



Appeal Decision

Site visit made on 11 May 2026

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2026

Appeal Ref: APP/J3720/W/25/3360895

Fox And Hounds Inn, Moreton in Marsh Road, Great Wolford, Warwickshire, CV36 5NQ

- 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 Mr Simon Justin Firkins (SF Planning Limited) against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/01922/FUL.
 - The development proposed is the change of use of a former public house (Sui Generis) to a single dwelling (C3).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of a former public house (Sui Generis) to a single dwelling (C3) at the Fox And Hounds Inn, Moreton in Marsh Road, Great Wolford, Warwickshire, CV36 5NQ in accordance with the terms of the application, Ref 23/01922/FUL, subject to the conditions in the attached Conditions Schedule.

Applications for costs

2. An application for costs, made by the appellant against the Council, is the subject of a separate decision.

Procedural matters

3. There were very many objections to this current proposal from local residents and other interested parties. However, while I have reviewed the procedure, taking account of a recent appeal decision and subsequent court judgement concerning the site, both of which I discuss below, I consider that the most appropriate way to determine the case is on the basis of representations in writing. This is because, in my opinion, the planning issues raised can be clearly understood from the appeal documents and a site inspection, and I do not need to test the evidence by questioning or to clarify any other matters.

Background

4. In 2022 an application for planning permission was submitted to convert these Grade II listed premises from a former public house to 2 dwellings, and this was refused by the Council due to harm to the significance of the Great Wolford Conservation Area and the listed building itself. An appeal was duly lodged and determined on the basis of representations being made in writing. After consideration of the viability of the building as a public house and the effect of such a change on heritage assets, the appeal was allowed and planning permission was granted for the conversion (the previous decision). This previous decision was issued in December

2024, nearly 4 months after the Council refused planning permission for the application subject of the appeal before me.

5. A campaign group then lodged a High Court challenge against that previous decision. The challenge was on 2 principal grounds, which can be broadly summarised as, firstly, the case should have been determined by a Hearing or public inquiry due to the level of local opposition, and secondly the Inspector had failed to take into account all material considerations. However, the claim failed on both grounds, and so the permission granted by this previous decision still stands and is currently extant. I have been told though it has not yet been implemented.

Main Issues

6. In the light of that recent court judgement, the Council has opted not to defend the single reason, which related to viability, that it gave for refusing this proposal. Consequently, it now offers no grounds for me to dismiss the appeal. However, despite this, as the appeal had been lodged by the time the Council's change of position occurred, it falls for me to determine the case and consider whether or not planning permission should be granted.
7. Therefore, having regard to the submissions, I consider the main issues to be
 - a) whether the loss of this community facility is justified and
 - b) whether the development would preserve the character or appearance of the Great Wolford Conservation Area, whether it would preserve the special architectural or historic interest of this Grade II listed building, and whether it would harm the significance of either of these designated heritage assets, and if harm would be caused, whether this is outweighed by public benefits.

Reasons

The loss of the community facility

8. The appeal property was a public house for many, many years until it closed in 2016. Since then, no planning permission (other than the one in the previous decision) has been granted concerning its use. Moreover, in 2016 and again in 2021 it acquired the status of an Asset of Community Value (ACV).
9. In the *Stratford-on-Avon Core Strategy*, Policy AS.10 supports the conversion of buildings to residential uses within the physical confines of villages. As the property is in the physical confines of Great Wolford, I consider it accords with this policy in this regard.
10. In the interests of seeking healthy communities, Core Strategy Policy CS.25 then states that community facilities should be retained unless '*one or more*' of a number of criteria are satisfied. These include there being no realistic prospect of the facility continuing for commercial and/or operational reasons, and the property having been actively marketed. The way the policy is structured though means there is no requirement to satisfy all of these criteria. Core Strategy Policy CS.22 adopts a very similar position in connection with existing employment sites, saying they should not be converted to non-employment uses unless they are no longer viable or appropriate. To give further advice on this the Council has issued a *Planning Advisory Note* (PAN), which, among other things, outlines how marketing should be undertaken. The *National Planning Policy Framework* (the Framework) also acknowledges the role of public houses in enhancing the sustainability of communities amongst other things, and

advises that decisions guard against the unnecessary loss of valued services and facilities.

11. I recognise the value of public houses to villages, as not just social hubs that allow for gatherings and cohesion, but also for the employment opportunities they create, the support they provide to local businesses, and the benefits they can offer in terms of reducing the need to travel. I am also aware of the economic threats and pressures experienced by public houses, especially since the pandemic. Despite these benefits though, the policy framework is clear that their loss can be accepted if a lack of viability is shown.
12. In considering this issue I have noted the various comments and submissions that have been offered about the viability of the premises. In particular, as well as the representations from interested parties, I have had regard to the reports and subsequent correspondence from surveyors and property advisers commissioned by the appellant, the Council and the local community, and the 2 recent offers that have been made to acquire the building.
13. I recognise too that, having been closed for around 10 years, much would no doubt need to be spent to make the premises operational once more, while its customer base outside of the village would need to be rebuilt. I am also aware of the various similar outlets within a 15-minute drive of Great Wolford, some of which have recently been bought or refurbished, and while this may indicate buoyancy in the market, it does not necessarily follow that there is scope for another public house in the vicinity.
14. Finally, its designation as an ACV prevents, in certain circumstances, its sale on the open market until the community has had a chance to organise and present a bid. Therefore, the restrictions do not directly prohibit the change of a building but rather relate to its disposal. It was said that the designation as an ACV in 2021 would only have been given if it was deemed to be a viable operation. I have no knowledge of the evidence that was taken into account when that 2021 decision was made, and I am mindful too that the viability report submitted by the appellant was dated the following year. As such, even if viability was considered when designating it as an ACV it is not something to which I can attach significant weight.
15. I am mindful too that consistency between appeal decisions is important for appellants, local planning authorities, and the public, as well as for the integrity of the planning appeals system as a whole. Consequently, the courts have established that Inspectors should determine like cases in a like manner if the cases are sufficiently closely related.
16. I have noted the concerns about the appellant's viability evidence and that the site has not been marketed in the manner required by the PAN. However, it would appear that most if not all of the points in the paragraphs above were taken into account in the detailed reasoning found in the previous decision, and led to its conclusion that the lack of viability had been clearly shown. Therefore, given the close relationship between this scheme and the last, and taking into account not just the information considered as part of the previous decision but also the comments made solely in connection with this current appeal, I share the relevant reasoning and the overall findings in that previous decision, and have no basis to come to an alternative view. In particular, and in the light of the contrary position taken by 2 other surveyors, I am not persuaded by the findings of viability expressed in the professional submissions on behalf of the local community. While I accept that all the various contributions from the surveyors are now a few years old, I have no grounds to consider the economic climate for such businesses has materially improved over the intervening time.

17. Moreover, even if I had found differently, the permission granted under the previous decision could still be implemented. I have no reason to consider this is not a fallback position to which significant weight should be given. Consequently, even if I had found differently on this issue, the implementation of the permission arising from the previous decision would mean the public house use would not resume but rather would cease.
18. Accordingly, it has been shown there is no realistic prospect of the public house use continuing for commercial and/or operational reasons and it is no longer viable or appropriate as an employment site. Therefore, I conclude the proposal would not be contrary to Core Strategy Policies CS.22 or CS.25. Whilst the marketing evidence in particular is not fully in accord with the PAN, that of itself does not lead me to different findings in this instance.

Heritage impacts

19. According to the listing details this Grade II property dates from the mid-17th Century. I understand it was originally a farmhouse but for most of the time since it was built it has been a public house. Insofar as this appeal is concerned, its significance and its special architectural and historic interest lie partly in the way its architectural detailing and its external appearance reflect its age and its location in the Cotswolds. Moreover, significance is also derived from its long-standing public house use and the central role it consequently played in village life.
20. Turning to the conservation area, the significance of this lies, in part, in the way its layout and its buildings reflect the organic growth over the centuries of this traditional rural Cotswold village. The appeal site makes a positive contribution to this due to its appearance, and the role it has played over the years as a social hub for Great Wolford.
21. What is now proposed involves no alterations, and so no harm, to the fabric of the building. Furthermore, any activity in the grounds should have no greater effect on the setting of this listed building or the conservation area than if the public house use were to continue. The use would therefore be consistent with the conservation of the building. However, the scheme would be detracting to a degree from the special architectural and historic interest of this property, and also from the character and appearance of the conservation area, by resulting in the permanent cessation of its use as a public house. As a result, the proposal would cause harm, albeit less than substantial and at the lower end of that scale, to the significance of both of these designated heritage assets. Given there is no intention to change the fabric or adversely affect the setting of the building, I do not accept that its total significance would be lost.
22. The Framework states that heritage assets are an irreplaceable resource, and great weight should be given to their conservation. It adds that any harm to the significance of a designated heritage asset requires clear and convincing justification. Moreover, if less than substantial harm is caused to its significance, that harm should be weighed against the public benefits. The Framework also says regard should be given to the desirability of sustaining and enhancing the significance of designated heritage assets, putting them to viable uses consistent with their conservation and securing their optimum viable use.
23. As it has been shown there is no realistic prospect of the public house use continuing for commercial and/or operational reasons, and as I consider such a use would be consistent with its conservation, then in those circumstances converting the building to residential purposes constitutes a clear and convincing justification for the

development. Even putting aside any deliberate neglect that may have taken place (something I am not satisfied has been substantiated) this scheme would secure the conservation and renovation of the property onwards into the future. To my mind these are appreciable public benefits. I recognise that a second house would be provided under the previous decision. However, to my mind any public benefit that additional unit may bring is more than offset by the conversion to just a single dwelling having a less intrusive impact on the building and its grounds. As such, the proposal before me constitutes its optimum viable use.

24. Therefore, although I have found less than substantial harm, at the lower end of the scale, to the significance of the listed building and the conservation area, I consider this is outweighed by the scheme's public benefits. As such, the proposal does not conflict with Policy CS.8 of the Core Strategy, which broadly seeks to protect and enhance the historic environment unless justified when weighed against public benefits, or the Framework.

Other matters

25. Noting that it would be seen in the context of the village and no external alterations are proposed, any effects of the scheme on the Cotswolds Fringe Special Landscape Area and the Cotswolds National Landscape would probably be less than, and certainly no greater than, the impact of the lawful public house use. As such those landscapes would not be harmed, and the landscape and scenic beauty of the latter would be conserved.

Conditions

26. On the previous decision, for the avoidance of doubt conditions were imposed requiring the commencement of development and the works to be in accordance with the plans. In the interests of highway safety, car parking was also to be delivered, and to ensure the essential service of rubbish collection is maintained the bins needed to be provided. I consider such conditions should be imposed for similar reasons on this decision.
27. The only other condition the Council suggested in connection with this appeal was that bedrooms 4, 5 and 6 should only be used in an ancillary manner to the rest of the property. However, they do not have planning permission to be used independently, and if a material change of use occurred that required planning permission it would be subject to fresh consideration.

Conclusion

28. Accordingly, taking the development plan as a whole 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) The development hereby permitted shall be carried out in accordance with the following drawings
 - Location and Site Plan (dwg no. HAR-001 001G)
 - Proposed Elevations (dwg no. HAR-001 005D)
 - Proposed Floor Plans (dwg no. HAR-001 004D)
- 3) The dwelling hereby permitted shall not be occupied until 3 car parking spaces have been made available within the site, and they shall thereafter be retained for the lifetime of the development. These parking spaces shall be used solely for the parking of vehicles connected with and associated with the permitted dwelling and shall be kept permanently free from obstruction.
- 4) The dwelling hereby permitted shall not be occupied until 3 bins for the purpose of refuse, recycling and green waste have been provided for the dwelling in accordance with the Council's bin specifications.