity Enhancement Scheme (BES), based upon the principles set out within the Ecological Appraisal Report prepared by Hampshire Ecological Services Ltd (October 2022), has been submitted to and approved in writing by the Local Planning Authority. The BES shall include integral bird and bat boxes, tiles, or bricks on the new buildings, and native and wildlife friendly landscaping (including gaps at the bases of fences to allow hedgehogs to traverse through the gardens). The development shall be implemented in accordance with the approved BES and the biodiversity enhancements shall be maintained for the lifetime of the development in a condition suited to their intended function.
8. No development above slab level shall commence until samples of all materials to be used in the external works and finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.
9. No development shall commence until details of all boundary walls and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. All such approved means of enclosure shall be erected prior to the first occupation of the development.
10. No development above slab level shall commence until a scheme for the landscaping of the site, including the planting of live trees and shrubs, has been submitted to and approved in writing by the Local Planning Authority. These details shall include schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), any earth moving operations and finished levels/contours, and an implementation programme. The scheme shall be implemented prior to the first occupation or use of the development hereby approved and shall thereafter be maintained in accordance with the approved scheme. In the

event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.

11.No development above slab level shall commence until a report detailing the external lighting scheme (if external lighting is proposed), and how this will not adversely impact upon wildlife, has been submitted to and approved in writing by the local planning authority. The report shall include the following figures and appendices:

- a) A layout plan with beam orientation;
- b) A schedule of equipment;
- c) Measures to avoid glare;
- d) An isolux contour map showing light spillage to 1 lux both vertically and horizontally, areas identified as being of importance for commuting and foraging bats, and positions of bird and bat boxes.

The approved lighting plan shall thereafter be implemented as agreed.

12.No windows shall be installed until details of the specification of the external glazing for all windows on each dwelling have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this condition requires the provision of a scheme to minimise visible light transmittance from inside to out. Thereafter, the glazing approved shall be installed and maintained in perpetuity in accordance with the approved details.

13.No more than 75% of dwellings shall be occupied until a SUDS Compliance report has been submitted to and approved by the local planning authority. The SUDS compliance report must suitably demonstrate that the sustainable drainage system has been installed and completed in accordance with the approved scheme (or detail any minor variations). This report should cover the following:

- i. Inclusion of as-built drawings;
- ii. Inspection details of key SUDS features such as flow controls, storage features, and volumes and critical linking features or pipework undertaken, with appropriate photographs and evidence of inspections incorporated;
- iii. Details of any remediation works required following the initial inspection;
- iv. Evidence that any remedial works have been completed;
- v. Details of any management company set up to maintain the system.

14.No dwelling shall be occupied until the proposed accesses onto Main Street have been formed, laid out and constructed in accordance with details submitted to and approved in writing by the Local Planning Authority.

- 15.No dwelling shall be occupied until cycle parking facilities have been provided in accordance with the details shown on drawing 22.3359.100 Rev P13. Thereafter, the cycle parking shall be retained as approved.
- 16.No dwelling shall be occupied until the parking and turning areas have been provided in accordance with drawing no. 22.3359.100, Rev P13. The parking and turning areas shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles, and shall be retained unobstructed except for the parking of vehicles associated with the development at all times.
- 17.No dwelling shall be occupied until all carbon reduction energy efficiency measures associated with the dwelling have been implemented in accordance with the Energy Statement and SAP calculations (dated December 2022) hereby approved and a verification report has been submitted to the local planning authority and approved in writing. The verification report shall demonstrate (with photographic evidence) that the energy efficiency measures have been implemented. These measures shall be retained and maintained as such thereafter in accordance with the energy statement and verification report.
- 18.The visibility splays shown on the approved plan 2208-055 VS01 Rev B shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres as measured from carriageway level.