



Appeal Decision

Site visit made on 26 March 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th June 2024

Appeal Ref: APP/E5330/W/23/3331598

White Swan, 22 The Village, Charlton, Greenwich SE7 8UD

- 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 Mendoza Limited against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref is 23/2374/F.
 - The development proposed is change of use of the existing public house providing a commercial unit (Class E) at ground floor and 7 no. residential (Class C3) units at upper levels through the introduction of two additional floors at roof level and a part-two/part-single storey extension to the rear.
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Decision

1. The appeal is dismissed and planning permission is refused for change of use of the existing public house providing a commercial unit (Class E) at ground floor and 7 no. residential (Class C3) units at upper levels through the introduction of two additional floors at roof level and a part-two/part-single storey extension to the rear.

Preliminary Matters

2. The Council did not issue a decision on the application within the prescribed time limit or within an agreed extension of time. I draw the main issues from the Council's putative reasons for refusal set out in its statement of case.
3. The appellant has provided revised plans to address the fourth and fifth putative reasons for refusal. These involve internal alterations to the first and third floor layouts and alterations to the balcony and windows on the western side elevation. Whilst not substantial changes, they have the potential to affect consideration of the main issues. The Planning Appeals Procedural Guide is clear that the appeal process should not be used to evolve a scheme, and what is considered by the Inspector at appeal should essentially be the same scheme as was considered by the Council and interested parties at the application stage. No publicity has taken place with respect to these plans. Therefore, having regard to the *Wheatcroft* principles¹, I have not taken these plans into consideration but have determined the appeal on the basis of the plans originally submitted to the Council.
4. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The main parties have had the opportunity to comment on the revised Framework during the course of the appeal.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Main Issues

5. The main issues are:

- i) Whether the proposal would result in the loss of a valued community facility in the public house;
- ii) The effect of the proposal on the significance of a non-designated heritage asset in the public house and the character and appearance of the Charlton Village Conservation Area (the CVCA);
- iii) Whether the proposal would provide a suitable standard of accommodation for future occupants;
- iv) The effect of the proposal on the living conditions of neighbouring occupants, with respect to privacy, sense of enclosure and light.

Reasons

Loss of Public House

6. The appeal relates to the White Swan, a public house located on The Village. It forms part of a local centre frontage as designated under the Core Strategy, with both side of the street containing ground floor commercial uses with residential accommodation above. Residential uses predominate as one moves east from the site. An access road, Torrance Close, runs to the rear of the site.
7. The building is presently vacant and the bar area is in a state of considerable disrepair, having experienced a period of squatting and unauthorised use as a cannabis farm. The first floor has undergone recent renovation to create residential accommodation, having formerly contained function spaces associated with the public house. The Council indicates that planning permission has not been granted for any change of use in this respect. Other planning permissions previously granted are indicated to have lapsed without being implemented.
8. Policy HC7 of the London Plan (March 2021) (the LP21) sets out that boroughs should protect public houses where they have a heritage, economic, social or cultural value to local communities, and that applications proposing the loss of such public houses should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future. It adds that proposals for redevelopment of associated accommodation, facilities or development within the curtilage of the public house that would compromise the operation or viability of the public house use should be resisted.
9. Policy EA(b) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (July 2014) (the CS) similarly supports the retention of pubs that have a community role and resists change of use or demolition except where continued use as a pub is no longer viable. It adds that evidence must be submitted to clearly demonstrate that reasonable attempts have been made to actively market the site as a pub for at least two years.
10. These policies reflect the Framework, which supports the provision and use of community facilities, including public houses, to enhance the sustainability of communities and residential environments; and states that the unnecessary

loss of valued facilities and services should be guarded against, particularly where this would reduce the community's ability to meet its day-to-day needs.

11. The appellant's evidence includes a viability assessment dated August 2023 with an updated response dated February 2024. The Council sought independent assessment of the initial assessment and a report is provided in this respect. A marketing statement (undated but later confirmed to date from June 2023) and a further response dated 24 February 2024 are also provided.
12. The appellant's evidence does not include any detail of the trading history of the pub prior to its closure in late 2019. Interested parties point to a popular public house that hosted live music and other events, and Charlton Athletic fans on matchdays. Anecdotal statements are made that the former tenant left due to high rental charges.
13. More generally, there are a significant number of comments from members of the public in support of the pub's retention. The White Swan was also designated as an Asset of Community Value in July 2020, which is an indicator that the facility was one which contributed to the social well-being and interests of the local community when it was open. The evidence on heritage matters also details the long history of the pub and its role in the life of the local community. Overall, I am satisfied that the public house can be said to be a facility that provided a role and value to the community when it was open.

Viability

14. The appellant's viability evidence highlights the significant costs of refurbishment to bring the building back into use and that the projected turnover and outgoings would result in very low levels of net profit, insufficient to provide a reasonable return. There is no significant disagreement between the parties in terms of the expected turnover which might be achieved, but the Council's assessor projects lower outgoings and argues that refurbishment costs have not been properly evidenced. It also concludes that the rent cost at which the premises have been marketed is excessive, considering the existing poor condition of the building.
15. As indicated, there is no evidence as to the past trading performance of the pub. The appellant points to the confidentiality of trading accounts as reasons for this, but no commentary is offered to explain the reasons for the closure, beyond general points about the national downturn in the pub industry. Given the pub closed just before the onset of the Covid pandemic, this was not a factor, though it will have played a part in preventing re-opening for a time afterwards. Whilst noting that lack of footfall has been cited by those viewing the premises as a negative factor, the absence of detail as to the trading history makes it difficult to verify this claim, particularly given its location within a designated local centre. Ultimately, there is limited evidence to suggest that there were fundamental issues with the pub in terms of its location, condition, offer or customer base prior to its closure. Indeed, many representations from interested parties attest to the contrary.
16. The evidence instead focuses on the viability of the premises as a public house were it to re-open. The differences in the main parties' positions effectively comes down to the projected costs, both in terms of overheads and refurbishments. The appellant's overall conclusions are a net loss before tax of £23,960 per annum (pa) (revised from a loss of £10,120) with the Council

concluding that a net profit before tax of £27,797 is achievable. In the absence of actual trading accounts, both parties' figures are necessarily estimates. I have had regard to the commentary from each side on individual outgoings, but ultimately the figures are not significantly apart and outgoings are likely to fall somewhere between the two estimates.

17. The most consequential difference between the parties is the rental cost itself. The appellant's figure was initially £40,000pa, later revised down to £35,000. The Council notes that this is based on the freeholder's desired rental income (i.e. the 'supply' side) and does not consider the costs an occupier may be able to afford based on the expected levels of profit (the 'demand' side). The appellant points out that the freeholder will demand a certain level of rent and whilst calculating rent as percentage of EBITDAR² is often the approach used, this does not work where a pub is operating at very low levels of profit, where rent should be calculated as a percentage of turnover.
18. I have no further evidence to underpin the respective approaches of the main parties to the question of how the rental price should be reached. I recognise that the freeholder will expect a certain return, but equally if the rent is set at an unrealistic level, and the property remains vacant, no return will accrue at all. Moreover, in any competitive marketplace, the quality of the property on offer will be an important factor in the rent which can be achieved. In this case, the trading areas of the pub are in a poor condition and significant capital investment would be required in order to return them to a suitable standard.
19. The appellant initially estimated refurbishment costs at £125,000 but significantly increased this to £400,000 in its updated evidence, based on BCIS average refurbishment costs per square metre. However, the evidence indicates that the condition of the building has deteriorated significantly under the appellant's ownership. Although the period of squatting and use as a cannabis farm was not intentional, the responsibility for the building's condition rests with the owner, and the evidence before me does not suggest the events which occurred were wholly unavoidable.
20. This aside, no steps have since been taken by the appellant to refurbish the premises, or at the very least clean and repair it, to increase potential interest and justify the rental price sought. This is in notable contrast to the investment that has clearly been made in renovating the first floor level of the building for a different use. Overall, I find the condition of the trading areas has not been factored into the rental price and I am not persuaded that the appellant's asking price represents a realistic market rate. Were rent to be set at a level which reflected the existing condition, it is possible that a future operator may be willing to invest in the costs of refurbishment. In any event, such costs are not in themselves evidence that the day-to-day operations of the business would be unviable, and I note that ongoing costs of repairs and depreciation have been factored into the respective viability assessments.
21. The appellant sets out that the rental cost is comparable to other available public houses in suburban London. However, little information is given about the size of these premises, their condition or trading history. As such, there is little scope to draw meaningful comparisons with the appeal site.

² earnings before interest tax depreciation amortisation and rent

22. The Council is also critical of the loss of the first floor areas formerly part of the trading area of the pub, serving as function rooms. However, there is little within the evidence to suggest what impact these areas, were they still to exist, would have on the prospects for the public house in terms of increasing revenue. Rather, having regard to the Council's point that pubs are increasingly reducing trading hours to save on overheads and staffing costs, it strikes me that a larger floorspace would primarily add to overheads such as heating and cleaning costs. As such, I do not find the loss of the first floor space to be harmful to the viability of the public house, in and of itself.
23. I have also had regard to the alternative trading hours suggested by the Council. I recognise that many venues do now operate at reduced hours, but the appellant reasonably notes this is usually where existing premises are seeking to stem losses by reducing overheads and staffing costs where possible. The appellant also points to the fact that, unlike a destination restaurant where customers will choose to visit on the days it is open, a wet-led, community pub is reliant on passing footfall and any such business would be lost to other venues on the days it is closed, in this case almost certainly to the Bugle Horn up the street. Moreover, certain overheads would remain fixed and a reduction in trading hours would not translate to an equivalent saving on overheads. This is not a decisive consideration, therefore.
24. Finally, I note reference to the availability of some five alternative pubs within a half to one mile radius of the site. With the exception of the nearby Bugle Horn, these pubs are between 13 and 20 minutes' walk from the appeal site, and therefore more 'local' to other neighbourhoods. I am not persuaded that they represent an overprovision of pubs in the area given the overall area they cover. Indeed, whilst the appellant's point that several public houses in the area have closed in the past 15 years may indicate a lack of demand, it also means surviving public houses will cater to a larger catchment area than before, and further unjustified loss would leave larger areas without sufficient public house facilities.
25. Drawing matters together, the evidence suggests that the public house would require significant investment to re-open and, thereafter, the prospects for a new business would be challenging. However, I have concerns with respect to the level of rent sought by the appellant. Were the rent to be set at a level more reflective of the condition and repairs required, a viable operation would be more likely to be achievable. Given the figures presented are estimates, I am not persuaded to accept the higher costs of the appellant as certainties, but I consider there is likely to be a middle ground where costs fall somewhere between the parties' estimates. It is also the case that many pubs remain successful post-pandemic and a new operator could implement a different business model, such as an increased food offer, which could yield different levels of profit. As such, there is not sufficient certainty in the evidence to demonstrate that the pub is no longer viable or could not be made viable.

Marketing

26. The appellant sets out that the site has been continuously marketed since the public house closed in November 2019, initially at an annual rent of £50,000. The Council points to this as a factor in the lack of interest shown, and that the initial record of viewings were all in late 2019 or early 2020, prior to the Covid pandemic. The appellant's further evidence from 2024 states that the rent was

reduced to £40,000pa in 2020, although the Council points to a gap in marketing at the time of an earlier application.³ Latterly, the appellant states that marketing was relaunched in 2022 with the first floor included, at a rent of £70,000pa, without producing any new viewings. Market conditions, poor location and lack of footfall have been stated as reasons for the lack of interest.

27. The marketing evidence indicates that the premises were available only on a lease basis, and not for freehold sale, although the appellant states this could have been negotiated. However, the absence of any such indication in the marketing literature, in particular an asking price, means I am not persuaded that the advertising will have adequately targeted those with a potential interest in purchasing the building, rather than leasing it. Considering the level of refurbishment required, which a purchaser is more likely to be willing to meet in comparison to a tenant on a lease, it strikes me as a shortcoming of the marketing campaign that has excluded a sector of the market that could show an interest in reviving the public house. A sale would also generate a fair market price reflective of the condition of the building and refurbishment works required, but this is absent from the marketing evidence before me.
28. The Council also points to the failure to include the facilities on the first floor as part of the initial marketing exercise, which could have made the premises more attractive. However, whilst the appellant indicates the decision to increase the rental price to £70,000pa inclusive of the first floor space was to gauge interest, this appears counterintuitive in the face of a claimed lack of interest in the ground and basement floors; more so given that the first floor has been refurbished for residential purposes and therefore is no longer capable of providing any additional trading area for a prospective pub operator, and would quite possibly be off-putting to those unwilling to take on dual roles as a pub and residential landlord.
29. Nevertheless, as I set out above, the rental price sought, whether inclusive of the first floor or not, does not appear to have factored in the poor condition of the ground and basement levels. In this respect, I am not persuaded that the marketing exercise has been realistic in terms of rent sought relative to the facilities offered.

Conclusions on first main issue

30. For the reasons set out, therefore, I find that it has not been adequately demonstrated at the public house is no longer commercially viable or that it could not be made viable, nor has the marketing exercise been sufficient to establish that there is no long term prospect for the White Swan under another owner or operator. Therefore, I conclude that it has not been shown that the loss of the public house would be justified. This unnecessary loss of a valued community facility would be contrary to the aforementioned policies HC7 of the LP21 and EA(b) of the CS. It would also conflict with the aims of the Framework to support the provision and retention of community facilities.

Character and Appearance

31. The appeal site is located within the CVCA and is identified as one of several 'buildings of merit' in the CVCA Character Appraisal (March 2016) (the

³ Council Ref 22/2746/F

- Appraisal). Subsequently, it has been included on the Council's local heritage list and can be regarded as a non-designated heritage asset (NDHA).
32. The significance of the CVCA derives from its ancient origins and retention of village identity and rural qualities within the city, due to the survival of ancient rural landscapes now forming public parks. The Village represents the ancient high street which follows the line of the high Thames escarpment. The CVCA exhibits varied architectural detail, including Grade I and II* Jacobean and Carolean structures, fine Regency and early Victorian villas and distinctive late Victorian and early 20th century commercial, civic and residential buildings.
 33. The White Swan forms part of the high street townscape to the centre of the CVCA. It dates from the late nineteenth century, though inns are recorded on the site at least a century earlier. It is a two storey building with a flat roof and prominent symmetrical frontage, including flanking bay windows to the ground floor and a central entrance bay with a moulded and glazed shopfront and panelled stall-riser, and a broad span of eight arched windows to the first floor. The building notably had an attic storey, including prominent projecting gables, which was destroyed by bomb damage in 1940 and later removed.
 34. The heritage significance of the building arises from its association with a noted local architect, John Rowland, also responsible for designing the Grade II Listed Assembly Rooms a short distance along the street. The design also draws on the architecture of Charlton House and its surrounding buildings. It has a strong presence in the streetscene and contributes to the diverse architecture that characterises the CVCA. It also exhibits historic interest as an example of Victorian philanthropy by an important local family, and in its subsequent, longstanding role as a place of recreation for the local community, alongside use as a venue for administration of local justice and government during the Victorian period.
 35. The proposal seeks to add two storeys to the existing building. The design of the additional storeys seeks to emulate the original design of the building, with two projecting gabled bays and centrally positioned dormer windows. Further extensions are proposed to the rear.
 36. The previous form of the building has been established through historic photographs and in terms of scale, the additional height would not exceed the tallest buildings nearby and would be viewed as part of a diverse streetscape with buildings of varying heights and roof forms. However, the additional storeys would not be a faithful reinstatement of the building's previous form. Whereas the gables formerly extended from the ground floor, stood proud of the main roof and featured a stepped design and prominent, tripartite windows to the second floor, the proposed gables would step back from the existing parapet as part of a deliberate recessing of the proposed storeys. The gables would also have a more basic, unembellished form with simpler windows to the second floor and exceptionally small windows towards the top of each gable.
 37. The proposal would also introduce a taller, flat mansard roof behind the gables to accommodate a fourth storey not a feature of the original design. Consequently, the central dormer windows would stand one storey higher than was previously the case, with a new row of four windows inserted at the second floor level. The vertical emphasis of the dormers would add to their height and visibility and would jar with the horizontal emphasis to the front elevation, both as it stands and as it previously existed.

38. The overall height and form of the extensions would add significantly to the bulk and massing of the building, particularly at roof level. I do not agree with the appellant that the top storey would be 'practically imperceptible' from street level, as neither the height nor the extent of the recess would be sufficient to screen the roof level behind a parapet. The recessed gables would fail to restore the prominence of the former gables. Instead, their simple form would detract from the more intricate composition and architectural coherence of the surviving front elevation. The mansard roof would also infill the space between the gables, further weakening their presence and undermining the overall quality of the design.
39. Additional high level features, including the rooftop terrace and lift shaft overrun on top of the mansard roof, would add visible clutter at high level that would be perceptible from the east on The Village, where the side elevation is exposed to view. From here, the cluttered fenestration pattern to the side elevation would also be seen.
40. The expansive massing at roof level would extend to the rear, with the flat roof of the mansard meeting the flat rear elevation, creating a box-like shape at second and third floor levels. This box form would extend further rearward at first floor level, and further again at ground floor level, creating a substantial, stepped massing. I acknowledge that the rear of the site is located away from the main public realm, but there is little to indicate that the design at the rear has been informed by the surrounding historic townscape or the original form of the building. Rather, it would reflect the utilitarian form of the adjacent development at 26-32 The Village which is noted as a negative feature of the CVCA due to its poor design, crude detailing and insensitive scale.
41. Taken together, the proposed extensions would create a disjointed and overly scaled building that would fail to replicate the original architectural quality of the public house. The works would envelop the building and erode the ability to understand its architectural and historic character, which in part arises from its survival of bombing in an altered, but otherwise well-maintained form. The proposal would therefore harm its significance as an NDHA.
42. Moreover, the design shortcomings, coupled with the loss of historic form and legibility of the original building would severely detract from the high street townscape and undermine its important contribution to the heritage significance of the CVCA.
43. Therefore, I conclude that the proposal would result in harm to the character and appearance of the CVCA, the significance of the non-designated heritage asset and the overall character and appearance of the area, contrary to Policies D3 and HC1 of the LP21 and Policies DH1, DH3, DH(h) and DH(j) of the CS, which require high quality new development that positively contributes to the improvement of the built environment, and seeks to conserve designated heritage assets in a manner consistent with their heritage significance. There would also be conflict with the aspirations for high quality design and protection of the historic environment set out in the Framework.
44. The harm identified to the significance of the CVCA would be less than substantial. Having regard to Paragraph 208 of the Framework, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

45. The proposal would deliver housing in an accessible location at a time when the Council is unable to demonstrate a five year supply of deliverable housing sites, with supply given at just 2.6 years. In this circumstance, the provision of housing would represent a demonstrable public benefit weighing strongly in favour of the proposal.
46. There would also be economic benefits from the construction of the development and from the operation of the proposed retail unit, including creation of jobs, and from engagement by future residents in the local economy. In view of the scale of the proposal, I afford moderate weight to these benefits.
47. The proposal would bring the building back into productive use, although the evidence before me does not conclusively demonstrate that the optimum viable use of the building is no longer as a public house. As such, this is a factor of limited positive weight.
48. These identified benefits are not insignificant, but taken cumulatively, I find that they would not outweigh the less than substantial harm to the significance of the designated heritage asset, to which the Framework directs I must give great weight. Consequently, the Framework indicates that this provides a clear reason for refusing the proposal.
49. Separately, Paragraph 209 of the Framework states that in weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
50. The proposal would result in considerable change to the scale, appearance and use of the NDHA, which I have found would erode much of its surviving character and undermine appreciation of its historic interest. The asset has local rather than regional or national significance; but given the degree to which its significance would be harmed, it is a matter to which I afford considerable weight in the planning balance.

Standard of Accommodation

51. The seven units would achieve the relevant floorspace requirements of Table 3.1 of the LP21, with the exception of a minor shortfall to Flat 4. I concur with the Council that this is not consequential, nor is the minor shortfall in the width of a bedroom in Flat 6, as each would still provide adequate layouts. The proposals would also be compliant in terms of floor-to-ceiling heights and bathroom provision.
52. In terms of external space, the Mayor's Housing Supplementary Planning Guidance (March 2016) requires a minimum 5m² of private outdoor space for 1-2 person dwellings and 1m² additional outdoor space per additional occupant, with all private outdoor spaces to be a minimum of 1.5 metres width and depth. Flat 1 on the first floor and Flat 7 on the third floor would not be provided with any private external space. Both flats would be able to avail of the communal space provided by the rooftop terrace.
53. In terms of Flat 1, this is a smaller unit intended for two person occupancy, but is at the minimum internal floorspace. However, the rooftop terrace would offer some semi-private space, with public open space nearby at Charlton Park for outdoor recreation. Together, these would offset the lack of private external

space to some degree, and the overall standard of accommodation would be acceptable.

54. However, Flat 7 is proposed as a family-sized unit of up to six occupants. Policy H5 of the CS sets out that family housing should have direct access to a private garden. There are clear benefits of providing private space in terms of sitting out, drying clothes, storage and play space for children. The communal space on the rooftop and public open space nearby would offer some recreational benefit but it would not be an adequate substitute for the security and flexibility offered by a private family space, particularly with respect to the high level position of the terrace and the need to consider the safety of children. Although I have not specifically considered the appellant's revised plans, my view on the acceptability of Flat 7 would not change if occupancy were five rather than six persons.
55. Therefore, I conclude that Flat 7 would fail to offer a satisfactory standard of accommodation, contrary to the requirements for high quality housing design set out under Policy D6 of the LP21 and Policies H5 and DH1 of the LP, and as further expressed by the Framework.

Neighbours' Living Conditions

56. The proposal includes a first floor level balcony on the western side elevation serving Flat 2. I agree with the Council's concern that this would afford clear views towards the windows of the neighbouring property at No 20A that would lead to a harmful loss of privacy.
57. Whilst I have not specifically taken the appellant's revised plan into consideration, I have considered whether, in principle, there are measures that could be undertaken to address overlooking that could be secured by condition. However, use of obscured glazing to the balcony would have to be to a sufficient height to fully prevent overlooking, around 1.8 metres, which would have the adverse effect of further enclosing a balcony that would already be inset into the building with a narrow opening, rendering it more confined, darker, and failing to offer a suitable private external space for occupants of the unit. As such, I am not persuaded that a suitable option exists to address the overlooking that would occur from the proposed balcony.
58. The window to Flat 3 would be located further from No 20A and views out would be limited and at an oblique angle. The use of partial obscured glazing to this window would be sufficient to prevent a loss of privacy for neighbouring occupants, whilst at the same time not unduly undermining the standard of accommodation in Flat 3.
59. The rear of No 20 is already bordered by the deeper first floor side elevation of the public house, and indeed by the deeper side wall of No 18 on the other side, but it benefits from a southerly aspect and good levels of sunlight and daylight. However, the proposal would significantly extend the depth of the first floor side elevation by some 7 metres. The additional two storeys would not add further depth but would add substantial additional height above the existing wall. Together, they would form an imposing, dominant massing on the boundary that would severely overbear on neighbouring occupants at No20A and impinge their outlook. The proximity of the side elevation to the nearest windows means there is a strong possibility that neighbouring

occupants would also suffer increased overshadowing and less direct sunlight, particularly in the early part of the day when the sun is in the east.

60. For these reasons, the proposal would undermine the living conditions of neighbouring occupants, contrary to Policy D14 of the LP and Policies E(a) and DH(b) of the CS, and the aims of the Framework to ensure a high standard of amenity for existing residents.

Other Matters

61. The Council does not oppose the appeal scheme in terms of highway safety, including commercial deliveries to the proposed retail unit and effects on parking pressure, noting it is proposed as a car-free development. I have had regard to the comments made in these matters by interested parties, but I do not have persuasive evidence to reach a contrary view to the Council.
62. The question of the loss of the public house notwithstanding, no objection is raised by the Council in respect of the principle of residential and commercial uses within this local centre location. I have no firm reasons to disagree.
63. I have had regard to other matters raised by interested parties, beyond those addressed in the main issues above; however, I have not identified other substantive issues which would result in additional harms or benefits to be factored into the planning balance. Therefore, it is not necessary to address them further as they would not be consequential to my overall decision.

Planning Balance and Conclusion

64. There would be significant harm arising due to the unjustified loss of a community facility in the public house, as well as adverse effects on designated and non-designated heritage assets and neighbours' living conditions. There would also be shortcomings in the standard of accommodation proposed. As a result, the proposal would conflict with the development plan, taken as a whole. I afford significant weight to this conflict.
65. I have had regard to the public benefits weighing in favour of the proposal in conducting the heritage balance of the Framework above, the result of which is a clear reason for refusing the development proposed, pursuant to Paragraph 11(d)(i). Accordingly, and notwithstanding the Council's housing land supply shortfall, the proposal does not benefit from the presumption in favour of sustainable development. This is a significant material consideration in the overall planning balance.
66. Given the outcome of the heritage balance, it follows that the benefits of the proposal would also not be sufficient to outweigh the broader totality of harm identified in the overall development plan conflict.
67. Consequently, there are no material considerations, including the Framework, which indicate a decision should be made other than in accordance with the development plan. Therefore, for the reasons set out, I conclude that the appeal should be dismissed and planning permission refused.

K Savage

INSPECTOR