

CASE OFFICER'S REPORT

Application Reference: 18/04678/FUL
Date of Inspection: 01/06/2018
Date site notice posted: 01/06/2018
Date of press notice: 07/06/2018

POLICIES

Wiltshire Core Strategy 2015 (WCS):

Core Policy 1 – Settlement strategy; Core Policy 2 – Delivery strategy; Core Policy 18 – Spatial Strategy for the Pewsey Community Area; Core Policy 49 – Protection of Rural Services and community facilities; Core Policy 50 – Biodiversity and Geodiversity; Core Policy 51 – Landscape; Core Policy 57 – Ensuring high quality design and place shaping; Core Policy 60 – Sustainable transport, Core Policy 61 – Transport and New Development, Core Policy 64 – Demand management

Burbage Neighbourhood Plan (2018)

National Planning Policy Framework (NPPF) (2018)

Burbage Conservation Area Statement (Feb 2008)

Wiltshire Local Transport Plan 2011 – 2016: Car Parking Strategy (March 2011).

ISSUES

The principle issues of the case are considered to be the:

- Principle of development
- Impact on neighbour amenity
- Impact on highways safety
- Visual impact including impact on AONB
- Impact on the heritage of the site

REPRESENTATIONS

Burbage PC – Strongly object to this application for change of use. The Three Horseshoes Inn has been both a social and community resource for many decades. In recent times lack of resources from the owners and very poor management from the Tenant has resulted in a serious reduction in trade. The Council feels that with proper management and modest capital injection this important local facility could return to the thriving business it once was. Our recently drafted Neighborhood Plan shows that for the next five years, at least, we have no need for further housing development. What we do need is a properly run Public House in our village. Finally we would draw your attention to the more detailed points raised in the objection made by Mr Rawlinson and his fellow members of The Friends of The Three Horseshoes Inn.

WC Conservation – Object; the use of the building as a public house is part of its local interest and therefore its continued use and communal value as such in the village would certainly be of significant benefit to a rural area such as Burbage. Therefore the loss of the public house use will have an impact on the character and appearance of the village, as a community asset will be lost, which forms part of the vitality of the village. The economic viability of the business is for others to assess rather than myself in this instance however I would expect the residential use of such a scenario to be the last resort option for the building and village as a whole.

WC Spatial/Strategy – Object; the scheme fails to meet the requirements of Core Policy 49 of the WCS and Policy 5 of the Neighbourhood Plan. There is a presumption in favour of sustainable development at the location of the proposal. Taken as a whole, the policies of the Wiltshire Core Strategy constitute what sustainable development means in Wiltshire. Currently the proposal does not seem to have explored measures such as those set out in Core Policy 48 and does not meet the requirements of Core Policy 49: Further information is needed to confirm that the public house business or a related business is not viable. Further information is needed to inform whether alternative community uses are possible, or other mixed uses such as those including employment or tourism might be possible. This must also be supported by evidence showing that an extensive marketing exercise has taken place in line with Core Policy 49. As such, the application does not provide enough information to demonstrate that it complies with this policy.

WC Highways – No objections - the proposal is for the change of use from a public house to a single residential dwelling with associated parking at the above location. The dwelling is located off of an unclassified road and will make use of the existing access. As the dwelling would have four bedrooms, three parking spaces are required to meet Wiltshire Parking Standards which has been demonstrated on the re-submitted plans in addition to a single garage. The change of use from a public house to a residential unit will result in fewer vehicle movements and the existing access is suitably surfaced with good visibility.

Wessex Water – No objections

The application has been advertised by site notice, within the local press and by letter to neighbouring properties; the following is a summary of the comments made on the applications:

- Object, the village requires two public houses

Policy issues:

- National and local policy seeks to retain PH as community assets
- Scheme is contrary to policy – no marketing exercise has been carried out
- Neighbourhood Plan does not require more dwellings
- Loss of a community asset
- Question marketing assessment and viability
- Wasn't advertised on the open market
- No for sale signs put on the outside
- Applicant paid £350,000 for the Inn which is significantly in excess of the market value

There is a long term need for the pub to be retained as it:

- Would provide local employment for young persons within the area
- The Inn was a popular meeting place
- Stibbs Green and the Church are key locations within the village
- There is plenty of local support for the pub
- It is part of the history of the area

The following comments have been made in respect of viability:

- The other PH is not open on a regular basis, is not open at lunchtime, nor does it offer food
- If the Three Horse Shoes Inn developed its food business, it has an untapped large village as its catchment that has nowhere else that serves food
- There is plenty of passing trade, from tourists, cyclists, hikers, canal users and users from surrounding communities with no facilities

- Improvement to the existing facilities would make the pub more attractive and support long term viability
- The Inn was granted consent for an extension to the seating facilities to the rear but this was never implemented; this would have provided enhanced facilities that would have supported the Inn's viability
- The Inn was in a poor state of repair
- Land lords character and lack of experience in catering resulted in decline of clientele for the Inn
- No investment from previous owners (Wadsworth Brewery)
- The PH was closed down and the signage removed quickly following the change in ownership which raises the questions as to their intention with the establishment
- See no reason why a public house at this site should not be profitable
- The decrease in sales is down to the way the inn was run
- A well run, "destination" pub at this location would be profitable
- Question marketing assessment and viability
- Loss of community hub, impact on sense of community
- Wadsworth sold the business because it did not see it as fitting its business strategy, which is to focus on larger managed pubs and to divest smaller tenanted pubs (letter from CEO and Annual Report 2017). It did not sell it because it was unviable
- Letter provided from CEO of Wadsworth states that they were actively seeking a buyer for the pub as a going concern thereby suggesting that the business was viable
- Wadsworth clearly felt the pub could be viable
- A PH in Burbage that serves food is highly desirable and would most certainly be viable with appropriate landlords
- The previous tenant had made a successful living for the previous 20 years until their retirement (before the last tenant took over)
- The subsequent landlord ran the establishment down, reducing the number of events throughout the year

Other comments made:

- The application contains factual errors, including but not limited to:
 - The pub did not closed in September 2017 but at the end of January 2018
 - The pub was sold 6 weeks later
 - The pub has not had several managers, there has only been two in the last 25 years
 - The CEO of Wadsworth stated that the last tenants were moved to a larger pub and there was an intention to keep this pub open
 - Population based on out-of-date 2011 census
- No amenity issues between the Inn and local residents
- An asset to the conservation area
- Conserve heritage assets in a manner appropriate to their significance
- Internal fittings have been ripped out and demolished
- Loss of history
- Local residents had been in communication with the brewery over the future of the pub as a pub and were assured by the Brewery that it would remain as a pub
- No justification for the change of use, the application should be rejected

ASSESSMENT:

Site description and proposal

The site is located within the limits of development of Burbage which is defined as a large village within the Wiltshire Core Strategy (WCS) (2015). The Three Horseshoes Inn is a significant unlisted building located in the Stibb Green part of the Burbage Conservation Area. It is a fine thatched building, showcasing the local vernacular architecture that forms the character and appearance of the locality and provides a positive contribution to the Conservation Area. The building is the end of a row of 3 thatched cottages, the other two being in residential use.

Historically, the OS maps show a forge that was within buildings to the south of the site, which were lost around the mid-20th century: this area of land now forms the parking and garden area associated with the public house. As the proposed development does not include the removal of the existing car park it is considered that an archaeological assessment would not be required in this instance as the scheme would unlikely result in any impact on any potential archaeology left within the site.

The site is also located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

The proposal is for the change of use of the Inn to a dwelling, with associated parking proposed within part of the existing car park.

The highways officer identified a need for a parking plan as the pub had a large car park that isn't included in the application for the pub to be made into a dwelling. This has now been provided which demonstrates provision of three parking spaces and associated garage.

Site history

- K/59207/F – Proposed dwelling – Approved with conditions
- K/58880/F – Proposed dwelling – withdrawn
- K/10958 – Alterations to existing carpark and garage – Approved with conditions
- K/11564 – Extension – Approved with conditions
- 14/07657/FUL – Proposed single storey extension – Approved with conditions
- K/86/0602 – Residential development of five dwellings – Refused
- K/10956/O – Erection of five dwellings, estate road and access to relocated car park – approved with conditions
- K/10957/A – Non-illuminated directional car park sign – Approved with conditions

Principle of development

Burbage is a large village as defined in the WCS (2015) and the site is located within the “limits of development” boundary of this settlement. Core Policy 2 of the WCS (2015) identifies that within the Limits of Development (LoD), as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. Burbage is identified as a large village as such in terms of a sustainable location the scheme is accepted subject to it meeting the requirements of Core Policy 49 loss of a community facility.

Paragraph 83 of the NPPF clarifies that planning policies and decisions should enable, inter alia, the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

The Councils adopted development plan, the Wiltshire Core Strategy (WCS, 2015) includes Policy 49 which encourages the retention of rural and community facilities. Core policy 49 states that

proposals involving the loss of a community service or facility will only be supported where it can be demonstrated that the site/building is no longer economically viable for an alternative community use. Preference will be given to retaining the existing use in the first instance, then for an alternative community use. Residential use may be permitted as a last resort and where all other options have been exhausted, including a mixed-use which retains a substantial proportion of the community use.

In order for such proposals to be supported, a comprehensive marketing plan will need to be undertaken and the details submitted with any planning application. Only where it can be demonstrated that all preferable options have been exhausted will a change of use to a non-community use be considered. This marketing plan will, at the very minimum:

- i. be undertaken for at least six months
- ii. be as open and as flexible as possible with respect to alternative community use
- iii. establish appropriate prices, reflecting local market value, for the sale or lease of the site or building, which reflect the current or new community use, condition of the premises and the location of the site
- iv. demonstrate the marketing has taken into account the hierarchy of preferred uses stated above
- v. clearly record all the marketing undertaken and details of respondents, in a manner capable of verification
- vi. provide details of any advertisements including date of publication and periods of advertisement
- vii. offer the lease of the site without restrictive rent review and tenancy conditions, or other restrictions which would prejudice the reuse as a community facility
- viii. demonstrate contact with previously interested parties, whose interest may have been discouraged by onerous conditions previously set out.

In the submitted design and access statement and viability report the applicant states that the business is not viable and makes the following points:

- There is one other pub more centrally located within the village,
- There is no passing trade, so the viability is dependent on local trade,
- There is insufficient local trade to support the continued use, this is clearly evidenced by the declining barrellage over a number of years,
- The summary of annual accounts since 2015 demonstrate that the premises are not viable
- In addition rising overheads, the smoking ban, the 2011 increase of VAT to 20%,
- The number of pubs relative to the catchment population is high

The applicant suggests that there are adequate alternative facilities available within the village and which are better positioned than the Three Horseshoes.

However, on reviewing the case against policy there is no evidence provided that the Inn has been marketed for a minimum of 6 months, as is required by Core Policy 49 of the WCS (2015). In addition from the details supplied there does not appear to have been a comprehensive approach to the consideration for alternative community uses; such a marketing exercise as identified above would have allowed for exploration on this matter.

As no marketing exercise has been carried out it is not possible to carry out an assessment as to whether appropriate prices, reflecting local market value, for the sale or lease of the site or building, which reflect the current or new community use, condition of the premises and the location of the site has been carried out. Indeed the failure to provide such a marketing exercise demonstrates a failure of this criteria as well.

The assessment contained within the submitted documents does consider some alternative uses but appears to disregard them without evidence and is also very limited in detail. For example the submitted DAS suggests that the community uses as referred to in the Neighbourhood Plan indicate that no additional community building is needed. This assumption however has not been tested through a marketing exercise, where the opportunity to take on the premises as a going concern or an alternative community facility or commercial use could be reasonably established.

The submission fails to provide any marketing that may or may not have been carried out and provides no details of any interested parties. There are no details of any advertisements including date of publication and periods of advertisement. There is no detail as to whether the site was offered without restrictive rent review and tenancy conditions, or other restrictions which would prejudice the reuse as a community facility. And there is no detail that demonstrates contact with previously interested parties, whose interest may have been discouraged by onerous conditions previously set out.

The fact that a residential conversion would lead to the loss of a pub as an important community facility is now widely recognised as being an important material consideration. Factors that will be considered when determining whether the business is still viable include assessing what measures have been introduced to increase local support, the number of other pubs in the area, the marketing of the pub and whether the asking price is either overly optimistic or instead realistically reflects its use as a public house such that new occupiers would not face over-large set up cost and letters of support for the retention of the pub from local residents. As identified above, the application has failed to meet the criteria of Core Policy 49 of the WCS (2015) on these matters. Suggestions that the management of the pub have created an unfriendly environment are also accepted as having a direct bearing on profits.

96 letters of objection have been submitted opposing the proposed scheme. Strong concerns and objections have been raised at the loss of the Inn as a community facility within this village. The views of local residents are supported by that of the Parish Council and are reflected within the recently made Neighbourhood Plan which identifies that the 2 pubs are much valued by the local community as they keep Burbage alive and greatly improve the quality of life, especially for those who find travel difficult due to their age. Comments received from local residents identify that the period across which the assessment has been carried out ranges during the course of the last tenant who they claim failed to create an environment to attract local residents and failed to enhance the establishment through either catering or making it a destination pub.

The loss of a facility of social value to a community is a proper planning consideration and the loss of rural pubs is often considered to reduce informal social contact and create a sense of isolation in the community. This is reflected in comments made by the concerns of local residents who have identified that the establishment was the hub of the community and a regular meeting place.

It has been found that the conversion of a pub to a dwelling would adversely affect the range of community facilities and would fail to maintain a healthy rural economy. The applicant's viability assessor (para 3.1) states that the "village has no amenities or a distinctive centre". This further reaffirms the necessity of maintaining those existing facilities that the village currently enjoys.

The applicant has stated that the location of the premises meant that it did not benefit from passing trade nor have access to residential properties within easy walking distance. However comments received from residents has identified a regular passing trade from hikers and canal users and passing trade from the nearby road users and also that there is sufficient clientele within the village to support a well-run establishment at this site.

The site benefits from a large car park and the building is an attractive structure with a complimentary history that would appear to support its suitability as a destination, food and drink location. It is apparent that there has been a lack of investment which has resulted in the business being 'run down'. From the many letters of objection received it is clear that local residents support its retention and the loss of this establishment as a community facility without adequate justification would be unacceptable since it would erode the quality of rural life and the economy of the area.

It is also considered that the use of the building itself as an Inn makes an important contribution to the character of the conservation area. From the details submitted it appears that no attempt has been made to sustain the existing business or find an alternative use contrary to national advice.

The Burbage Neighbourhood Plan is now made and forms part of the development plan. The neighbourhood plan lists the two existing pubs - Three Horseshoes and the White Hart – as much valued by the local community. The Three Horseshoes pub also represents a land-use that provides employment. The neighbourhood plan states that there is a shortage of employment opportunities locally and that retention and creation of employment opportunities is strongly supported locally. To this end, Policy 5 of the Burbage Neighbourhood Plan supports development of small workshops and studios, as well as tourism related businesses, especially those located in existing buildings. The plan states that the opportunity for capitalizing on tourist trade associated with the AONB, Marlborough and Savernake is 'obvious but not yet fully tapped'. This does not indicate a weak local demand for the public house sector but a further opportunity that could be explored. Whilst the neighbourhood plan does not specifically mention the Three Horseshoes Pub as a community use that should be retained, the plan clearly shows that it is a community use that is valued by the community and the plan's support for employment and tourism uses indicates potential avenues for a mixed-use that do not appear to have been explored prior to the residential use being proposed by this application, which should be a last resort after all other options have been exhausted. It is not clear whether business plans for a pub with restaurant or tourist accommodation has been explored for example.

On balance the details submitted do not meet the criteria of Core Policy 49 of the WCS (2015) or that of Policy 5 of the Neighbourhood Plan, and the NPPF. As such the scheme in principle cannot be supported.

Impact on neighbour amenity

The proposed layout shows more than sufficient amenity space for the provision of a new dwelling. The properties to the south and east of the site are on the opposite sides of the existing adjacent highways, as such there would not be any impact on these properties. The nearest neighbouring properties are those to the southwest and north of the site. The two residential properties to the north of the site form part of the terrace of buildings of which the Inn is one; there would be no impact on the amenity of the occupiers of these dwellings from the proposed change of use. The property to the southwest lies approximately 21 metres elevation to elevation (as existing) and there would be no change in circumstance beyond that as experienced at present. As such there are considered to be no amenity issues.

Comments have been made by the applicants that the use of the building as an Inn currently creates a nuisance for existing surrounding residential properties. Comments received from local residents dispute this as an issue.

Impact on highways safety

Core Policy 60 Sustainable Transport supports the premise for development within sustainable locations. Core Policy 61 Transport and New Development, inter alia, aims to ensure that the

proposal is capable of being served by safe access to the highway network. Core Policy 64 Demand Management, inter alia, aims to ensure that adequate parking is provided.

The scheme proposes to use the existing access at the side of the property. There is provision within the site for a minimum of three parking spaces and a garage which with reference to the Council's parking standards would be more than adequate for the size of dwelling on site. Comments received from the Highway Officer identify that the proposal is for the change of use from a public house to a single residential dwelling with associated parking at the above location. The dwelling is located off of an unclassified road and will make use of the existing access. As the dwelling would have four bedrooms, three parking spaces are required to meet Wiltshire Parking Standards which has been demonstrated on the re-submitted plans in addition to a single garage. The change of use from a public house to a residential unit will result in fewer vehicle movements and the existing access is suitably surfaced with good visibility. As such they raise no objections to the proposed scheme.

It is considered that the site would provide adequate parking to accommodate the minimum parking standards for the dwelling proposed and would therefore be in compliance with Core Policy 64 of the WCS (2015).

Visual impact

Core Policies 51 and 57 aim to ensure that new development is of a good design and does not have a negative impact on the quality of the streetscene or landscape. The site is located within the village of Burbage with residential properties and highway infrastructure located on all sides.

Physically, the Inn would fundamentally remain unchanged through the development proposed. To all intents and purposes the site would continue to be read as part of the village fabric, and consequently it is considered no harm would be caused to the visual amenities of this area or that of the AONB.

In terms of the general visual impact it is considered that the proposed development would not have a significant detrimental impact on the character of the area and is therefore compliant with policies of the WCS (2015).

Impact on the Heritage of the site

The Three Horseshoes Inn is a significant unlisted building located in the Stibb Green part of the Burbage Conservation Area. It is a fine thatched building, showcasing the local vernacular architecture that forms the character and appearance of the locality and provides a positive contribution to the Conservation Area. The building is the end of a row of 3 thatched cottages, the other two being in residential use. Historically, the OS maps show a forge that was within buildings to the south of the site, which were lost around the mid-20th century: this area of land now forms the parking and garden area associated with the public house.

From the point of view of the historic environment a primary consideration is the duty placed on the Council under sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The site is located within the Burbage Conservation Area and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Areas.

The National Planning Policy Framework NPPF July 2018 outlines government policy towards the historic environment. Section 16 "Conserving and Enhancing the Historic Environment" sets out

an overall aspiration for conserving heritage assets. In particular paragraph 193 *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

The Burbage Conservation Area Statement recognises that the beech trees in the Three Horseshoes grounds just north of Steepe Way are of particular significance. Also that Burbage is home to a great number of significant unlisted buildings which contribute to the character and appearance of the conservation area, such as the Three Horseshoes.

In considering applications, policy requires a balanced view, with the harm which would be caused being weighed against the public benefits or securing the optimum viable use which would result from the proposals (paragraph 196 of the NPPF).

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary (paragraph 189 of the NPPF).

Whilst the Design and Access Statement makes mention of the conservation area the submitted documents provide no assessment of the significance of the heritage of the area, including the Inn's own heritage value, the importance of the trees within its boundaries, any historical or archaeological background of the site or the impact of the works on any of the significance. In addition the scheme has failed to recognise the contribution the use of the building makes to its significance and to the character and importance of the village.

The use of the building, which is recognised as a significant unlisted building, as a public house is part of its architectural and historic interest and its continued use and communal value of the pub in the village forms an integral part of the value and significance of the heritage of this site.

The loss of this use will therefore cause some harm to the listed building. This harm should be weighed against securing its optimum viable use. The best use will often be the original or historic use of the building and the continuation of that use should be the first option, however it is acknowledged that any use needs to be viable to secure the future of the heritage asset. Priority should be to retain the pub use if it can be made viable. In considering any other uses there needs to be a balance of the economic viability of possible uses against the effect of any changes they entail in the special architectural and historic interest of the building. This is not necessarily the most profitable use.

The conservation officer queried the submitted marketing and viability report suggesting that insufficient exploration of alternative uses had taken place. This issue was raised with the agent who has provided an additional supporting statement from their assessor which it is considered has answered the concerns raised.

The Conservation Area Statement for Burbage recognises that a reduction in the village's services compared to that of the nineteenth and twentieth centuries is obvious. However, it further recognises that the retention of the existing services and facilities within the village has retained some of its vitality. Such uses are an important component of village character and need to be preserved wherever possible.

The application is solely for the change of use of the building and no external changes to the building are proposed, which is welcomed in terms of preserving the building's strong and positive contribution to the character and appearance of the conservation area.

However, with regards to the change of use to and loss of the public house for the village, concern is raised as public houses provide a social function and sense of community for areas, both rural and urban. This building does not appear to have originally been a public house, but an end of row cottage that was converted into a public house use at some point in the early 20th century, when a brew house appeared on the site at the end of the 19th century. By the early 20th century, the forge had disappeared and the brew house seems to have become the dominant function of the site.



OS Map 1868-99

OS Map 1895-1911

OS Map 1908-33

The use of the building as a public house is part of its local interest and therefore its continued use and communal value as such in the village would certainly be of significant benefit to a rural area such as Burbage. Therefore the loss of the public house use will have an impact on the character and appearance of the village, as a community asset will be lost, which forms part of the vitality of the village. The economic viability of the business is not a consideration for impact against heritage issues. However, it is considered that the residential use of the existing property would be the last resort option for the building as a community asset within this rural village.

Conclusion/Planning Balance

In determining this application the local planning authority is fully aware that if development accords with an up-to-date Local Plan it should be approved, and that proposed development that conflicts should be refused unless other material considerations indicate otherwise.

In this case, the proposal is clearly in conflict with the up to date policies of the development plan. The proposal conflicts with the adopted core policies of the WCS in terms of the loss of a community facility. The proposal is not supported by the parish council nor that of the local community and in an era of localism, the views of the local community must be given due weight here. The loss of the public house use will have an impact on the character and appearance of the village, as a community asset will be lost, which forms part of the vitality of the village.

There is a presumption in favour of sustainable development at the location of the proposal. Taken as a whole, the policies of the Wiltshire Core Strategy constitute what sustainable development means in Wiltshire. Currently the proposal does not seem to have explored measures such as those set out in Core Policy 48 and does not meet the requirements of Core Policy 49: Further information is needed to confirm that the public house business or a related business is not viable. Further information is needed to inform whether alternative community uses are possible, or other mixed uses such as those including employment or tourism might be possible. This must also be supported by evidence showing that an extensive marketing exercise has taken place in line with Core Policy 49. As such, the application does not provide enough information to demonstrate that it complies with this policy.

It is considered that the application details submitted fail to demonstrate that there is no viable alternative use, there is no marketing provided in relation to the site and scheme fails to meet the requirements of Core Policy 49 of the WCS (2015) and Policy 5 of the Neighbourhood Plan. Therefore in principle the development is not accepted. The application is therefore recommended to be refused.

RECOMMENDATION:

Refuse