



Appeal Decision

Site visit made on 17 April 2024

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2024

Appeal Ref: APP/R3705/W/23/3330281

Polesworth Sports and Social Club, High Street, Polesworth, Tamworth B78 1DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Westbourne Leisure Ltd against the decision of North Warwickshire Borough Council.
 - The application Ref is PAP/2021/0238.
 - The development proposed is the change of use of existing function room and additional mezzanine floor to provide bed and breakfast accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of existing function room and additional mezzanine floor to provide bed and breakfast accommodation at Polesworth Sports and Social Club, High Street, Tamworth B78 1DX in accordance with the terms of the application, Ref PAP/2021/0238, subject to the conditions in the attached schedule.

Preliminary Matters

2. In the interests of clarity I have taken the address from the Appeal Form. I have also noted that, although the description comes from the application form, the proposal includes elevational changes.

Main Issues

3. The main issues in this case are
 - a) whether the proposal would preserve or enhance the Polesworth Conservation Area, and whether it would harm the significance of nearby listed buildings and
 - b) its effect on the living conditions of occupiers of the scheme and its neighbouring properties.

Reasons

Heritage

4. The character and appearance of the Polesworth Conservation Area can be summarised as comprising busy streets serving this large village that enclose a sizeable, peaceful verdant area surrounding the former Abbey and the riverside. Its significance is therefore historic and architectural, as its buildings and open spaces reflect the growth and adaption of this long-established settlement over the centuries with its focus on the Abbey.

5. High Street is on the northern side of the conservation area and appears to be a relatively busy road carrying an appreciable flow of vehicles into and out of Polesworth. Moreover, as it passes through the conservation area the positioning of buildings at or near to the back of the pavement gives the road a narrow, enclosed feel, that emphasises these traffic flows all the more.
6. A number of listed buildings sit among the properties of varied ages and styles that line High Street. Opposite the appeal site are the Grade II* listed Abbey Gatehouse and the adjoining 22 High Street, which date from the 14th and 16th Centuries respectively. Their significance in relation to this appeal is architectural and historic, arising from the way their form, detailing and materials reflect their age and purpose and indicate their links to the Abbey. Further to the west is the Grade II listed Polesworth Congregational Church, whose significance is found in the simple building style that reflects non-conformist church architecture in the early 19th Century. Just beyond the church is the Old School, also Grade II listed, that was rebuilt about 200 years ago. Its significance relates to its appearance and detailing that illustrate and inform its original purpose. When considering the settings of these buildings, they are now experienced very much in the context of the diverse and busy streetscape in which they stand, with its varied buildings, enclosed nature, and relatively heavy traffic flows.
7. The appeal property comprises a large modern club building that is set back from the road behind a hard landscaped car park, with a further informal parking area to the side. I consider it to be a negative feature in the conservation area, partly because of the design and scale of the building that relates poorly to the older, finer grained properties around, and partly because of its condition and the state of its surrounding car parking.
8. The proposal would not extend or enlarge the building's envelope to any appreciable degree, though there would be a refreshing of the elevations and some new windows would be formed. The parking areas would also be laid out and surfaced in a more sensitive manner, with landscaping introduced along the High Street frontage to soften the site's appearance. To my mind such works would have a positive effect on the conservation area. Whilst the building's inherent form and scale would mean it would still be incongruous to some degree in this historic context, its overall appearance would be enhanced and its discordant nature would be less pronounced. I see no reason why improving and upgrading the appearance of the site and building in this way would have a negative effect on the conservation area or the settings of the listed buildings on High Street, given the beneficial nature of such works and, in the case of the listed buildings, the separation involved.
9. Internally, the proposal is to retain the smaller club room that is at the premises now, albeit subdivided into a bar and a function space. The existing larger club room though would have a mezzanine floor inserted and be converted to 2 floors of bed and breakfast accommodation. Although 25 rooms are shown on the plans, this number is not expressly stated in the description of the development.
10. It was contended that such a use would harm the historic environment due to increased noise and disturbance as customers went to or left the bed and breakfast accommodation, whether in vehicles or on foot. I was given no robust details about existing or potential movements, and I have no basis to

find that the proposal would result in a material increase in such activity. Furthermore, it is reasonable to assume that the existing club room may generate movements of significant size from time-to-time that would be focussed around the starting and finishing of events, and some of these could possibly be late in the evening when High Street is otherwise quieter. In contrast, it is more likely that the movements associated with the new use, although a daily occurrence, would be spread throughout each day, thereby meaning their impact was less pronounced.

11. Taking these points together and given how busy High Street now appears to be, I am not satisfied that the new use would lead to any appreciable increase in the volume or quantity of vehicle and pedestrian movements along the road, and such activity as it would generate would not be concentrated to the same extent on times when the road was not so busy. Consequently, mindful of the present nature of High Street and the streetscape in which the listed buildings stand, I have no firm grounds to find that the activity connected with the proposal would cause harm to the various designated heritage assets.
12. In coming to this view I recognise that when passing through the gateway in the Abbey Gatehouse, one is struck by the tranquillity of the open space that lies around the former Abbey. This arises partly because of the way the buildings along the south side of High Street form a barrier, safeguarding it to a great extent from the noise and disturbance on that road. I have no reason to consider these buildings would not continue to have a similar effect on any activity associated with the proposal, and so the character of that area would not be harmed.
13. Whilst the Council contended that permitting this scheme would perpetuate the presence of the club building, there is no strong evidence to show the current discordant nature of the site would be changed if the appeal were to be dismissed. Furthermore, I consider that the external alterations and the new use would, for the reasons given above, mean the building integrated more appropriately into this historic environment when compared to the existing situation.
14. Therefore, I conclude that the proposal would not affect the settings of any of the identified listed buildings on High Street in a manner that harmed their significance. Furthermore, the effect of the proposal would not cause harm to the significance of the conservation area or fail to preserve its character or appearance. As such, the scheme would not conflict with Policy LP15 in the *North Warwickshire Local Plan* (the Local Plan), which seeks to protect or enhance the historic environment, or national guidance in the *National Planning Policy Framework* (the Framework).

Living conditions

15. Mindful that this would be commercially let for short-term bed and breakfast occupancy, I consider the standard of this accommodation, of itself, is not a reason to refuse the scheme. The submitted layout showed a manager's flat, which had no natural light to its lounge or bedroom. Such an arrangement would create unacceptable living conditions for future occupiers. A condition though could be imposed to require the floor layout to be agreed to address this matter.

16. I have noted the relationship of the development to the rear garden of the neighbouring public house. However, again mindful of the commercial nature of the proposal's bedrooms, appreciating they are not to be permanent accommodation, and noting the garden's current relationship to existing houses, this situation should not result in unacceptable accommodation for the scheme's occupiers, or give rise to unreasonable restrictions being imposed on the public house.
17. Housing is to the west of the site but is some distance away and separated by an intervening car park. Houses are also to the north, beyond a strip of land at the back of the appeal site, a garage/access area, and relatively long gardens. In neither case would the proposal be close enough to cause an undue loss of privacy in these surrounding dwellings.
18. A concern was also raised about privacy in the gardens, and in particular for children. Whilst I fully recognise the importance of this and afford it due weight, these gardens already seem to be overlooked, at least in part, by the houses to either side. Furthermore, when the distances to the development, and the presence of the various intervening sheds and garages are taken into account, I consider the loss of privacy in these gardens would not be unacceptable.
19. Accordingly, the proposal would not unreasonably affect living conditions, and so would not conflict with Local Plan Policy LP29, which seeks to avoid and address unacceptable impacts upon neighbouring amenities, or the Framework.

Other Matters

20. Comments were raised about who would stay at the property. However, provided the occupancy remained within the lawfully permitted use class, the nature of the occupants is not a matter that affects the planning merits of the case. Similarly, the issue of need for the development is not something that could be given sufficient weight to resist the proposal. To my mind the formalising of the car parks and the change of the large function room to bed and breakfast accommodation would mean there should not be increased harm to highway safety as a result of parking pressures.

Conditions

21. The standard time limit conditions should be imposed, and, for the avoidance of doubt, the development should be in accordance with the approved plans.
22. In the interests of the character and appearance of the area the car parks should be surfaced and laid out in approved materials, the landscaping should be agreed and implemented, and the external alterations should be undertaken prior to occupancy. Given the site's location in relation to designated heritage assets, the external materials should be approved before development commences.
23. Having regard to the standard of accommodation on offer, the internal floor plan should be agreed and the detached building in the site's north-east corner should be demolished. Turning to highway safety, there should be controls in place to ensure the car parks served the development and remained available for use. Finally, in the interests of sustainability, electric vehicle charging points should be secured.

24. A condition has been suggested to require an agreement of the bed and breakfast's intended booking procedures and the policy it will operate on the length of stay. However, it is the responsibility of the land owner and the operator to ensure the development remains within the parameters of the permission, and consequently I have not been persuaded this condition is necessary to make the scheme acceptable in planning terms.

Conclusion

25. For the reasons stated I conclude the appeal should be allowed.

JP Sargent

INSPECTOR

CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise amended under the conditions below, the development shall be undertaken in accordance with the following approved drawings: 1120 04A, 1120 08 & 1120 09.
- 3) Prior to the commencement of development, details of the intended external materials shall be submitted to and approved in writing by the Local Planning Authority, and the development shall then be undertaken using those materials only.
- 4) Prior to the first occupation of the bed and breakfast accommodation, the bed and breakfast accommodation (including any manager's flat) shall be laid out in accordance with a layout that has first been submitted to and approved in writing by the local planning authority, and that layout shall thereafter be retained.
- 5) Prior to the first occupation of the bed and breakfast accommodation, the external alterations shown on Drawing 1120 004A shall be undertaken in full in accordance with the materials that have first been approved in writing by the Local Planning Authority under Condition 3 above.
- 6) Prior to the first occupation of the bed and breakfast accommodation, all hard surfacing (including car parking) and soft landscaping shown on the approved plans shall be laid out and/or planted in accordance with details (such as materials, planting schedules, maintenance regimes etc) that have first been submitted to and approved in writing by the Local Planning Authority. Any plants that, within a period of 5 years from planting, die, are removed or become seriously diseased, shall be replaced in the next planting season with others of the same size and species as those originally approved.
- 7) Prior to the first occupation of the bed and breakfast accommodation, a Car Park Management Plan shall be first submitted to and approved in writing by the Local Planning Authority, which shall outline the mechanism for securing on-site car parking for guests who are booking or have booked rooms in the accommodation hereby approved. The

development shall thereafter be operated in accordance with the approved Car Park Management Plan.

- 8) Prior to the first occupation of the bed and breakfast accommodation, details of electric vehicle charging points within the car park, together with a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall then be provided in accordance with the approved details and timetable and thereafter retained.
- 9) Prior to the first occupation of any east-facing rooms on the ground floor, the existing single storey element within the site between that elevation and the boundary to the neighbouring public house shall be demolished at least down to slab level. This area shall then be surfaced or landscaped in accordance with details (such as materials, planting schedules, maintenance regimes etc) and a timetable that have first been submitted to and approved in writing by the Local Planning Authority. If any planting is proposed, any plants that, within a period of 5 years from planting, die, are removed or become seriously diseased, they shall be replaced in the next planting season with others of the same size and species as those originally approved.
- 10) Prior to the first occupation of the bed and breakfast accommodation, the car parking shall be laid out and thereafter retained solely for use as a customer and staff car park in connection with the development hereby approved. Unless directly related to the approved use, there shall be no Heavy Goods Vehicles parked, stored or kept on the car park, and there shall be no outside storage on the car park of any materials, plant equipment or structures, including containers.