



Appeal Decision

Site visit made on 21 November 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2025

Appeal Ref: APP/K0235/W/24/3340444

The Royal George, 57 High Street, Stagsden, Bedford MK43 8SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Priory House Estates Ltd against Bedford Borough Council.
 - The application Ref is 23/02194/FUL.
 - The development proposed is change of use and alteration of former pub building to create dwelling, construct new dwelling in former car park area.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Priory House Estates Ltd against Bedford Borough Council. The application for costs is the subject of a separate decision.

Preliminary Matters

3. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council has stated that, had it determined the application, it would have refused planning permission for the development. The main issues I have identified are based on the evidence before me, including the suggested reasons for refusal put forward by the Council.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. I have had regard to the comments made by the parties in respect of the revised Framework.
5. The examination of the emerging Bedford Local Plan 2040 is currently paused following concerns raised by the examining Inspector in a letter dated 27 November 2023. Given that there is a high degree of uncertainty as to the status of unresolved objections, and the degree to which the emerging plan would conform with the Framework, the emerging plan carries limited weight.

Main Issues

6. The main issues are:
 - whether or not the proposed change of use is justified, having regard to development plan policies for retaining local facilities;

- the effect of the proposal on highway safety and bus stop facilities, with particular regard to visitor parking and site access arrangements;
- whether the settings of nearby listed buildings would be preserved, and the effect of the proposal on a non-designated heritage asset (NDHA); and,
- the effect of the proposal on the character and appearance of the area.

Reasons

Whether the change of use is justified

7. Policy 83 of the Local Plan 2030 Planning for the Future (Adopted 15 January 2020) (LP) resists the change of use of essential local shops, including public houses, other than in certain circumstances. These circumstances include where there are other essential shops that provide a similar service within walking distance, and where the existing or last use is no longer economically viable. The policy states that viability can best be demonstrated by providing evidence that the property has been actively marketed. However, it does not preclude other methods of demonstrating viability. The Framework also seeks to retain local services and community facilities, including public houses.
8. The financial information within the Viability Study (VS) shows that the pub operated at a loss in most of the years leading up to its closure in 2015, and this has not been disputed by the Council. The operating costs of the pub were high, and the VS explains that there is limited scope to reduce those costs should the pub reopen in the future, particularly given the limitations of the internal accommodation and the small size of the garden. Moreover, and notwithstanding the contentions of third parties to the contrary, there is no substantive evidence to indicate that former operators were not motivated to create a profit. The VS was produced by a qualified and experienced chartered surveyor, and in the absence of any authoritative evidence to the contrary, I have no reason to doubt the validity of its conclusions.
9. It cannot be completely ruled out that alternative operating models, potentially with different food and drink offerings could generate a viable business at the site, as has been suggested by third parties including the Campaign for Real Ale (CAMRA). I also acknowledge that visitors to the farm shop and golf club, walkers and cyclists, and workers on nearby industrial estates could provide some potential custom in addition to residents. However, due in part to the proximity of the A422, which is a main road connecting Bedford and Milton Keynes, there is very little through-traffic in the village, and this limits the opportunities available to attract passing trade. Moreover, the representation from CAMRA notes that an experienced and entrepreneurial operator would be required should The Royal George stand a probable chance of success. There is no evidence that such an operator has expressed interest in the pub since its closure over 9 years ago.
10. Whilst the marketing activity undertaken could have been more extensive, it nonetheless generated numerous enquiries and viewings over a 12-month period. It was therefore effective in attracting potential operators over a reasonable duration of time. However, none of these enquiries resulted in successful offers for the pub despite the VS having endorsed the advertised rates and terms. Given the findings of the comprehensive VS, it is unlikely that

further marketing would generate new offers from prospective purchasers or leaseholders.

11. In coming to this view, I have had regard to the appeal at the Fox and Hounds in Bedford¹, in which the Inspector concluded that further marketing was required to justify a change of use, despite indications of a lack of viability. However, unlike the appeal site, the Fox and Hounds is sited in an urban area with a large potential customer base within walking distance, and it had been closed for just over a year at the time the appeal was determined. It is therefore not directly comparable to the appeal scheme, which has not traded for many years and is in a quiet village with limited passing custom. Along with the site-specific VS, these are factors that I find to be of particular relevance when considering the likelihood of The Royal George reopening.
12. It is common ground between the parties that there are no other pubs within walking distance of Stagsden, with the nearest being some distance away in Bromham. Therefore, the proposal does not meet all of the criteria for the change of use set out in Policy 83 of the LP. However, when read holistically, the objective of Policy 83 is clearly to ensure the retention of facilities that provide an essential service to local communities. Whilst the loss of this pub, which once provided a focal point for the village, has clearly been a source of great disappointment to the local community, there is no evidence that it has provided an essential service in recent years. Given the length of time that the pub has been unused, and the evidential lack of viability for it to reopen, I find there is limited value in the continued retention of the building as a public house.
13. Consequently, I conclude the proposal would accord with Policy 83 of the LP when read as a whole, and therefore there is justification for the proposed change of use. It follows that there would be no conflict with Policy 5S of the LP in respect of this main issue, insofar as it expects proposals in villages to be consistent with other development plan policies.

Highway safety and bus stop facilities

14. No provision is made within the proposal for off-road visitor parking. However, the Parking Standards for Sustainable Communities: Design and Good Practice (Interim Policy and Supplementary Planning Document) (Adopted September 2014) does not preclude parking within the public highway. I have not been provided with a parking survey to show the availability of on-street parking spaces within the village. However, there are no parking restrictions on High Street, and on-street parking is common practice, with space available for additional vehicles to park without impeding traffic flow. Therefore, the lack of on-site visitor parking spaces would not, in and of itself, justify planning permission being withheld.
15. However, the proposal would necessitate two dropped kerbs from the highway in very close proximity to an existing bus stop. It is unclear from the evidence whether there would be sufficient stopping space for buses along the site frontage, without restricting access to and visibility at the proposed driveway entrances. Whilst buses could only be present for short periods at a time, there would nonetheless be an increased risk of conflict between private vehicles, buses, and bus users, at those times. The proposal would therefore

¹ Appeal decision reference: APP/K0235/W/23/3332432, dated 14 May 2024

conflict with the Framework insofar as it requires developments to ensure there would be no unacceptable impacts to highway safety.

16. Moreover, there is a high degree of uncertainty as to the funding, feasibility, and delivery arrangements for the relocation of the bus stop. Therefore, I cannot be satisfied that any condition requiring such details to be approved would be reasonable and enforceable, and it would therefore fail the tests for conditions set out in the Framework. Consequently, it is not possible at this stage to conclude there would be no harm caused to the ongoing provision of appropriate and safe bus stop facilities.
17. Whilst I have not found harm in respect of visitor parking, I conclude that the development in the form proposed would cause harm to highway safety and bus stop facilities. Consequently, there would be conflict with Policy 31 of the LP which states that development proposals should give particular attention to parking provision, safety, and the extent to which the development makes provision for access by public transport, amongst other things.

Heritage assets

18. There are a number of listed buildings within the village, including those known as Nos 46 and 48 High Street (Nos 46 and 48), Fir Tree Cottage The Gable End (Fir Tree Cottage), and 38 and 40 High Street (Nos 38 and 40), all of which are Grade II listed. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
19. The historical significance of each of the aforementioned listed buildings is derived in part from their architecture, which reflects the era in which they were constructed. Specifically, the evidence indicates that Nos 46 and 48 is notable for its timber frame, limestone rubble walls, and mix of clay tile and thatched roof, which show it was constructed in two phases. Fir Tree Cottage similarly has a vernacular style with thatched roof and other features; and the fish-scale tiles on Nos 38 and 40 are of particular historical interest, amongst other things. The evidence also suggests that Nos 46 and 48, and Nos 38 and 40, carry communal interest as former public houses.
20. The wider village forms a key part of the setting of the listed buildings. Indeed, its broad mix of buildings of various ages, styles, and layouts reveal the evolution of Stagsden over time and up to the modern day. As a historical building within the wider street scene, The Royal George makes a positive contribution to the setting of each of the listed buildings.
21. The proposed new building would interrupt the direct intervisibility between Nos 46 and 48 and The Royal George. However, the addition of a single, new building to this context would be in-keeping with the established character of the village, and it would not detract from the special architectural interest of Nos 46 and 48. Moreover, the listed building would continue to be exposed to public views from both directions. The setting and significance of Nos 46 and 48 would, therefore, be preserved. Due to the distance between the site and Fir Tree Cottage, and 38 and 40 High Street, as well as the presence of intervening built form, I have no reason to depart from the Council's view that the settings and significance of these listed buildings would also be preserved.

22. There is no statutory listing process for NDHAs. However, they are often identified through the plan-making process and planning application decisions². Since the previous appeal at the site³, the Council has prepared criteria for the identification of NDHAs as part of the emerging local plan. The criteria indicate the factors that should be accounted for in the local listing process, and they are therefore relevant to this appeal.
23. The evidence indicates that The Royal George dates from the 19th Century and retains much of its original form and architectural features. The pub is also a locally important building due to the contribution it has made to community life over a long period of time through its use as a public house. Due to its combined age, integrity, and strong communal association, the building could meet the Council's draft criteria for identification as a NDHA. I have therefore considered the appeal on the basis that the building is a NDHA.
24. The appeal scheme proposes only minor, physical alterations to The Royal George building. Its key architectural features, including the central doorway with flanking pilasters, sash windows, and hipped clay tile roof with two chimneys would be retained. Whilst the proposed new building would sit slightly forward of the existing pub, there would be a reasonable degree of space between the properties, owing to the intervening driveway. Moreover, longer public views of the NDHA are already limited due to it being tucked behind the front building line of the adjacent terrace and 61 High Street.
25. However, whilst the architectural integrity of the NDHA would be preserved, the proposal would lead to the loss of the use of the building as a public house, which contributes to its landmark value. Consequently, there would be moderate harm caused to the significance of the NDHA.
26. The Framework states that, in weighing applications that 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. The public benefits arising from the scheme would include the delivery of two additional dwellings which would contribute towards local housing needs. The proposal would also bring the NDHA back into an active use, which could lead to some improvements to its outward condition and the wider street scene. Whilst the contributions made by the proposal would be modest given its small-scale, I have found the pub to be unviable with no realistic prospect of re-opening. Consequently, in my judgement, the benefits of the proposal would outweigh the harm that would be caused to the NDHA in the specific circumstances of this case.
27. Overall, I conclude that the setting of the nearby listed buildings would be preserved. Whilst there would be harm caused to the significance of the NDHA, that harm would be outweighed by the benefits of the proposal. Consequently, there would be no conflict with Policy 41S of the LP, which supports proposals that cause harm to NDHAs if clear and convincing justification has been demonstrated.

Character and appearance

28. The design of the new building has clearly taken reference from the form and proportions of The Royal George. However, there would be some notable

² PPG Paragraph: 040 Reference ID: 18a-040-20190723, revision date: 23 07 2019

³ Appeal decision reference APP/K0235/W/20/3263289, dated 18 February 2021

differences in its outward appearance, due to the brick quoin and header detailing, and it would not be a direct imitation. Moreover, notwithstanding the submitted plans, the external materials and architectural detailing are minor matters that could be secured through condition if the appeal were to be allowed. This would enable the Council to ensure the outward appearance of the new building would be of a high-quality design that is appropriate to local character, which is a requirement of the Framework.

29. I conclude that no harm would be caused to the character and appearance of the area. Therefore, there would be no conflict with Policies 28S, 29, and 30 of the LP which, taken together, expect developments to be designed to a high-quality that complements the character of the surrounding area.

Planning Balance

30. I have found the proposal to be in accordance with the development plan in respect of the proposed change of use, designated and non-designated heritage assets, visitor parking, and character and appearance. However, there would be harm caused to highway safety and bus stop provision, which brings the proposal into conflict with the development plan when read as a whole. Proposals that conflict with the development plan should normally be refused unless material considerations indicate otherwise.
31. The Council concedes that it is currently only able to demonstrate 3.46 years of deliverable housing sites, which is a shortfall against the Framework's requirement. In this circumstance, paragraph 11d) of the Framework says that planning permission should be granted unless i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to certain key policies.
32. The delivery of dwellings on this small, windfall site in an existing settlement would make a positive contribution to local housing supply, and it could be built-out relatively quickly. There could also be some benefits to the appearance of the site through its active, managed use as homes. However, the contribution that would be made by the proposal would be modest given its small scale. Therefore, these benefits carry moderate weight in support of the proposal.
33. Whilst there is evidence of some plant growth on the site, the building and associated land retain the character of permanent and substantial structures that have not blended into the landscape, and therefore I have no reason to conclude the site is excluded from the Framework's definition of previously developed land. The Framework states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes.
34. However, the harm I have identified to highway safety and bus stop provision would be contrary to the Framework, which expects sustainable transport modes to be prioritised and for safe and suitable access to be achieved for all users. Consequently, in the specific circumstances of this case, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a

whole, and having particular regard to the key policies referenced in paragraph 11d)ii and footnote 9 of the Framework.

Conclusion

35. The proposed development would conflict with the development plan when read as a whole. The material considerations, including the provisions of the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

E Catcheside

INSPECTOR