



Appeal Decisions

Site visit made on 9 October 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 28th October 2024

Appeal A Ref: APP/J9497/W/24/3345859

Kings Arms, 15 Fore Street, Buckfastleigh, Devon TQ11 0BT

- 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 Mrs J Keller against the decision of Dartmoor National Park Authority (NPA).
 - The application Ref is 0462/23.
 - The development proposed is change of use pub to a dwelling.
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Appeal B Ref: APP/J9497/Y/24/3345857

Kings Arms, 15 Fore Street, Buckfastleigh, Devon TQ11 0BT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mrs J Keller against the decision of Dartmoor National Park Authority (NPA).
 - The application Ref is 0463/23.
 - The works proposed are change of use pub to a dwelling.
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Decisions

1. Both appeals are dismissed.

Preliminary Matters

2. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my reasoning.
3. Amended plans were submitted at appeal. These show minor changes to the proposal that include the removal of the gent's toilet facilities and first floor kitchen, and the reassignment of the first-floor rooms. These changes are minor. I shall take the amended plans into account in my determination of the appeals as I am satisfied that no party would be prejudiced by my doing so.

Main Issues

4. Main issues for both appeals are the effect of the proposal upon the significance of the grade II listed building known as The King's Arms Public House¹, and whether it would preserve or enhance the character or appearance of the Buckfastleigh Conservation Area.
5. An additional main issue for Appeal A is whether the loss of the existing business would be acceptable.

¹ List Entry Number: 1292837

Reasons

Listed building and conservation area

6. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) require the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
7. The King's Arms Public House is a purpose-built hotel dating from the 1820s. It has a formal front elevation comprising an ordered arrangement of sash windows grouped around a wide entrance door, with a sash window to each floor offset to one side. Internally it retains some historic room divisions to the ground floor and a generous central staircase. Original joinery in the form of doors and architrave survives at the first floor. Its wide double leaf entrance door, floor plan, large staircase, and extensive floor area, as well as its broad commercial front are design characteristics that are specific to its original use and integral to its historic significance. Additional value is derived from its signage, which reinforces its historic and continuing use.
8. The Buckfastleigh Conservation Area (BCA) covers the historic settlement and includes the densely built area of Fore Street with burgage plots and historic town centre buildings lining its streets. These include many dwellings, but also a high number of commercial buildings, including the appeal building. The traditional appearance of these frontage buildings, including the level of activity associated with those that remain in a commercial use, are factors that contribute considerably to the character and appearance of the BCA.
9. The omission of the building from the list of key buildings included within the Buckfastleigh Conservation Area Character Appraisal is of little consequence. Page 26 suggests that the list is not inclusive of all the buildings that are positive contributors and given the number of good historic buildings within the designated area it is understandable that they are not all included. For the reasons given the appeal building clearly contributes to the character and appearance of the BCA.
10. The plans show that the dwelling would be excessively sized. The first floor would have 7 bedrooms, and the ground floor would have huge areas given over to living space, yet the kitchen would be small and tucked into the rear wing. Works are largely limited to the removal of the bar, kitchen and toilet fittings. There are areas where modern interventions could be undone to better reveal the significance of the building and create a better layout for its use as a dwelling. As a result, whilst minimal intervention is a good conservation-minded approach, I find that the plans do not provide a convincing proposal or show that the conversion has been carefully considered. Harm would arise from the loss of its original use and I am unable to conclude that the proposal would secure the building's optimum viable use, given the obvious difficulties incorporating a single house into such a large building.
11. The change of use would see the loss of the vibrancy and activity that is typically associated with a pub, along with all associated signage. This would

reduce the positive contribution that the building makes to the character and appearance of a core commercial area of the BCA, and thereby cause harm to the area designation.

12. The proposal includes the loss of a first-floor partition between two of the front rooms. There is nothing before me to demonstrate that the significance of the partition has been assessed, or indeed why it would be necessary to remove it. Based on my own assessment, the wall appears to be historic. It divides two rooms that are each accessed by an original door opening. Therefore, its removal would result in harm owing to the loss of historic fabric and the impact on plan form.
13. Dividing the building into more than one dwelling would be likely to cause more harm. However, there is nothing before me to suggest that such a proposal has been considered in detail, or that a consented scheme to divide the building exists as a fallback position. I need to determine the appeal based on the proposal before me, not by comparing it to a more harmful alternative.
14. The loss of the building's original use and the first-floor partition would result in considerable harm to the significance of the listed building. The harm to the BCA would be modest given the nature of the proposal and the scale of the designated area. In terms of the National Planning Policy Framework (Framework) the harms would be less than substantial but would nevertheless be of considerable importance and weight. Paragraph 208 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
15. It is suggested that the removal of signage from the front of the building would be an improvement. The existing signage is appropriately designed and scaled for the building and is part and parcel of its original use. Removal of all signage would be harmful to the building's significance and can certainly not be accepted as a public benefit.
16. The proposal would deliver a dwelling. This would go towards the NPA's supply of housing and accord with Government's objective of significantly boosting the supply of homes. This benefit would however be seriously tempered by the loss of an existing public house, which provides economic and social benefits.
17. The public benefits are therefore limited and not sufficient to outweigh the harm identified.
18. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the special interest of the listed building and fail to preserve the character or appearance of the BCA. It would also fail to accord with Policies SP1.1 and SP2.7 of the Dartmoor Local Plan 2018-2036 (DLP). Together these seek to ensure that proposals conserve heritage assets.

Loss of existing business

19. Policy SP1.8 of the DLP states that the NPA's priorities for its towns and larger villages include maintaining employment sites and maintaining or enhancing a range of services which serve the settlement. The proposal would see the loss of a sizeable pub with letting rooms, which would be contrary to these aims.
20. Policy SP5.3 seeks to protect active uses in the NPA's settlements. It states that permission will not be granted for a proposal that converts main town

centre uses to other uses, or for the loss of the last general store, shop or public house. The proposal would not see Buckfastleigh lose its last public house. As to the first part of the Policy, the existing use is a main town centre use. There are many dwellings within the town centre area; however, commercial, business, civic and community uses are those that are more appropriately described as main town centre uses. Supporting paragraph 5.3.9 clarifies that the Policy exists to ensure that town centres remain vibrant, and active uses are not lost in favour of higher value residential uses. The proposal is clearly contrary to this objective.

21. The Policy does however provide an exception for cases where the property has been marketed for at least 12 months. Evidence before me suggests that the building has been marketed, although the extent of marketing and the robustness with which it was carried out is not clear.
22. Paragraph 4.1.5 of the DLP states that the case for losing community services or facilities cannot be based upon the short-term needs of an owner or tenant. In this case the letting rooms are not currently used and no food is served. The appellant refers to retirement as the reason for selling. The potential for revenue to be increased by letting the rooms again and by serving food is made in the submissions. This does not support the case for changing the use of the building and losing the business. With reference again to Paragraph 4.1.5, the submissions do not demonstrate that the business is not workable in the long term. No independent assessments of the potential of the business are before me, and there is nothing to show what alternative uses have been considered.
23. Regarding Policy 4.1 of the DLP, evidence demonstrates that there is support for the business and that it has remained open even without the food or accommodation offer. Although there are other similar businesses in the town, the case has not been made that these are sufficient to meet the community's needs. I am not therefore satisfied that criteria a) to c) of the Policy are satisfied by the proposal, and it would fall short of its overarching aim to ensure that all existing community services and facilities will be protected.
24. In summary, the loss of the existing business would not be acceptable and would not accord with the DLP Policies referred to above for the reasons given. It would also not accord with Policies SP1.1, SP1.2, SP1.3, SP1.5, SP2.5, SP3.2, SP5.1 and SP5.2 of the DLP. Together these seek to uphold the principles of sustainable development and the National Park purposes, and retain existing business and employment sites, including those that are suitably located to sustain town centres.
25. In its second refusal reason the NPA states that the proposal would be contrary to Policies 1.7 and 2.5 of the DLP. These relate to local amenity, highway safety and flooding. These are not matters of dispute, or relevant to either of the main issues and do not therefore need to be considered further.

Other Matters

26. Paragraph 70 of the Framework recognises that small sites can make an important contribution to meeting the housing requirement of an area. Additional support is provided at paragraph 124 where it states that substantial weight should be given to the value of using suitable brownfield land, and promoting and supporting the development of under-utilised land

and buildings. I have found that the benefit of providing a dwelling would be a public benefit but would not be sufficient to outweigh the heritage harm. The proposal does not appear to have been thoroughly considered and would result in a sprawling single dwelling of a scale that is at odds with its urban location. The economic benefits of retaining a successful pub and hotel far outweigh the benefits of creating a single dwelling.

27. Although not a refusal reason, the NPA also refers to the failure of the proposal in the context of affordable housing provision and Policy SP3.3 of the DLP. Representations relating to this are limited to the NPA's officer report, and as I am dismissing the appeal for other reasons, this does not need to be considered further.

Conclusion

28. The proposal would be contrary to the development plan and there are no other material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given, the proposal is unacceptable and the appeals should be dismissed.

A Tucker

INSPECTOR