



Appeal Decision

Site visit made on 6 May 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 SEPTEMBER 2025

Appeal Ref: APP/W0340/W/24/3356546

Renaissant, Bagnor Road, Bagnor, Newbury, West Berkshire RG20 8AQ

- 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 Wellington Pub Company against West Berkshire District Council.
 - The application Ref is 24/01058/FUL.
 - The development proposed is change of use from a pub (Sui Generis) to single residential dwelling (C3) with internal alterations and addition of external windows and doors to the side and rear elevations.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a pub (Sui generis) to single residential dwelling (C3) with internal alterations and addition of external windows and doors to the side and rear elevations at Renaissance, Bagnor Road, Bagnor, Newbury, West Berkshire RG20 8AQ in accordance with the terms of the application Ref 24/01058/FUL, subject to the conditions in the attached schedule.

Preliminary Matter

2. The appeal results from the Council's failure to determine the planning application within the statutory period. The Council have subsequently confirmed that they have no objection to the proposal nor provided any suggestion that there is a conflict with the development plan. I have taken into account representations received from interested parties. I have drawn on these to inform the main issues in this appeal and have assessed these against policies provided by the Council.
3. The West Berkshire Council Local Plan Review 2023 to 2041 (WBC LPR) was adopted on the 10th June 2025 and supersedes the Core Strategy, Housing Site Allocations Development Plan Document and West Berkshire District Local Plan 1991-2006. This appeal will be assessed against the WBC LPR. Both parties have been provided with the opportunity to comment on how the adoption of the WBC LPR affects the proposal.

Main Issue

4. The main issue is the effect of the proposed change of use on the vitality and viability of the rural area.

Reasons

5. Renaissance is a two-storey detached property located centrally within the village of Bagnor with space for parking to the front. The lawful use of the property is Sui

Generis and appears to have last operated as a high-end restaurant, although it is also referred to as a pub. The property is located outside a defined settlement boundary, within a Conservation Area and the North Wessex Downs National Landscape.

6. The proposal seeks planning permission for the conversion of the existing public house to a single residential dwelling.
7. Policy SP1 of the WBC LPR sets out the spatial strategy for development recognising that outside of settlements land will be treated as open countryside where development will be more restricted as set out in Policies DM1 and DM24 of the WBC LPR. Policy DM1 criterion d) allows for the conversion of redundant or disused buildings. Policy DM24 relates to the conversion of existing redundant or disused buildings in the countryside to residential use setting out 9 criteria which new development must comply with. The proposal would meet these criteria.
8. Policy DM39 of the WBC LPR states the conditions within which proposals that would result in the loss of an existing local community facility will be permitted. These include where it is no longer viable to retain the facility in its current use; or the facility is no longer needed and any need arising from its loss can be accommodated within easily accessible existing facilities. The Council will also support local communities who seek to provide and/or retain local community facilities through the Community Rights Agenda which gives local communities the ability to nominate buildings to be included within a list of Assets of Community Value (ACV). Once an asset is listed certain restrictions are placed upon the owner should they decide to sell the building.
9. The applicants submitted a viability assessment to address the criteria in Policy DM39 of the WBC LPR which has been reviewed on behalf of the Council by an independent assessor who concluded the viability assessment was reasonable. I have not had sight of the independent review, but I have no reason to question the findings of the independent assessor.
10. The viability assessment concluded;
 - the location of the pub had only a small local population upon which to draw with only fair on-site parking availability;
 - the pub has a poor trading history and has not operated since 2022;
 - the fine dining business model may have been influenced by the spike in inflation post-covid leading to its failure, but this will make the market wary;
 - the mid-market is well catered for in the local area and any spin-off from theatre goers is likely to be slight;
 - the marketing of the pub has been sufficient with no substantive interest; and
 - the property was not viable as a public house.
11. According to the information provided, Renaissance has been closed for more than two years as the previous owners went bankrupt. Objectors cite the running of the premises as a high-end restaurant and not a pub that would appeal to mid-market local and passing trade as one of the reasons for the failure of the business.

12. The impact of Covid on the profitability of the business is also mentioned as a reason for failure which objectors cite was not fully considered by the authors of the viability assessment. Concern has also been raised regarding the potential for the premises to have been deliberately neglected meaning the investment required in the fabric of the building to return it to a suitable standard would be prohibitive to potential buyers. It has also been drawn to my attention that there has not been visible marketing of the premises on the building or on a freehold basis which may attract potential buyers. The independent assessor considered the viability assessment was reasonable and I have no reason to disagree with these findings.
13. Many of the objections were based on there being sufficient community support for the reinstatement of a mid-market pub to serve the local community and passers-by. Despite the strength of local support, the property has not been listed as a ACV and I have not been provided with evidence that formal offers for the premises have been received to demonstrate genuine interest in running the property as a pub.
14. The independent assessor concluded the marketing of the premises was undertaken by a suitable agent and for an appropriate length of time. Although the premises were not marketed on a freehold basis, the conclusion the demand for the premises on a freehold basis would be limited due to the lack of prospects for a profitable business is agreed with.
15. Whilst I have no evidence of engagement or consultation with the community regarding seeking their views on the proposals, the views of the community have been received through the application process and have been taken into account in reaching the appeal decision.
16. In conclusion, the proposed development would have no significant effect on the vitality and viability of the rural area and complies with Policies SP1, DM1, DM24 and DM39 of the WBC LPR which seek to restrict residential development in the countryside subject to certain criteria and guard against the loss of valued facilities and services.

Other Matters

17. The property is located within the North Wessex Downs National Landscape. The primary purpose of National Landscapes is to conserve and enhance natural beauty. The Levelling-up and Regeneration Act (LURA) 2023 creates a new duty on relevant authorities to seek to further the purpose of conserving and enhancing the natural beauty of the area. With regard to the effect of the proposal on the North Wessex Downs National Landscape, due to the minimal external alterations proposed and the potential improvements associated with bringing a redundant building back into use, the proposal is considered to align with the purposes of National Landscapes and the LURA.
18. The property is located within Bagnor Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The existing building is in an arts and craft style, and the proposed development retains the existing building in full. A number of new openings are proposed to the rear and side ground floor elevations, however, only one door/opening would be to the original wall of the building, and the door would replace an existing window. The remainder of the

proposed new window openings would be to the more modern single storey extensions to the side and rear. By virtue of the proposals limited alterations, I am satisfied that the proposal would preserve the character and appearance of the Conservation Area. The appeal is considered acceptable in this respect.

19. I have not been provided with evidence that the conversion of the pub to a dwelling would have an impact on the environment or wildlife. The use of the premises as a single dwelling would potentially be less intensive than the use of the premises as a pub and ecological and biodiversity enhancements would be provided with the proposal.
20. The proposed development falls within the catchment of the River Lambourn Special Area of Conservation (SAC) and therefore within the Nutrient Impact Zone for this Habitat Site. All new development that would result in a net increase in phosphorus must take into account Natural England's Advice on Nutrient Neutrality (16th March 2022). If a proposal is likely to have a significant effect on a European site, Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires the competent authority, before granting permission, to: carry out an appropriate assessment; and only agree to the proposal after having ascertained that it will not adversely affect the integrity of the European site.
21. The Council's Ecologist has concluded the proposal would not result in a likely significant effect on the River Lambourn SAC and will not require an appropriate assessment as there is existing residential development above the public house. I have no reason to disagree with these findings.

Conditions

22. I have had regard to the conditions suggested by the Council in their statement of case, on which the appellant has had the opportunity to comment. Where necessary I have made revisions to some of the conditions put to me to avoid duplication and ensure that they meet the tests in the Framework and PPG without altering their fundamental aims.
23. In the interests of certainty, a time limit condition, condition requiring materials as specified on the plans, application form or to match the existing, and plan numbers condition against which the development must be carried out is required.
24. In order to protect the interests of neighbouring residents and to protect highway safety, a construction method statement is required.
25. A condition requiring details of boundary treatments and soft landscaping is required to ensure that boundary treatment doesn't impact highway safety and to safeguard and enhance the character and amenity of the area.
26. To protect protected species from disturbance, a condition requiring details of lighting is required and a condition requiring ecological measures to be carried out in accordance with details already submitted.
27. To enhance biodiversity on the site a condition is required for the ecological enhancement recommendations to be carried out in full.
28. In order to ensure adequate parking is provided and to encourage the use of electric vehicles, conditions requiring parking in accordance with the approved plans and the provision of charging points are required.

29. To protect the safety of the occupants of the dwelling from flooding, a condition is required for a Flood Response Plan to be submitted.

Conclusion

30. The proposal accords with the development plan as a whole and there are no material considerations to the contrary.
31. For the reasons given above the appeal should be allowed.

C Coles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 0195-KLA-00-ZZ-DR-18 001 P01, 0195-KLA-00-ZZ-DR-18 002 P02, 0195-KLA-00-XX-DR-19 001 P03, 0195-KLA-00-ZZ-DR-18 003 P01, 0195-KLA-00-XX-DR-10 001 P03, 0195-KLA-00-ZZ-DR-19 001_P01, 0195-KLA-00-ZZ-DR-19 002_P01.
- 3) The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.
- 4) No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:
 - (a) A site set-up plan during the works;
 - (b) Parking of vehicles of site operatives and visitors;
 - (c) Loading and unloading of plant and materials;
 - (d) Storage of plant and materials used in constructing the development;
 - (e) Erection and maintenance of security hoarding;
 - (f) Wheel washing facilities;
 - (g) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
 - (h) A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (i) Hours of construction and demolition work.
- 5) No development shall commence until a “lighting design strategy for biodiversity” has been submitted to and approved in writing by the local planning authority. The strategy shall; identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and show how and where external lighting will be installed (through the provision of appropriate Isolux contour plans and technical specification sheets) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

- 6) The ecological enhancement recommendations in Section 5.2.3 of the Preliminary Ecological Appraisal & Protected Species Report (April 2024, Windrush Ecology Limited) shall be carried out in full and the enhancements should be evidenced by means of photographs of the features in-situ. The photographs shall be submitted to the local planning authority and approved in writing before the dwelling is occupied.
- 7) All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal & Protected Species Report (April 2024, Windrush Ecology Limited), as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
- 8) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing no 0195-KLA-00-ZZ-DR-18 003 P01. Thereafter those spaces shall be retained for the parking of vehicles only.
- 9) The dwelling hereby approved shall not be occupied until an electric vehicle charging point has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging point(s) shall be maintained and kept available and operational for electric vehicles at all times.
- 10) The dwelling hereby approved shall not be occupied until a plan, indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the dwelling hereby permitted is occupied. The approved boundary treatments shall thereafter be retained.
- 11) The dwelling hereby approved shall not be occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include:
 - a) detailed plans, planting and retention schedule, noting species, plant sizes and proposed numbers/densities, programme of works including management of the planting, and any other supporting information.
 - b) All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following first occupation of the dwelling. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.
- 12) The dwelling hereby approved shall not be occupied until details of a Flood Response Plan identifying safe access and egress routes to the site and, where appropriate, areas of safe refuge for the occupants have been submitted to and approved in writing by the local planning authority. Details of procedures to be followed and provisions to be available should be included within the pack for use during a flood event. The relevant emergency contact details should also be provided. The dwelling hereby approved shall not be brought into use until the approved measures have been implemented.