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Architects, Surveyors & Planning Consultants

Planning Statement

Site: The Red Lion Inn, Greenstreet Green, Great Bricett, Suffolk, IP7 7DD
Proposal: Change of use of Public House (Sui Generis) to Dwelling (C3)
Applicant: Everose Ltd

20th September 2021

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1.0 Introduction

- 1.1 This statement is prepared for and on behalf of Everose Ltd in respect of an application for planning permission for the change of use of public house (Sui Generis) to dwelling (C3) at The Red Lion Inn, Greenstreet Green, Great Bricett, Suffolk, IP7 7DD.
- 1.2 It will consider the local and national planning policy position and provide an overview of the relevant material considerations relating to the proposed development.
- 1.3 The extract below shows the location of the site relative to its surroundings and other nearby development:

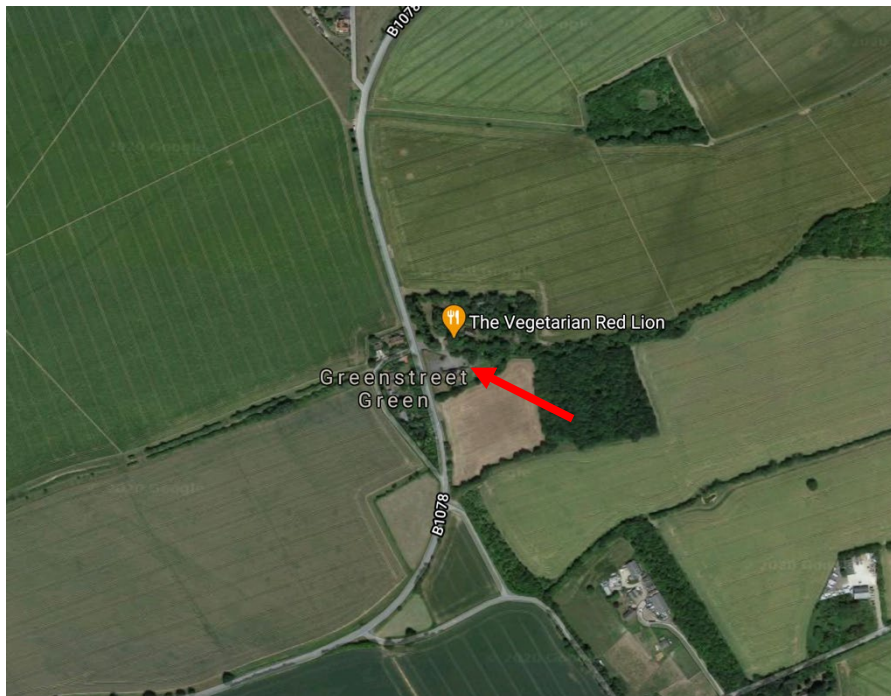


Figure: 1.3.1 Aerial View (site depicted by arrow)

2.0 Site and Surrounding Area

- 2.1 The application site known as The Red Lion Inn is located 0.5 mile south of the centre of Great Bricett, along Greenstreet Green. The site consists of a Grade II listed public house within a small cluster of domestic properties, including Grade II listed Red Lion Cottage. The application site is relatively flat, currently providing a pub garden and parking area to the side and rear.

2.2 The ground floor of the public house is laid for custom and the commercial service kitchen, with landlord owner / occupier accommodation at first floor. Externally, the land is very much that of a traditional lawned pub garden with seating arrangements. Vehicular parking is available within the tarmac parking area to the side of the public house building, with more outdoor seating to the rear.



Figure: 2.2.1 The Red Lion Inn

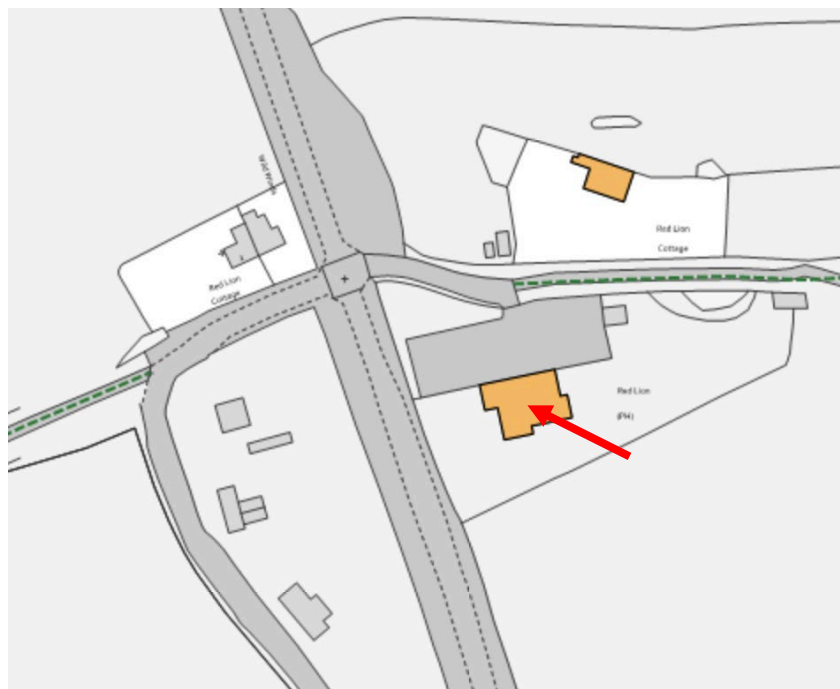


Figure: 2.2.2 Planning Constraints (site depicted by arrow)

- 2.3 The site is located outside the existing and emerging settlement boundary for Great Bricett (defined as 'Countryside') with poor connections to the village, District and wider area. The site is in flood zone 1 with some mature hedgerows to boundary edges, and is otherwise unconstrained for the purposes of planning.
- 2.4 Although the established use of the site is for a public house, the business operation has declined considerably in recent years following a heavy decline in trade as this statement will go on to evidence. The current Covid-19 pandemic has hampered business potential further, confirming the unviable commercial position which is beyond the point of return.

3.0 Planning History

- 3.1 The site has been subject to planning application submission in the past:

Planning Applications

0077/83

Alterations and erection of single storey rear extension.

Unknown

DC/20/05377

Application for Listed Building Consent - Internal and external alterations to facilitate change of use of Public House (Sui Generis) to 1no. Dwelling (C3)

Refused

DC/20/05376

Planning Application - Change of use of Public House (Sui Generis) to 1no. Dwelling (C3) and associated external alterations

Refused

Planning Appeals

APP/W3520/Y/21/3273896 – live

APP/W3520/W/21/3273897 – live

4.0 Proposal

- 4.1 The proposal seeks the change of use of public house (Sui Generis) to dwelling (C3).
The following site location plan provides context:



Figure: 4.1.1 Site Location Plan (site depicted by defined red line outline)

- 4.2 The application is supported by a suite of plans and documents including:

- Application Forms
- Site Location Plan
- Viability Assessment by Davis Coffey Lyons
- Heritage Asset Assessment by Leigh Alston
- Planning Statement

5.0 Planning Policy

- 5.1 The National Planning Policy Framework 2019 (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
- 5.2 The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers in interpretation the NPPF.

5.3 The Development Plan for Mid Suffolk consists of:

Mid Suffolk Core Strategy (2008 and Core Strategy Focussed Review (2012))

- FC01 - Presumption In Favour Of Sustainable Development
- FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
- FC03 - Provision and Distribution of Employment Land
- CS01 - Settlement Hierarchy
- CS05 - Mid Suffolk's Environment

Mid Suffolk Local Plan 1998

- GP01 - Design and layout of development
- HB01 - Protection of Historic Buildings
- HB03 - Conversions and alterations to Historic Buildings
- HB05 - Preserving Historic Buildings through alternative uses
- HB08 - Safeguarding the character of conservation areas
- H16 - Protecting existing residential amenity
- H17 - Keeping residential development away from pollution
- E06 - Retention of use within existing industrial/commercial areas
- E12 - Commercial Development – General Principles for Location, Design and Layout
- T09 - Parking Standards
- T10 - Highway Considerations in Development

Emerging Joint Local Plan

- LP01 - Hamlets and Clusters of development in the countryside
- LP29 - Services and facilities within the community (It is clear that this emerging policy will allow a test of viability, but in fact the Joint Local Plan can only be given very 'limited weight' given its infancy)

Supplementary Planning Guidance

- Parking Standards for Suffolk (2015)
- Supplementary Planning Guidance Retention of Shops, Post Offices and Public Houses in Villages (2004)

National Planning Policy Framework (2021)

- Para 7: Achieving sustainable development

- Para 8: Three dimensions to sustainable development
- Para 10: Presumption in favour of sustainable development
- Para 11 – 14: The presumption in favour of sustainable development
- Para 38: Decision making
- Para 47 – 50: Determination of planning applications
- Para 60: Housing delivery
- Para 69: Small and medium sized housing sites
- Para 78 – 79: Rural housing
- Para 119 – 123: Making effective use of land
- Para 126 – 136: Achieving well designed places
- Para 174 – 187: Conserving and enhancing the natural environment
- Para 199 – 202: Considering potential impacts

5.4 The proposed development has been primarily assessed having had regard to core policies FC01, CS01 and E06. Consideration is also afforded to HB05.

6.0 Material Planning Considerations

6.1 Principle of Development

6.2 This section of the report is broken down into the following subheadings:

- Local Planning Policies
- National Planning Policies
- Case Law
- Alternative Uses
- Marketing
- Viability
- Principle of Development Conclusions

6.3 The above elements collectively form part of the overall consideration concerning the principle of development. Some elements carry stronger material weight than others, and vice versa, but nonetheless contribute to the sound and thorough assessment undertaken.

6.4 Local Planning Policies

- 6.5 At a local level, policy CS01 identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. CS01 identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages. Settlements which do not fall within this hierarchical category are considered as Countryside.
- 6.2 Furthermore, the presumption in favour of sustainable development is set out in policy FC01 of the development plan and seeks to replicate the terms of the presumption as found within paragraph 11 of the NPPF. It is clear, therefore, that the presumption is set out within the development plan and, as such, the application of the presumption is not simply weighed as a material consideration within the NPPF but is a consideration against which all proposals must be determined. The LPA cannot choose not to apply it because they consider they have a 5 year housing land supply, as that test does not exist in policy FC01. The development plan has primacy and the LPA would be incorrect in law if they chose not to apply it.
- 6.3 The site is situated circa 0.5 mile from the central defined settlement boundary of Great Bricett. The site is situated amongst a small rural cluster of residential dwellings, and is well related to built form. The scheme cannot therefore considered 'isolated' based upon the precedent set within the locality, but also when applying the following planning appeal precedent:
[APP/W3520/W/18/3194926 - Land on East Side of Green Road, Woolpit, Suffolk IP30 9RF](#)
- 6.4 Regard must be had to the above appeal which was allowed by the Inspector, and which provides material context in respect of the development plan policies engaged in this application. That Inspector found:

"89. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material planning considerations indicate otherwise. Whilst the RfR cites only a limited number of policies which are said to be breached I deal with all policies that have a bearing on the proposals and in line with the new approach of the NPPF 2018 identify those which are most important for determining the appeal and whether they should be considered to be out- of-date.

90. The CS was adopted in 2008 and the MSDLP in 1998. Both plans predate the publication of the NPPF 2012 and the more recent NPPF 2018. The CSFR has had little impact on the saved or CS policies that remain in place and Policy FC1 really only and unnecessarily repeats what was in paragraph 14 of the NPPF 2012. It is now out-of-date because of the test it employs. Policy FC1.1 is policy of a very broad nature with one requirement that development must conserve and enhance the local character of the different parts of the district. It is up-to-date but is not otherwise of significance. The appeal proposal complies with these policies.

91. Policy CS1 of the CS merely sets out the settlement hierarchy. However, it includes the words “the rest of Mid-Suffolk, including settlements not listed in the above (hierarchy) will be designated as countryside ... renewable energy”. By virtue of this latter requirement it offends paragraphs 77 and 78 of NPPF 2018. It perpetuates the theme of protection of the open countryside for its own sake and its limitations are inimical to the balanced approach which the NPPF 2018 exhorts. It is one of the most important policies and it is out-of-date. The appeal proposal complies with the hierarchical requirements of Policy CS1 but it conflicts with the latter part of this policy as the site is located outside the settlement boundary.

92. As the proposed development is in open countryside, it also offends the requirements of Policy CS2. Policy CS2 is a most important policy and it is out-of-date. The NPPF has never and still does not exhort a restrictive approach to development outside settlements in this manner. It does not protect the countryside for its own sake or prescribe the types of development that might be acceptable. The policy as worded obviates a balancing exercise and precludes otherwise sustainable development by default and thereby defeats the presumption in its favour. It is also contrary to paragraphs 77 and 78 of NPPF 2018.

93. Policy CS5 provides that all development will maintain and enhance the environment including the historic environment, and retain local distinctiveness. It requires development actually to maintain and enhance the historic environment which exceeds the statutory duty (LBA 1990) and goes further than paragraph 192 of NPPF 2018 which requires decision makers to “take account of the desirability of sustaining and enhancing the significance of heritage assets” (my underlining). This is a most important policy and it is out-of-date. It does not make enhancement a requirement where no such requirement is reasonably possible or appropriate to the nature of the proposed development. The policy also fails to acknowledge the

balancing exercise which the NPPF 2018 requires to be undertaken in circumstances where the harm is less than substantial”.

- 6.5 This assessment of the most important policies (which are also those which are most important in this instance) identifies these as being out-of-date. As such, in accordance with paragraph 11(d) of the NPPF, the tilted balance (the presumption in favour of sustainable development) is engaged, underpinned by:

Braintree District Council v Secretary of State for Communities and Local Government & Others [2018] EWCA Civ 610

- 6.6 A High Court judgment dated 15th November 2017 has shed light on the correct interpretation of the NPPF when it comes to determining whether a development is isolated. It related to a case at Wethersfield in the district of Braintree. The following is a concise summary taken from the Planning Resource website (note that reference to Paragraph 55 should now be read as Paragraph 79):

“Developer Granville Developments had been refused planning permission to build the new homes off Lower Green Road, Blackmore End, Wethersfield, but successfully appealed to a planning inspector who granted consent in February this year.

He found that, even on the most favourable interpretation, the area's deliverable sites for new housing fell well below the five-year supply required by the National Planning Policy Framework (NPPF). The development would not cause material harm to the character and appearance of the area and, although it was not within an established settlement boundary, there were a number of houses nearby and the bungalows could not be viewed as isolated dwellings in the countryside.

In challenging the inspector's decision, Braintree District Council argued that he had wrongly interpreted the NPPF. Given the paucity of services and amenities in the area, residents of the bungalows would be required to rely heavily on their cars and the new dwellings would clearly be isolated, it argued.

Mrs Justice Lang noted that the word isolated is not defined in the NPPF. However, in dismissing the council's appeal, she found that the council's interpretation was too restrictive. She noted that there were existing dwellings to the north and south of the

development site - which was originally home to agricultural buildings that had been demolished.

There was also a home to the west, on the other side of a road. In his decision, the inspector had also justifiably focused on the economic benefits of the scheme in providing work for local builders and the likelihood that two new households would give their custom to local businesses”.

6.7 Specifically Mrs Justice Lang concluded (Paragraphs 28 and 29):

“28. NPPF 55 cannot be read as a policy against development in settlements without facilities and services since it expressly recognises that development in a small village may enhance and maintain services in a neighbouring village, as people travel to use them. The PPG advises that “all settlements can play a role in delivering sustainable development in rural areas”, cross-referencing to NPPF 55, “and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided...”. Moreover, in rural areas, where public transport is limited, people may have to travel by car to a village or town to access services. NPPF 17 penultimate bullet point identifies as a core planning principle to “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”. But as the PPG states, NPPF 29 and 34 recognise that the general policy in favour of locating development where travel is minimised, and use of public transport is maximised, has to be sufficiently flexible to take account of the differences between urban and rural areas. The scale of the proposed development may also be a relevant factor when considering transport and accessibility. As Mr Dagg rightly pointed out, the policy in NPPF 17 in favour of focusing development in locations which are or can be made sustainable applies in particular to “significant development”.

29. For these reasons, I agree with the Defendants that the Claimant was seeking to add an impermissible gloss to NPPF 55 in order to give it a meaning not found in its wording and not justified by its context.”

6.8 The decision of Mrs Justice Lang was the subject of reference to the Court of Appeal by Braintree District Council, and Lord Justice Lindblom (on 28th March 2018) upheld

the decision. Therefore, it follows that if the development is not isolated in the ordinary meaning of the word, Paragraph 79 of the NPPF is not engaged.

- 6.9 Turning to the commercial considerations, policy E06 seeks to protect existing employment generating uses unless there is significant public benefit arising from a departure to a non-employment generating use. The pub previously employed 1 no. part time additional member of staff (other than the tenants). The day to day running of the pub was undertaken by the former tenants, for a period of approximately 15 years but the unit has not been open for trading since Jan 2021.
- 6.10 Therefore, the site is clearly not a big employment or commercial job generator within the village. This stance follows that of the Inspector for a planning appeal in *Brundish* (*reference: APP/W3520/W/18/3209602*) which states:
- “The Council has quoted Policy E6 of the Mid Suffolk Local Plan 1998 in its decision notice. This seeks to retain employment uses. However, the pub is not a significant employer and the reason for refusal is the loss of a valued local facility rather than the loss of employment. Therefore, I find limited relevance of this policy in this appeal and no substantive conflict with it”.*
- 6.11 The size and stature of the application site does not enable the applicants to fulfil the wider thrust of policy E06 and its wording. The policy is more strategic than localised, and is not fair test given the low level employment matters engaged. Whilst the essence of policy E06 is clear here, it is arguably at odds with the NPPF and therefore marginally out of date in respect of assessing public houses with limited staffing potential in a sector which is in steep decline and laden with fiscal difficulties.
- 6.12 Furthermore, due to the steep economic demands and indeed sharp fiscal downturn through the Covid-19 pandemic, rural public houses are not necessarily conducive for job retention and creation. The wet and dry trade market is incredibly unstable, and none more so than a time like now. We are living in unprecedented times, and the public house trade is far from secure. The idea of job creation on site through a public house use is demonstrably unsustainable, and highly susceptible to local and national decline.
- 6.13 The Campaign for Real Ale (CAMRA) have recognised the strenuous market conditions that our rural public houses are facing, which are now subject to further

stresses through the Covid-19 pandemic. CAMRA have issued an update following the outbreak, which also provides guidance around the consideration of changes of use to public houses. In a letter published 7th May 2020, CAMRA state (emphasis added):

“The current crisis is obviously making life extremely difficult for pub owners and tenants; there can be little doubt that not all pub businesses will survive until the time for conventional reopening comes around.

CAMRA is concerned that some owners and developers will regard this situation as an opportunity to seek planning permission to change the use of pubs for short-term financial gain. They will no doubt claim that the pubs concerned were struggling to be viable before the crisis but have now been tipped irreversibly over the edge. As we all know, many existing pubs would be worth significantly more if converted to other uses, particularly residential. A chance to maximise assets is likely to be grasped in some quarters.

Our appeal to Local Planning Authorities is, please, stand firm and adhere closely to the national and local policies that protect community facilities like pubs. The reality is that, before the virus struck, the pub trade was in its healthiest state for many years. The annual survey of pub numbers by the Office for National Statistics found that they had increased by around 300 in 2019 – this chimes with our own findings which identify new openings outstripping closures. The public’s enthusiasm for pub-going will surely return undiminished once life is back to normal; new businesses will soon emerge to take the place of crisis casualties so we need to keep the pub stock essentially intact.

As said earlier, the commonest claim by change of use applicants will be that the pub cannot be made viable in the future. May I remind you please of our Public House Viability Test which aims to assist in evaluating the veracity of such claims by examining what a business could achieve if efficiently run by management committed to its success.”

- 6.14 The applicants concur with this statement, and recognise that some public houses will be able to survive and thrive in the ‘new normal’. However, The Red Lion Inn was in economic decline before Covid-19. Nonetheless, the public house viability test remains and is exercised in this case.

- 6.15 Given the limited employment history, the extremely limited commercial potential and the catastrophic economic downturn, there is little that can be done to retain and generate jobs on site through retaining The Red Lion as a public house. The applicants acknowledge the marginal employment loss on site, but that the occupancy of the site for residential purposes would go some way to offsetting any such loss.
- 6.16 Turning our attention to supplementary guidance, the SPG for Retention of Shops, Post Offices and Public Houses in Villages (2004) sets out the Council's position with specific regard to the conversion of pubs to dwellings. The SPG is not a formal planning document and does not form part of the development plan. However, as an approved document democratically prepared and approved by the Council to aid the decision-taking process it is nevertheless afforded significant weight as a material planning consideration. This is borne out in recent appeals (including that at *The Cross Keys, Henley* (reference: APP/W3520/W/16/3143228) and also this site formally known as *The Dobermann Inn, Framsdon* (reference: APP/W3520/W/18/3208626) where it was agreed that the SPG is consistent with the NPPF and is therefore relevant in the consideration of this proposal. Great Bricett is defined as Countryside in the Core Strategy under policy CS1, with The Red Lion being located 0.5 mile south of the village centre. Therefore, the spirit of the SPG is considered to carry limited weight.
- 6.17 The SPG states that there will be support for the retention of facilities where they can be shown to be viable. The change of use of a rural public house to an alternative use will not be permitted unless a number of criteria are met including that at least one other public house exists within the settlement boundary or within easy walking distance to it. However, in this instance, the public house is commercially isolated owing to its rural nature. Whilst the application site is bound by residential properties, this is far from enough to sustain any viable pub business.
- 6.18 That being said, there are no fewer than **43** other public houses within a 10 mile radius:
- Wheelhouse (Formerly Wheeler's Arms) / Naughton / IP7 7BS / 1.4 miles / Traditional pub with a selection of ever changing ales
 - The Lime Burners / Offton / IP8 4SF / 2.5 miles / Dog friendly, live music, split level bar with fish and chip restaurant (option to eat in or takeaway), quiz night every Thursday

- Rose & Crown / Elmsett / IP7 6PA / 4.9 miles / Dog friendly, large outside drinking area, good children's playing facilities to keep kids entertained, live music, real fire
- Fox (formerly Fox & Goose) / Barking / IP6 8HP / 2.7 miles / Sports TV, garden terrace, two function rooms, seasonal events
- Duke of Marlborough / Somersham / IP8 4QA / 3.3 miles / Various events on throughout the month (pizza nights, games nights etc), separate bar, smoking area
- Punch Bowl Inn / Battisford / IP14 2LQ / 4 miles / Various events throughout the year (quiz nights, beer festivals, themed food nights, jazz nights), log burner and real fire, plans to add a shop to the pub
- Bildeston Crown / Bildeston / IP7 7BE / 3.7 miles / Luxury accommodation, separate function room, separate bar, real fire, family & pet friendly
- Red Lion / Bildeston / IP7 7EX / 3.6 miles / Fully enclosed garden area, dog friendly, live music, sports tv, traditional pub games
- King's Head / Bildeston / IP7 7ED / 3.8 miles / Family & pet friendly, play facilities for Children, fully enclosed garden area with covered patio, live music, real fire
- Peacock Inn / Chelsworth / IP7 7HU / 4.5 miles / Family & pet friendly, accommodation available, separate bar
- Lion / Needham Market / IP6 8EH / 4.8 miles / Beautiful 16th century building, Family friendly, real ale available
- Swan / Needham Market / IP6 8AL / 4.9 miles / Pleasant 'airy' atmosphere, regular community events, family & pet friendly, changing cask ales
- Limes / Needham Market / IP6 8DQ / 5.1 miles / Family & pet friendly, accommodation available, separate bar, regularly updated menu
- Three Turns / Needham Market / IP6 8AA / 5.2 miles / Live music including karaoke nights, 4 sports televisions, accommodation available
- Bell / Kersey / IP7 6DY / 7.5 miles / Set close to the villages famous 'Water Splash', separate restaurant and bar area, family & pet friendly
- Lindsey Rose / Lindsey Tye / IP7 6PP / 6.1 miles / Traditional country pub (one of the oldest in the country), family & pet friendly, pub garden, locally sourced pub food
- Eight Bells / Hadleigh / IP7 5DD / 7.1 miles / Traditional pub games, real fire, separate bar
- The Cock Inn / Hadleigh / IP7 5BP / 6.6 miles / Regular live music, wood burner, pool table, quiz nights

- Battlebury's at the King's Head / Hadleigh / IP7 5EF / 6.2 miles / Members of the EADT Dog Friendly Pub Club, garden area, located in the centre of town
- George / Hadleigh / IP7 5AL / 6.2 miles / Regular live music, abstract interior, real fire, traditional pub games
- Chequers / Great Blakenham / IP6 0LP / 7.1 miles / Childrens play area, function rooms available, mobile bar available at events, pool table and dart room available
- The Hadleigh Ram / Hadleigh / IP7 5DL / 6.4 miles / Separate bar, traditional pub games
- Swan / Monks Eleigh / IP7 7AU / 5.7 miles / Food sourced from local small and artisan producers, large fire in restaurant, regular events including comedy nights
- Magpie / Combs Ford / IP14 2AP / 8.1 miles / Variety of drinking areas, live entertainment at weekends, annual Gin festival
- Gladstone Arms / Combs Ford / IP14 2AP / 8.1 miles / Beer garden by a small stream, up to 14 different ales, Sky Sports available, live music
- Meadlands Recreation Club / Combs Ford / IP14 2AL / 7.9 miles / Social club, always open to new members
- George / Hintlesham / IP8 3NH / 8.5 miles / Family friendly, regular events, separate function room
- Chestnut Horse / Great Finborough / IP14 3AT / 9.8 miles / Separate restaurant, future post office and farm shop to be added, historical memorabilia around the pub
- Willow Tree / Stowmarket / IP14 1BB / 8.4 miles / Open plan pub, smoking area available, family friendly
- Oak / Stowmarket / IP14 1AH / 8.5 miles / Live music once a month, family friendly, pub garden, smoking area, Sports TV
- Sorrel Horse / Barham / IP6 0PQ / 8.2 miles / Lots of character with large open fireplace and endless beams, large garden with childrens play area, a la carte menu available
- Queen's Head / Stowmarket / IP14 1EF / 8.6 miles / Late license, outdoor seating, live music, family & pet friendly
- Shepherd & Dog / Stowmarket / IP14 3BX / 9.8 miles / 16th century pub with characterful bar, interesting and regularly updated food menu
- Stag / Stowmarket / IP14 1HF / 8.9 miles / Free house, quiz once a month, won 'community pub of the year' award
- King's Arms / Stowmarket / IP14 1RQ / 8.6 miles / Lively bar, quieter room available, various function rooms available, annual beer festivals

- The Walnut / Stowmarket / IP14 1NE / 9 miles / Function room available free of charge, quiz nights each week, vinyl nights on Wednesdays, beer garden
- Pickerel Inn / Stowmarket / IP14 1EQ / 8.7 miles / Riverside garden area, live music at weekends, real fire
- Royal William Free House / Stowmarket / IP14 1HP / 8.7 miles / Friendly locals, local darts teams, quiet location
- The Claydon Greyhound / Claydon / IP6 0AR / 9.2 miles / Warm and cosy atmosphere, two bar pub, smart outdoor drinking area, regular quiz nights
- Little Wellington / Stowmarket / IP14 5AG / 9 miles / Community pub, convenient to the railway station, live music on Saturday nights, good value Sunday lunches
- Marquis / Upper Layham / IP7 5JZ / 8.1 miles / Overlooks the Brett Valley, various function rooms available, accommodation available
- Six Bells / Preston / CO10 9NG / 9.2 miles / Spacious outdoor garden area, private functions available, large open bar, heated conservatory
- Queens Head / Lower Layham / IP7 5LZ / 9.8 miles / Located in small hamlet, cosy with a small open fire, Hadleigh Rotary club meet Thursday evenings, enclosed garden area

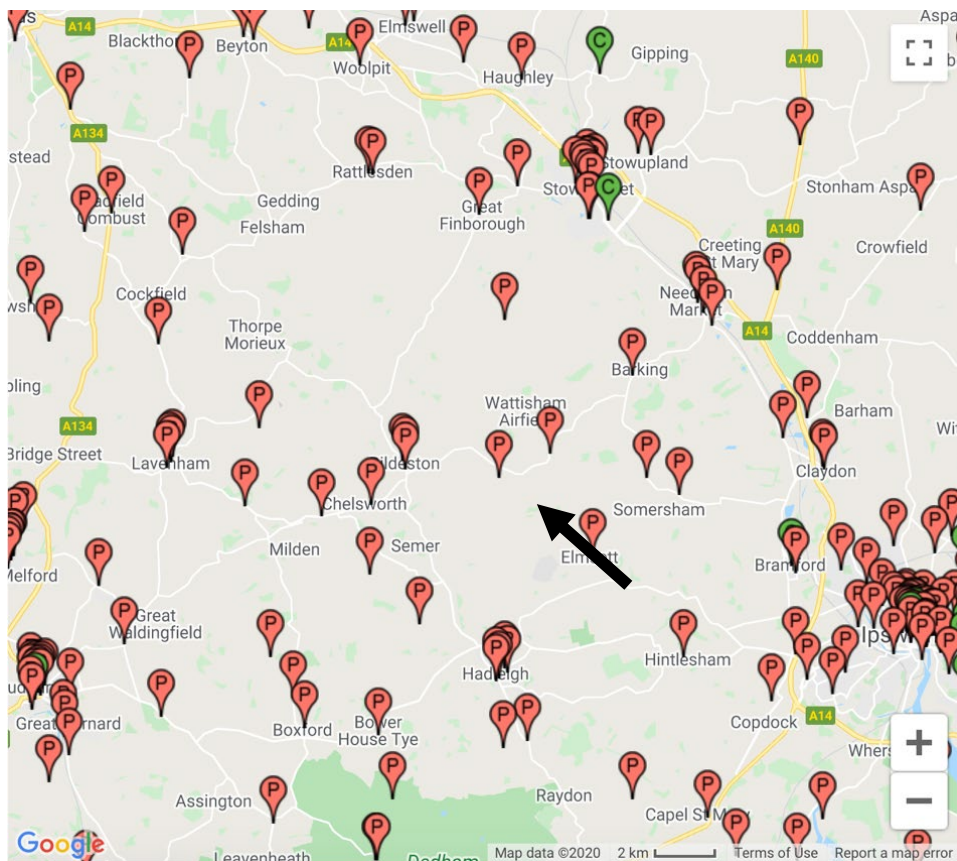


Figure: 6.18.1 Nearby Public Houses (site depicted by arrow)

- 6.19 The changed drinking culture and the volume of competition in the locality has undermined these premises, which would always be predominantly reliant on local income, which the site is detached from.
- 6.20 On assessment of the key considerations drawn from local planning policies, including the SPG, the scheme satisfies the tests engaged. The SPG also requires applicants to demonstrate consideration to consumer led groups, along with evidence of alternate use consideration, marketing and viability. This statement will go on to discuss these remaining elements in turn below.

6.21 National Planning Policies

- 6.22 At a national level, paragraph 84 d) states; *“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”*. This notion is shared by the applicants, who endorse the direction of encouraging prosperous local communities. However, as other materials considerations have shown to dictate, this cannot and should not be maintained where the business is unviable.
- 6.23 The same principle applies when framed against paragraph 93:

“To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;*
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”*.

- 6.24 The direction of policy at a national level is clear in encouraging the retention of public houses, providing they are viable, valued, beneficial and socially cohesive. The Red Lion Inn has not been used or subject to a sufficient and regular custom for a number of years. The 'use it or lose it' principle is very much in play here, and there is nothing that alters this approach as directed by materially consistent planning appeals issued by the Inspector.
- 6.25 Typically, for public houses to be considered as 'valued', an Asset of Community Value (ACV) listing would be in place. The Red Lion Inn is not subject to ACV listing, and is not therefore considered as a valued community asset that would justify resisting the change of use proposal. Similarly, the doors of The Red Lion Inn have been open before and during Covid-19, and customers have always been welcomed, but the footfall has simply not enabled the pub business to sustain a steady and consistent level of trade. This raises concern with the permitted use of the site as a public house, as it is clearly not valued, beneficial to the community as a public house, or integral to meeting the day-to-day living needs of Great Bricett or surrounding rural hamlets. Given the lack of engagement to date, the site is extremely constrained in its ability to sufficiently engage the community at a socially cohesive level, such that it would justify the retention of a failing pub business and deter the residential use proposed.
- 6.26 This brings us to the consideration of utilising land effectively in light of the poor socio-economic conditions. Paragraph 119 also provides guidance on the effective use of land; *"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions"*. Clearly, the principle of this proposal harmonises with paragraph 119, which recognises the need to use land in a resourceful and need driven way.
- 6.27 On assessment of the key considerations drawn at a national planning policy level, the scheme soundly satisfies the tests engaged.
- 6.28 Case Law
- 6.29 It is important to note that the use class for public houses has changed since 1st September 2020. These changes were enacted by the Town and Country Planning

(Use Classes) (Amendment) (England) Regulations 2020. Public Houses were previously in the 'A4' use class category but are now in a 'Sui Generis' category of their own.

- 6.30 In terms of Case Law precedent, cases are few and far between, however context can be drawn from several cases which consider how material considerations must be handled. Procedurally, the applicants acknowledge that the LPA is required to exercise planning judgment. The Courts will not interfere as it is a matter of professional planning judgement as cited in *Lang J in R (oao East Meon Forge and cricket Ground Protection Association) v East Hampshire DC [2014] EWHC 3543 (Admin)*.
- 6.31 One such consideration is whether the public house is ACV listed. The significance of an ACV listing in the context of planning was raised in *R (oao Loader) v Rother DC [2015] EWHC 1877 (Admin)* which involved judicial review proceedings over a planning permission to carry out a residential development at the ACV listed Gullivers Bowling Club. Patterson J without any criticism went on to say:

“With regard to this, planning applications have to be determined in the normal way in accordance with the development plan unless material considerations indicate otherwise. At present there is no direct case law on what weight is attached to ACV listing. The weight to be given to any material consideration is a matter for the decision-maker, subject to his decision being reasonable and rational in all the circumstances. Each case depends on its merits. Reference has been made to the NE Derbyshire case, but in that case the proposal was also contrary to a planning policy. In making your decision here you will be doing the usual balancing act to see what weight you attach to material considerations in question.”

- 6.32 This application therefore falls squarely on planning judgement in full view of all material planning considerations engaged. In the context of The Red Lion Inn, there is no ACV listing prohibiting the loss of a valued community asset, and no local or national planning policies that would resist the scheme either. The significance in a material use class change on site is therefore much reduced. The tests which remain are plainly down to exploring alternative uses, marketing and viability.

Keep Bourne End Green v. Buckinghamshire Council [2020] EWHC 1984 (Admin)

6.33 Before taking each of the above underlined points in turn, it is necessary to consider recent case law handed down by the Courts through *Keep Bourne End Green v. Buckinghamshire Council* [2020] EWHC 1984 (Admin). Mr Justice Holdgate provides sound assessment of the application of 'exceptional circumstances' at Paragraph 146, which states (emphasis added):

"I begin by summarising principles set out by Sir Duncan Ouseley in Compton Parish Council v Guildford Borough Council [2020] JPL 661 at [68]-[72]:-

(i) There is no definition of the policy concept of "exceptional circumstances". The expression is deliberately broad and not susceptible to dictionary definition. The matter is left to the judgment of the decision-maker in all the circumstances of the case;

(ii) Whether a factor is capable of being an exceptional circumstance may be a matter of law, as an issue of legal relevance. But whether it amounts to such a circumstance in any given case is a matter of planning judgment;

(iii) But the suggestion that a factor is legally incapable of amounting to an exceptional circumstance will generally require caution and judicial restraint. The breadth of the phrase and the array of circumstances which may qualify as "exceptional" indicate that judicial emphasis is very much more on the rationality of the judgment made by the decision-maker than on seeking to define what can or cannot amount to "exceptional circumstances";

(iv) "Exceptional circumstances" is a less demanding test than the "very special circumstances" test (as explained in Paragraphs 87-88 of NPPF 2012 and now Paragraphs 143-144 of NPPF 2019) used in development control in the green belt;

(v) There is no requirement that green belt land may only be released as a last resort,

(vi) There is no requirement to show that the assumptions upon which a green belt boundary was originally drawn up have been falsified by subsequent events;

(vii) Exceptional circumstances may comprise one factor or a combination of factors of varying natures;

(viii) General planning needs, for example general housing, are not excluded from amounting to exceptional circumstances. The need does not have to relate to a special form of housing or to a particular level of intensity”.

- 6.34 This is a compelling case which captures the exceptional circumstances term frequently expressed in the planning system. Mr Justice Holdgate is clear at Paragraph 146 that ‘exceptional circumstances’ are undefined, may be broad, which require the application of rational planning judgement, and which are considered case by case. The benchmark standard of paragraph 84(d) and consideration of paragraph 93 of the NPPF are broadened, and given the terminology used by the Courts, the present housing shortage and the COVID-19 impact, the present day circumstances would certainly not surmount as ‘normal’. We are living in exceptional times, and Mr Justice Holdgate has recognised that such times should not be excluded as materially irrelevant.
- 6.35 Case law is therefore a key material consideration, amongst others. The considerations of a paragraph 84(d) and 93 are less stringent, and LPAs are required to consider the merits of the proposal through an undefined, broad and rational planning lens. Paragraph 119 operates effectively for schemes such as this. It is very much a case of consideration through the present circumstances. There is clear national planning policy and case law support for this scheme.
- 6.36 Alternative Uses
- 6.37 The applicants have considered what possible alternative uses there could be. As regards to any future community use, the test is low. The LPA has to decide whether any future community use is realistic or fanciful. There has to be a realistic prospect of future community use. If the possibility is realistic then there is a realistic prospect of a future community use (*Worthy Developments v Forest of Dean and Moat v North Lincolnshire DC CR/2014/0005*). If there is no realistic prospect of a future community use (or any other use for that matter), then alternative use cannot be explored (*Spirit Pub Co Ltd v Rushmoor Borough Council [2013] CR/2013/0003*).
- 6.38 The configuration of the premises (and Grade II status) would not allow significant expansion to allow it to become a destination ‘in its own right’ without significant investment, such as an exclusive gastropub, restaurant led or alternative fine diner offering. In any event, such a business model would only be sustainable

commercially should residents, customers, visitors or tourists from afar or within the locality use it. The limited facilities such as the small kitchen would constrain the adoption of a more 'food driven' business model.

6.39 Conversely, the applicants have not been approached by any local community individuals, groups, organisations or parties to consider the use of the public house for the community either, despite marketing. There is no apparent community led interest with a forthright business plan in place, or any other commercial company with an interest in taking the public house on through other commercial channels. There is simply no uptake for the use of the site as a public house, a mixed community use, or any other commercial entity.

6.40 Indeed the owners have sought to offer an alternative vegan fine dining experience, which is very much 'on trend':

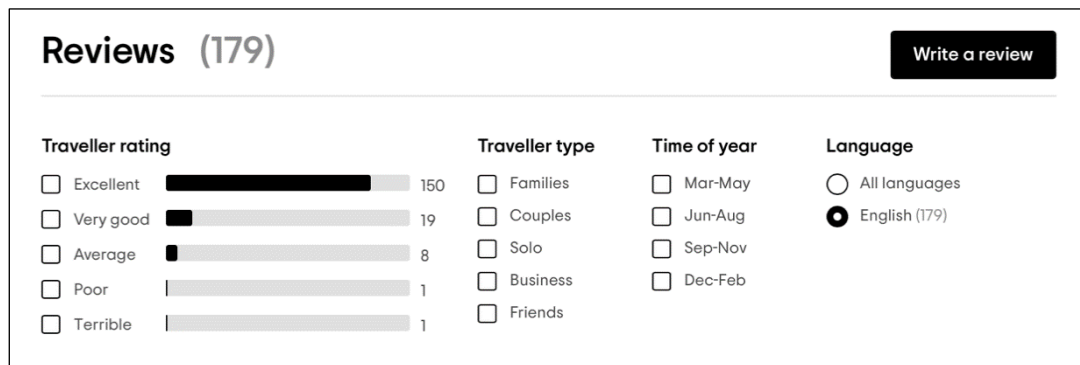


Figure: 6.40.1 Tripadvisor Reviews

6.41 The vegan menu has been well received, but the footfall is simply not enough. Whilst this has stimulated interest more widely, sales have plateaued. This is not sustainable and is a clear marker that the site is not commercially viable when different types of rural public house offering are provided.

6.42 A public house cannot be considered to serve 'day-to-day needs' either, as these are considered to be services such as convenience stores, pharmacists and post office for example, which in any event are available nearby. Diversification of the public house offering would not be sustainable, and would operate against other 'day-to-day needs' already established.

6.43 The general factors which cause a use to be treated as a community use are not capable of scientific measurement. The LPA is required to apply a more wide ranging consideration of the circumstances to hand, with a simple assessment of whether the benefits outweigh the harms in the round. Given the limited alternative use potential, the applicants have demonstrated every reasonable effort to utilise the site in a more creative way.

6.44 Marketing

6.45 Whilst the subtext for the SPG for Retention of Shops, Post Offices and Public Houses in Villages (2004) refers to advertising for 12 months. Furthermore, the policy guidance expects every 'reasonable effort' to be made to sell the pub. However, given the SPG refers expressly to a policy within the development plan which is now deleted, nothing more than limited weight can be applied to the SPG. Whilst the spirit and thrust of the SPG is noted, it is not a fundamental influence amongst the overall basket of policies.

6.46 The applicants recognise that the site has not been subject to the erection of a sales board. This can in some instances be tempered by the fact that this can often give the impression of a failing business and one which may well turn some potential clients off from using the facility. Indeed, the applicants were aware that this has been the case in other situations where pubs have been for sale, and took advice on this from their marketing agents.

6.47 The site is clearly not attractive to potential purchasers given its commercially isolated nature, the evident lack of trade potential, custom levels, cover size and pub business risk. These are clear indicators that the site is not attractive to the market in its present form, as underpinned by the accompanying Savills marketing report, dated 21 September 2021.

6.48 Viability

6.49 The role of the public house on the British landscape has changed dramatically in the last decade, with many campaigns launched to protect pubs, no matter what that cost. Recession, the smoking ban and a move to more people drinking at home have seen the rapid decline in the number of pubs accelerate.

- 6.50 Since planning policies were altered to retain public houses, embracing change through the test of economic viability is the essential way forward. Certainly, this is the position taken by various Inspectors.
- 6.51 However 'valued' a local facility may be, in order to be both sustainable and a commercial success, it must be used by local customers in sufficient numbers to keep the business alive. It is plain that there are inadequate customers to allow the owners to meet the operational costs and overheads and to generate sufficient profit for the business to survive.
- 6.52 The population of the village is simply insufficient to support a commercially viable pub business, especially when there is good choice within the village and surrounding areas as researched. The site is remote from, and is not easily accessible by foot. Not all local residents could in any event be expected to use their local pub on a regular basis. Clearly, the vast majority of local residents don't use the pub when it has been available to them, and it is neither fair, reasonable or wise to expect the owners to run the public house in such financial frailty.
- 6.53 The owners are experienced in the trade, and have done what they can to improve the business, including an alternative vegan menu. They have retained a 5 star hygiene rating as of 17th September 2020, and have genuinely gone above and beyond to float the business for the benefit of all.
- 6.54 The application is supported by a thorough summary of the marketing campaign undertaken on behalf of the applicants, by Davis Coffey Lyons Ltd who's core business is the valuation, sale and acquisition of licensed and leisure businesses. They are specialists in pubs, inns, restaurants, hotels and leisure businesses.
- 6.55 Principle of Development Conclusions
- 6.56 It is a well settled principle that applications of this nature and extent need to sufficiently meet the local and national planning policy directives, which in turn are guided by Case Law and Planning Appeal precedent. When applying the public house viability test, the proposal scores extremely well in view of the alternative uses explored, and relentless efforts to ensure the pub business can survive. To summarise:

- The pub business has been struggling for at least 6 years
- The pub business employed only 1 part time employee
- The building is not identified as an asset of community value
- The applicant landlords have not been approached by any local community individuals, groups, organisations or parties
- The public house is listed and is constrained in its ability to transform commercially

6.57 The principle of development is heavily supported at a local and national level, and there is nothing before the LPA to suggest otherwise. For all of these reasons, the applicant considers that the proposal has demonstrated qualities that accord with development plan policies FC01, CS01, E06, the essence of the SPG, and the flexible approach advocated by the NPPF, and that the balance would fall in favour of this proposal.

6.58 **Heritage**

6.59 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities to have special regard to the desirability of preserving listed buildings and their settings (Sections 16 and 66).

6.60 At the local level, policies HB01, HB03 and HB05 deal with listed buildings and their settings and provide a number of criteria against which to assess proposals that affect listed buildings.

6.61 At a national level, there are specific NPPF policies relating to designated heritage assets that should be considered in this case. Paragraph 197 is particularly relevant to the determination of this proposal:

“In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness”.

- 6.62 Paragraph 199 of the NPPF states; *“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.”* It continues to identify that; *“This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*. The more important the asset, the greater the weight should be.
- 6.63 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Paragraph 197 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.64 The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or may be neutral.
- 6.65 These legislative and policy provisions thereby identify a need to assess the significance of the heritage asset in a proportionate manner, identify the impact of the proposed development on that significance, balance any harm arising against the public benefits and ensure that the special character of the building is preserved and, where possible, enhanced.
- 6.66 In true consideration of the change of use proposal, which would involve no operational development (for example structural, fabric, material or finishing alteration) the proposal would not give rise to adverse harm in heritage terms. The historic fabric would remain unaltered. The historic integrity of the building and its setting would be retained and there is nothing about this scheme that would disrupt the historic sensitivity of the site through the proposed change of use.
- 6.67 The application is supported by a comprehensive Heritage Asset Assessment by Leigh Alston. A sensitive development can be accommodated here in a manner that would not operate at odds with paragraphs 199 to 202 of the NPPF, and which would comply with policies HB01, HB03 and HB05.

6.68 **Highways Access, Parking and Safety**

6.69 The proposal utilises an existing site access to LHA standard. Policies T09, T10 and the supplementary Parking Standards require that all new development will allow for safe and sufficient highways access, including adequate parking provision relative to the scheme proposed.

6.70 Paragraph 110 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The courts have held that the principle should not be interpreted to mean anything other than a severe impact on highway safety to be acceptable (*Mayowa-Emmanuel v Royal Borough of Greenwich [2015] EWHC 4076 (Admin)*), which this proposal does not create.

6.71 On site, sufficient space is provided to allow a vehicle to manoeuvre within the site and re-enter the highway in a forward facing gear. The primary access is suitably set thus not to create unacceptable highways risk.

6.72 The proposal responds well to Policies T09, T10 and the Parking Standards, as underpinned by case law. There is nothing before Officers to suggest the scheme should be refused upon highways grounds.

6.73 **Sustainability**

6.74 Paragraph 8 of the NPPF sets out three dimensions for sustainable development:

“a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe

built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”.

- 6.75 The relationship to existing built development - The site is situated amongst a small cluster of residential dwellings, and is therefore considered inherently sustainable by virtue of its superior relationship to existing built development. As such, and in consideration of the extent of the defined site outline, the proposal is spatially related.
- 6.76 The relationship to facilities and services, and their accessibility - The application site is limited at a pedestrian level, which has been a significant factor in the pub business decline over recent years. However, the site is within access of public transport links available in Great Brickett, connecting the site to the District and beyond. As such, journeys by public transport are an entirely realistic option for future owner / occupiers. Furthermore, journeys by bicycle should not be discouraged either. Future owner / occupiers of the proposed dwelling would not be solely reliant on the use of the private motor car. The site and surrounding area demonstrate evident connectivity as presented.
- 6.77 Economically, the proposal would generate a benefit for local trade before, during and after change of use. Furthermore, there will be a positive benefit through support of local amenities, facilities and services available from future owner / occupiers. Financially, the proposal would contribute to Council Tax. As evidenced earlier in this statement, there has been a clear unsustainable decline in trade over a considerable period of time which would create a bigger economic issue locally. The proposal would make a small yet positive improvement to the economic output of the site, which would be stable. This is a benefit overall, which must be seen as a positive through the presumption in favour, as opposed to a failing public house in a rural location.
- 6.78 Socially, the proposal yields positive benefits through the creation of a healthy and functionally sound dwelling which is conducive for day-to-day living, with positive

interaction within the immediate and surrounding areas. Positive contribution to the local community can in some instances stimulate stronger communities. The space provided will enable good domestic enjoyment without materially hindering or oppressing the social enjoyment experienced by neighbouring property. The proposal provides a contribution to much needed housing. It has been apparent for some time that the social offering and the overall pub experience has not been sufficiently taken up by residents, customers, visitors or tourists from afar or within the locality. This is a defining point, as the true social strength and potential of the site has ceased beyond the point of commercial return. This is a classic case of 'use it or lose it', and under the current and looming socio-economic pressures, the social potential is emphatically flawed. As such, the only viable social benefits which are deliverable are for the use of the building as a dwelling.

6.79 Environmentally, the site benefits from connections. There is not a sole reliance on the use of the car (and therefore reducing harmful CO2 emissions targeted by the NPPF) in order to maintain a fair and reasonable standard of domestic enjoyment on site. The proposal does not result in material harm to the character, experience or appreciation of the Grade II Listed Building or its setting. The scheme doesn't result in residential amenity intrusion either.

6.80 The proposal reflects the essence of Paragraph 8, and is therefore considered economically, socially and environmentally sustainable.

6.81 **Other Matters**

6.82 Whilst this application does not attract the consideration of design and layout, residential amenity, landscaping, ecology and biodiversity, flood and water or land contamination, it is a prudent exercise to consider the deliverability of these detailed matters.

6.83 **Design and Layout**

6.84 Policy GP01 is intently focussed upon design and layout of development. Policy CS5 requires development to be of a high-quality design that respects the local distinctiveness.

6.85 The proposal is for change of use, with some minor alterations proposed as shown on Drg. No. 20-178-201A. Therefore some limited operational development which would alter the fabric of the building, is required. The applicant understands and respects the Grade II quality and nature of the building, including its historic context. The applicant is seeking to establish the change of use as justified by this statement, with a minimal number of physical alterations. Notwithstanding this, the site is readily capable of accommodating the proposed domestic use internally and externally. The scheme as proposed would harmonise with the character and form of the locality. The site is readily capable of accommodating the change of use proposed, with good spatial integration, that does not have a harmful impact of the existing structure.

6.86 Residential Amenity

6.87 Policy H16 seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. Paragraph 125 of the NPPF also holds regard to the protection and preservation of residential amenity, which the scheme wholly delivers. Whilst nobody has a right to keep the existing view from their home, the applicant acknowledges that the LPA will consider the effect the land use may have on the outlook from principal windows of neighbouring property.

6.88 Realistically, the scheme would not result in undue intrusion into the domestic enjoyment of neighbouring dwellings. In any event, appropriate mitigation could be applied.

6.89 Landscape

6.90 Policies CS05 underpins the notion of preserving and enhancing character of areas through appropriate design. The site is not located in a protected landscape area (for example Article 4, AONB, SLA or Green Belt). By virtue of the low visual value of the area, the significance of a material change in the appearance of the land in this locality is reduced. Less weight is therefore afforded to the visual appearance of the land in this instance. The existing site offers a limited landscape and tree value, and is not of a visual character which should be protected from development. The proposed domestic use would not result in any overriding landscape harm.

6.91 Ecology and Biodiversity

6.92 Policy CS05 and Paragraph 174 of the NPPF which seek to conserve and enhance biodiversity and the natural environment. Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) provides that all "*competent authorities*" (public bodies) to "*have regard to the Habitats Directive in the exercise of its functions*".

6.93 There are no recordings of protected species or their habitats within the site or likely to be affected in the immediate area. It is highly unlikely that any protected species would be found within this site and as such this proposal is not considered to be harmful in terms of ecology or biodiversity. The applicant acknowledges their duty to adhere to the Habitat Regulations 2017.

6.94 Flood and Water

6.95 The site is not located in a vulnerable flood zone area, therefore the risks of flooding are considered to be low. Given that the application is considered 'minor', on site attenuation and surface water management / disposal is nonetheless provided, ensuring that the sites 'sealed surfaces' are properly managed. The applicant is fully aware of their obligation to comply with Part H (Drainage and Disposal) of the Building Regulations 2010.

6.96 Land Contamination

6.97 There is no known land contamination issue, with an extremely low contamination potential. The site is not considered to present risk to future owner / occupier through land contamination.

7.0 **Planning Balance**

7.1 The proposal seeks planning permission for; Change of use of public house (Sui Generis) to dwelling (C3). The applicants acknowledge the LPAs position concerning planning conditions, and welcomes discussion around agreement of conditions.

7.2 Paragraph 60 of the NPPF states:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

- 7.3 Whilst the development plan is the starting point, it is not the end point. Policy supports the principle of development as underpinned by planning appeal precedent and case law handed down by the courts, with demonstrable social and environmental benefits accruing. The site is preferentially located being within close access to services, facilities and amenities.
- 7.4 Following the opportunity through the ACV process to purchase the site, no formal offers have been lodged by third parties, despite several claims that there would be during the previous planning application submission. No offers have been tabled. No reliable community interest group has been formed either. It is clear that despite apparent attempts to curtail the proposal through the ACV process, no forthright offers with underpinning business plans in place have come forward over the last 8 months, or before this period at all. The lack of uptake underlines the lack of interest and accordingly, the site is clearly of limited community benefit.
- 7.5 The proposal is a wholly deliverable prospect, making effective use of land, without undue harms. Certainly, the positive benefits accruing far outweigh the limited harms. The scheme is robustly supported at a local and national level offering a sustainable scheme which is heavily aligned to local and national planning policies.
- 7.6 In light of this, and taking account of all the considerations set out above, it is hoped that the LPA will support this sustainable development by granting planning permission in the terms requested.