



ENVIRONMENTAL

Environmental Consultancy

DESIGN AND ACCESS STATEMENT

**The Robin Hood Inn Public House, Brackley Road Water Stratford
Buckinghamshire MK18 5DN**



PREPARED ON BEHALF OF STRANKS ASSOCIATES

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1.0 Site and Surrounds

- 1.1 The Robin Hood Public House is located on the A442 which connects Brackley to the west and Buckingham to the east. Approximately 2.5 miles to the north are the National Trust Gardens of Stowe and further northward is Silverstone Racing track about 5 miles away.
- 1.2 Bufflers Holt itself is a small hamlet of approximately three cottages, The Robin Hood itself and two outlying farms. The name Bufflers Holt is believed to be a corruption of Buffalo's Holt, or hold, so called because the Duke of Buckingham formerly kept buffalos.
- 1.3 The property is a two-storey detached building with some single storey additions to the side and rear.
- 1.4 The surrounding curtilage comprises predominantly hardstanding; with car parking for approximately 25 cars provided to the west of the building. The site comprises of a large open grassed area to the rear.
- 1.5 Immediately to the west of the property is a residential bungalow and to the east a two-storey dwelling with a range of out-buildings. The site is indicated by the red line on the image above. The boundary fir trees to the south boundary are within the neighbouring landowner's ownership. The A422 passes to the north of the site and the building is situated close to it.
- 1.6 Apart from the immediate neighbours there is only one other residential property within walking distance of the site. This dwelling is located at the junction of the A422 and Welsh Lane, approximately 350m from the site to the east and on the opposite side of the A422.
- 1.7 The nearest villages are Water Stratford about 1 mile away to the southwest, the hamlet of Radclive about a 1 mile to the south east. The village of Tingewick lies 3 miles to the south of the application site. This village benefits from a village pub, The Royal Oak along Main Street at the centre of the village. Tingewick has a range of village facilities and is also accessible for residents of Water Stratford about a mile north. The neighbouring village to the west, Finmere, also has a local village pub known as the Red Lion. There is considerable choice of services in the market town of Buckingham 2 miles to the east ,as does Brackley 5 miles to the west.
- 1.8 The pub officially closed on 1st June 2023. As the report will detail the business has been struggling for a number of years resulting in forced closure.

2.0 Planning History

2.1 The planning history dates back over 40 years:

- 79/01793/av Residential caravan for use as sitting room by publicans elderly relative who lives at public house
- 79/01792/av - Enclosure of agricultural land for use as domestic garden and the provision of a swimming pool for use of publicans family
- 82/01340/av - Retention of residential caravan (renewal of av/1793/79)
- 89/00381/app - Erection of single storey side and rear extensions
- 94/01304/app - Extension and alterations
- 97/02550/app – Shed in rear garden
- 97/01534/app - Extension & alterations
- 98/00338/aad - Replacement of remote directional sign
- 98/00442/app - Lighting to car park
- 98/00071/aad - Public house signs
- 98/00335/aad - Replacement of remote directional sign (a)
- 21/00684/app - Change of use from pub/restaurant (sui generis use) and first floor flat to single dwelling (C3 use) – Refused

3. Constraints

3.1 The site has the following constraints:

1. A Listed Building – No.
2. Within a Conservation Area – No
3. Within the Metropolitan Green Belt and/or Area of Outstanding Natural Beauty – No
4. A Previously Converted Barn to a Dwelling – No
5. Subject to Agricultural or Equestrian Occupancy Conditions – No
6. Subject to any Tree Preservation Orders (TPO) – No
7. Within an Area of Attractive Landscape and/or Local Landscape Area – No, although the north side of the road the countryside is designated as an Area of Attractive Landscape
8. Is the property located within Flood Zone 2 or 3 – No. The site is within Flood Zone 1.
9. Does the local neighbourhood have a Neighbourhood Plan – No

4. **Proposal**

4.1 The application seeks full planning permission for the change of use of the existing building to form one detached self-contained dwelling with parking and space, full details of which are set out in the following plans:

- Site Location Plan 001
- Site Plan 002 (1:500)
- Existing Floor Plan 003
- Existing elevations 004
- Proposed floor plans 005
- Proposed Elevations 006

4.2 As detailed in the attached plans, no external alterations are proposed to the building to facilitate the change of use. No alterations are proposed to the existing access arrangements, with the current car park being used into allocated parking.

5. **Planning Policy**

5.1 The Development Plan consists of the:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance National Design Guide (NDG)
- Vale of Aylesbury Local Plan (2013-2033) adopted 2021.

5.2 The development plan for this locality comprises the Vale of Aylesbury Local Plan September 2021 (VALP), there is no made neighbourhood plan for this locality. Material considerations include the National Planning Policy Framework 2021 and the National Design Guide 2021.

5.3 In particular relevant policies include:

National Planning Policy Framework (NPPF)

The NPPF was first published on 27 March 2012 and, with immediate effect, replaced a raft of advice and guidance contained in various Planning Policy Guidance notes (PPGs), and Planning Policy Statements (PPSs). In July 2018 a revised version of the NPPF was issued (NPPF2), followed by further revisions in February and June 2019 (NPPF3). A further set of revisions were published in July 2021 (NPPF(4)).

As with the original (2012) NPPF, sustainable development remains at the heart of the Framework, with three interdependent and overarching objectives – economic, social and environmental – driving the achievement of sustainable development. In order to ensure that sustainable development is pursued in a positive manner, the Framework embodies, in paragraph 11, a presumption in favour of sustainable development.

For decision-taking – in respect of applications for planning permission – the presumption in favour of sustainable development means (paragraph 11):

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no development plan policies or the policies which are most important for determining the application are out-of-date, granting planning permission unless:

(i) the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In addition, paragraph 38 advises that Local Planning Authorities should approach decisions on proposed development in a positive and creative way, and that decision makers at every level should seek to approve applications for sustainable development where possible.

Housing

In terms of housing in rural areas, paragraph 79 advises that – in order to promote sustainable development - housing should be located where it will enhance or maintain the vitality of rural communities, with opportunities taken for villages to grow where this will support local services. Paragraph 78 states that isolated homes in the countryside should be avoided except in specified circumstances, including ((c)) the re-use of existing redundant or disused buildings.

Supporting a prosperous rural economy

Paragraph 84 states planning policies and decisions should enable: d) 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.

Achieving Well-Designed Places

Paragraph 130 highlights that good design is a key aspect of sustainable development by creating better places in which to live and work, with paragraph 130 seeking developments that:

- will function well and add to the overall quality of the area;
- are visually attractive as a result of good architecture;
- are sympathetic to local character and history;
- establish or maintain a strong sense of place;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and
- create places that are safe, inclusive and accessible and with a high standard of amenity for existing and future users.

Permission should be refused for development of poor design that fails to reflect local design policies and government guidance on design, taking in to account any local design guidance and supplementary planning documents (paragraph 134).

VALP:

- Policy D6 Provision of employment land

“Part of policy D6 asserts that “local and village centres will be encouraged to grow and loss of essential facilities and businesses such as local shops, pubs and post offices will not be supported.”

- Policy I3 Community facilities, infrastructure and assets of community value

Policy I3 also asserts that the Council will resist proposals for the change of use of community buildings (defined as including shops, post offices and public houses) and facilities for which there is a demonstrable need.

6. Planning Assessment

6.1 This section of the Statement considers the principal planning issues arising from the proposed development having regard to the following factors:

- The principle of the development;
- Community Facility;
- Viability of Public House;
- Marketing Exercise;
- Highways, Access and Parking; and
- Flooding and Drainage.

Principle of Development & Community Facility

6.2 As detailed, the application seeks full planning permission for the change of use and conversion of the existing building to create one detached dwelling (with associated parking and amenity space). There are no Development Plan policies that seek to protect public houses. Development Plan guidance otherwise supports the re-use of existing buildings, including for residential purposes, so long as due consideration is given to the scale, height, depth and number and location of existing openings of the proposal.

6.3 Paragraph 11.27 of the Local Plan states community facilities should only be granted change of use if there is no long-term requirement for their retention, they are no longer commercially viable and it can be proven a genuine attempt has been made to market the enterprise as a going concern.

- 6.4 Policy I3 develops on this further, stating change of use will only be permitted whereby:
- there is no demonstrable local need
 - the site has been marketed for a minimum period of 12 months at a price commensurate with its use together with proof there has been no viable interest
 - consideration has been paid to the presence of alternative local facilities and the community benefits of the proposed use.
- 6.5 An analysis of other public houses in the vicinity has been completed. Buckingham is 2 miles to the east with a wealth and choice of facilities. The Robin Hood is located between Buckingham and Brackley. To come and frequent this establishment in the open countryside there would need to be an overriding need or desire. This currently does not exist.



Figure 2 – Location of other facilities close to the Robin Hood

- 6.6 Policy C1 of the VALP also supports the re-use and conversion of rural buildings, long as amongst other things, major reconstruction works are not required. Ofcourse this is not withstanding the upper half of the existing building is already in residential use. Therefore the change of use could be argued to only relate to the ground floor.
- 6.7 A public Consultation exercise was undertaken in July and August 2023. This focused of delivering letters to neighbours in the hamlet of Bufflers Holt. In total there are five properties in the hamlet all within 1 mile of the public house. (Appendix A).
- 6.8 Each of the owners were either spoken to received the community consultation letter (Appendix B). This letter informed residents of the proposed application and invited comments on the proposed scheme. One comment was received noting the loss of the public house as being disappointing. The overwhelming sentiments of local residents which were spoken to believed a change of use to residential would represent the best way forward for the site.
- 6.9 The comments made by the local community confirmed the site does not serve as an actual community facility and the local representations gathered demonstrate there is no local need for a public house in this location.

- 6.10 Planning application 21/00684/app for the change of use to residential accommodation was refused in April 2021. The reason for refusal given that the application did not sufficiently demonstrate that there is no longer a local need for this public house, nor has the submitted information shown that the use as a public house is viable. Over two years have since passed since this refusal and as expected the deterioration of the public house has continued resulting in the current owners in their words 'throwing in the towel' and giving up on the pub.
- 6.11 In 2023 a detailed community consultation has taken place and the views of the local community sought. Whilst not all residents wished to put these in writing, those who participated in the consultation verbally, were adamant that the site no longer serves the purpose of a community facility. Also they felt there is no longer a local need for a public house in this location.
- 6.12 Policy I3 of the VALP seeks to restrict the loss of community facilities and ensure it has been clearly demonstrated that there is no long-term requirement for their retention. It is considered a robust and accountable exercise has as part of this application been completed. The continued absence of objection to the proposed change of use should be given weight in the planning balance.

Viability of Public House

- 6.13 The viability of the public house has been given great scrutiny in terms of this assessment. In accordance with the requirements of policy I3 of VALP the following assessment has considered if the site is still commercially viable?
- 6.14 Full copies of the last three years accounts have been supplied as part of this application. This covers the period of 2019-2022, 2020-2021 and 2021-2022.
- 6.15 The accounts has been summarised in Appendix C to show the extent of the financial situation over a three year period.
- 6.16 Significant areas of concern which have demonstrated the financial problems being experienced by the public house including:
1. Turnover down from £323,000 in 2019 to £22 in 2022;
 2. Profit down from £28,000 in 2019 to -£44,000 in 2022;
 3. Creditors/debt – amount owed to others up from £22,000 in 2021 to £35,000 in 2022;
 4. Assets/cash – down from £88,442 in 2021 to £38,441 in 2022; and
 5. Loans – up to £154,000 in 2022.
- 6.17 The above summary clearly shows in clear view the dire straits the pub was in. Direct conversations with the previous owner (who had run the pub for 19 years) confirmed the current situation of few customers and little turnover. The owners had resorted to using their own savings to fund the business. This clearly was not sustainable long term. This resulted in the owners deciding of sell and in their words 'cut their losses' before they became further indebted.

- 6.18 In accordance with the Local Plan paragraph 11.27 advises a commercial viability of the community facility should be assessed. The process which has been followed is to look at the last three years accounts and information gained from the previous owner. This has shown the public house use is no longer financially viable and therefore a robust assessment can be shown to have been completed.

Marketing Exercise

- 6.19 Finally in accordance with Policy I3 of the VALP a comprehensive marketing campaign has been executed to show the public house has attempted to have been sold as a public house on the open market for a prolonged period. The Local Plan suggests a one year exercise.
- 6.20 The public house has been on the open market commencing in November 2018 extending until May 2023, a period nearly five years. This included using the services of four agents detailed below:

Companies who have marketed the Robin Hood Public House

1. Fred Barrett & Sons

Dethe Farm House
Woburn Sands
MK17 8UR

Period of Marketing – November 2018 – February 2019

2. Davey & Co

18 Ropewalk
Nottingham
NH15 5DT

Period of Marketing – February 2019 – January 2020

3. Guy Simmons

Coppice Farm Abbey Road
Melbourne
DE73 8BJ

Period of Marketing – January 2020 – September 2022

4. Fleurets

20-22 Bedford Row
London
WC1R 4EB

Period of Marketing – September 2022 – May 2023

- 6.21 Appendix D details some of the marketing and activity which occurred. Unfortunately the details of Fred Barrett and sons is not available as they are no longer in business. This research has shown the marketing exercise occurred for a significant period. The lack of

interest is stark, notwithstanding the period of the pandemic. Irrespective of this, the price of the property continued to be reduced and was only eventually sold to the current owners, not because of its potential as an ongoing concern as a public house but for its potential for other uses.

Highways, Access and Parking

- 6.22 As shown on the site plan, no alterations are proposed to the existing site access arrangements, which would continue to be from Brackley Road. Given that the proposals would result in a material reduction in the intensity of use of the access, it follows that these arrangements are acceptable. In addition, there would ample/sufficient parking available for the scale of the dwellings.
- 6.23 Accordingly, and recognising that there would otherwise be a material reduction in the number of vehicle trips to and from the site by comparison with the historic use, it follows that the proposals are wholly acceptable in terms of matters of highways and access.

Flooding and Drainage

- 6.24 The site is located close to tributary of the River Great Ouse but outside of the flood risk area. This therefore means the site is not at risk of flooding and whole of the site is located within Flood Zone 1 (Less than 0.1% of Flooding). No FRA is therefore required.

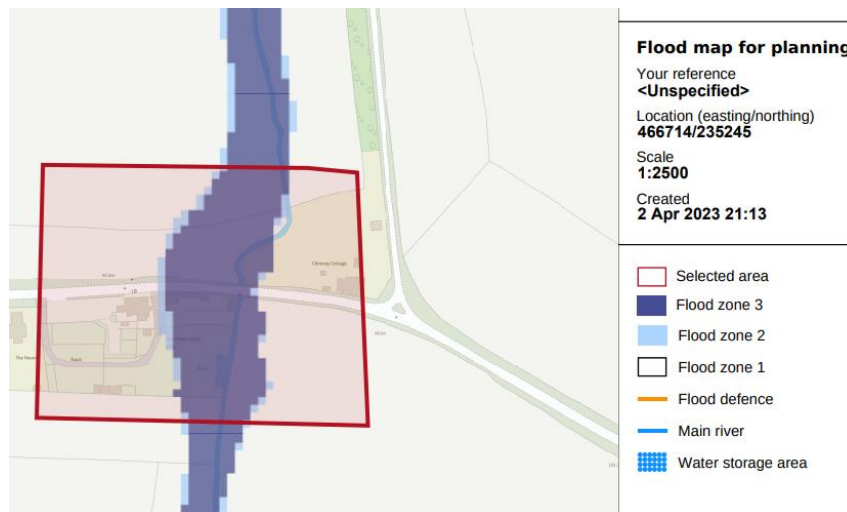


Figure 1- Flood Risk Map

7. Conclusion

- 7.1 The planning appraisal has been based on a site known as the Robin Hood Public House, Brackley Road, Water Stratford, Buckinghamshire, MK18 5DN. Title number BM188101.
- 7.2 The site is considered to currently fall with planning use Class Sui Generis – Public House. This would include all of the curtilage within the title including the garden and car park. Any change of use away from this use would require a separate planning consent.
- 7.3 Detailed investigations have demonstrated the site does not have any substantive planning constraints such as Green Belt, any landscape designations such as AONB or ALL (Area of attractive landscape) designation. The site is located outside of any village but is surrounded on both sides by existing residential development.
- 7.4 The most recent planning decision in 2021 for change of use from Public House to residential use is useful in many ways. This application seeks to address the reason for refusal in a reasoned and justified manner.
- 7.5 Policy C1 of the Local Plan seeks to allow the re-use and conversion of rural buildings, long as amongst other things, major reconstruction works are not required. It is important to remember half (the first floor element) of the property is already residential use. Planning permission is sought for the remaining part of the property.
- 7.6 Whilst Policy i3 of the Local Plan and the NPPF seek to restrict the loss of community facilities are number of steps can be considered to see if the site meets community facility test.
- Is there a demonstrable local need for the public house?
 - Has the site/use has been marketed for a minimum period of 12 months at a price commensurate with its use (with no viable interest)?
 - Is there alternative local facilities which are available?
 - Is the current use financially viable?
- 7.7 A public consultation exercise has been completed consulting all local neighbours with 1 mile of the site. This has shown the majority of local people were not interested in visiting this establishment citing reasons of being unwelcoming. They also commented the plans to change the use to full residential use would be beneficial rather than leaving the site derelict.
- 7.8 An extensive marketing exercise has also been completed which has lasted nearly five years. From this no viable interest which has been progressed through to completion. This demonstrates the property is not attractive to the open market as a viable on going public house business.
- 7.9 As Figure 2 Section 6.5 indicates there are many other community facilities in the area which offer alternative locations for people to attend. This offering is considered sufficient to accommodate any demand.

- 7.10 As the accounts and financial assessment and comments from the previous owner has detailed, the public house use in this location is not financially viable and is losing money. It is therefore unfair for this use to continue to operate.
- 7.11 It is considered that a robust and full assessment of the proposed change of use has been provided. The proposals do not represent a loss of a valued community facility and as such would be fully compliant with Development Plan policy, advice in the Framework and therefore planning permission should be granted accordingly.