



Appeal Decision

Hearing held on 27 January 2016

Site visit made on 29 February 2016

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 June 2016

Appeal Ref: APP/W0340/W/15/3138150

The Bantam, Omers Rise, Burghfield Common, Reading RG7 3HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bradley McCoid against the decision of West Berkshire Council.
 - The application Ref 15/01956/FULMAJ, dated 14 July 2015, was refused by notice dated 22 October 2015.
 - The development proposed is the change of use of existing building from public house to Use Class C3 residential, extension of building and creation of 12 flats over 3 floors.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site location and site plan drawing provided for the appeal (Drawing DWS_1014_00_SL) had been superseded during consideration of the planning application with Drawing DWS_1014_00_SL_Rev A. The Council determined the application on the basis of this drawing, and as I was provided with a copy at the hearing, and as interested parties had also considered it, I have used it to determine the appeal.
 3. Drawing DWS_1014_02_PFP depicts the proposed second floor plan. Although this plan shows the two front flats as having full head height in the kitchen area, the proposed roof plan and elevation drawings show a sharply hipped roof at this point which would restrict the height of the kitchens. Despite this, I have considered the appeal on the basis of what is before me.
 4. After the hearing, a local resident pointed out that the appeal property had been listed as an Asset of Community Value (ACV), and the main parties were provided with an opportunity to comment. However, the Council subsequently revoked the designation. I have determined the appeal with regard to the public house not being an ACV.
 5. It was apparent from my site visit that the public house was being used as a number of residential letting rooms with the occupants sharing communal facilities. I have confined myself to the consideration of the appeal proposal before me, rather than what I observed on site.
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Main Issue

6. The main issue is whether the loss of a community facility in the form of The Bantam public house would be justified.

Reasons

7. The appeal property is a public house known as The Bantam that lies within a residential estate comprising a mix of houses and flats of similar ages and styles. The public house is set upon a hillside with a short access road leading into the car park. Below the building are flats and houses, whilst to the rear is a local centre that includes a convenience store. Internally the building comprises two bar areas and associated facilities on the ground floor, a basement, and residential accommodation on the first floor. At the time of my site visit the business had closed.
8. The proposal seeks the change of use and extension of the existing building from a public house to 12 flats over 3 floors. The proposed building would be much bigger than the existing one, stretching the width of the site, with an area of communal garden to the rear. The car park would be mostly retained to provide 15 parking spaces, a bike rack and bin store, with further bike stores in the rear garden area.
9. Paragraph 70 of the National Planning Policy Framework (the Framework) states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should 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. Community facilities include public houses. The three dimensions to sustainable development cited in paragraph 7 include supporting strong, vibrant and healthy communities, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The promotion and retention of local services and community facilities in villages is a consideration of paragraph 28.
10. Area Delivery Plan Policy 1 of the West Berkshire Core Strategy (2012) (CS) sets out a spatial settlement hierarchy, including the identification of Burghfield Common as a Rural Service Centre. Such settlements are considered to have a range of services and reasonable public transport provision. The spatial strategy for the East Kennet Valley is expanded in CS Area Delivery Plan Policy 6.
11. Supplementary Planning Guidance No 19 Public Houses (SPG) provides advice on how the Council will deal with applications for the redevelopment or change of use resulting in the loss of a public house. However, the role of an SPG is to build upon and provide more detailed advice or guidance on the policies in the development plan. Neither of the above referenced CS policies specifically refer to the loss of public houses, and I agree with the appellant that many of the national and local policy references in the SPG are out of date. As a whole the SPG can be afforded limited weight.
12. However, although there is no reference in the Framework as to how to assess public house viability, it does seek to guard against the unnecessary loss of valued services and facilities. It is therefore reasonable for the Council to seek information about the viability of the public house in order to take a properly

informed decision. The criteria in the SPG provide a tool for seeking information upon which to make a decision. On that basis I consider it relevant to my consideration of the appeal.

13. The Bantam ceased trading in February 2014, and was marketed for sale by its brewery not long after. Little definite evidence was provided as to the services the public house offered before closing, although it appeared the main focus of the business was alcohol with some food sales. This is a limited service range, and as details of opening times were not provided, it is unclear whether the business was operating at its trade potential. The business made losses during the years ending July 2012 and July 2013 but accounts from before or after those times were not available. I appreciate the difficulties the appellant has had in gaining information from the brewery and previous managers, but nevertheless my determination of the appeal has to be on the basis of the evidence before me.
14. I accept people's changing habits have resulted in a different market for public houses. Reference was made to falling barrel levels prior to closure, as well as business losses, and that the public house was not used by the community. However, local residents have referred to the failure of the public house occurring through poor management, and I note there is community support for the facility, including its diversification as a cafe. Although not listed as an ACV, both the request and the level of support for the public house demonstrates the local support and value for the facility.
15. Moreover, changing customer habits requires businesses to adapt to meet them. Apart from an extension constructed in 2008, there appears to have been little investment in the business prior to its closure, nor has any specific evidence been provided as to what, if any, measures were undertaken by previous managers to improve business. It remains unclear whether the business operated at its trade potential or whether every opportunity had been undertaken to promote and diversify the business. Nor does it follow that different owners would have the same problems as the previous owner and managers, or that the only feasible use of the site is for flats.
16. The appellant considers The Bantam to be significantly inferior to other public houses in the area and not able to benefit from passing trade. Be that as it may, when opened it would have provided a service to the local community, adding to the range and diversity of the facilities within the village. Of the other public houses cited as alternatives they appear to offer a very different experience to The Bantam. Even if a number of the other public houses benefit from being near to bus stops, the frequency and convenience of these services was not detailed to ascertain if they would be a readily accessible alternative to The Bantam.
17. Notwithstanding the viability of the former business, the SPG requires it has to be demonstrated that a public house has to be no longer economically viable *and* (my emphasis) that all reasonable attempts have been made to sell or let the building as a public house for no less than six months. At the hearing the appellant explained that the property was marketed at £365,000 on a best bid basis as suitable for redevelopment subject to planning. The appellant purchased the property as a development opportunity in January 2015 for £275,000. How and to what market the property was offered was not clear, nor whether a realistic price for it as a public house was promoted rather than

as a development opportunity. Whether a business is successful or if it needs some investment, this should be reflected in the asking price. Clearly the brewery would have wished to maximise the sale value without concern for its future use.

18. My attention is drawn by the appellant to the closure and change of use of the other pub within the village to a Tesco. However, I do not have the full planning history of this property to ascertain whether it forms a direct comparison to the appeal proposal. In any case each scheme has to be treated on its own individual merits in accordance with the requirements of the current development plan and all other material considerations, as I have undertaken in this instance.
19. I do not disagree with the appellant that the public house is a business, but in addition it is also a community facility, as defined in the Framework. I appreciate the appellant does not have full details to support his case with regard to previous uses and the sale of the facility. Nevertheless, in this instance I am not convinced that the loss of a community facility valued by local residents has been adequately justified. As such the change of use and extension of the existing building to twelve flats would be contrary to the objectives of the Framework referred to above, and to the overall aims of CS Area Delivery Plan Policies 1 and 6 that seek a hierarchy of settlements and service provision.

Other Matters

Affordable Housing

20. Although not a reason for refusal for the Council, CS Policy CS 6 requires 30% provision of affordable housing on sites of 10 to 14 dwellings. In the case of the appeal proposal the Council sought the provision of four units, 3 for social rent and one for shared ownership. There is a need within the Council's area for one and two bed properties, with the preference being for on-site provision.
21. The proposal was supported with an affordable housing viability report (dated September 2015). The assessment has been undertaken on the basis that no affordable housing could be provided, and that the proposal comprises the demolition of the existing building. However, the description of the application is for the change of use and extension of the existing building, not its demolition. As such I am not satisfied that the assessment accurately reflects the nature and costs of the proposal. In the absence of any affordable housing provision there is no benefit arising from the scheme that would outweigh the harm I have found with regard to the main issue.

Living Conditions, Parking and External Layout

22. The roof form would prevent part of the top floor flats from being usable due to a restricted head height. The appellant considers the kitchens could be relocated elsewhere, but it was not established how much smaller these flats would be, or whether they would offer acceptable living conditions for future residents in terms of day to day living space.
23. Revised plans received during the Council's consideration of the application provided fifteen parking spaces along with a bin store and bike rack within the car park. Cars would be parked very close to the windows of the ground floor flats, and future occupiers would experience a loss of privacy, as well as noise

and disturbance. Furthermore, the location of the bin store would prevent it being used if all the car parking spaces were occupied. The Council have raised no objection to the layout of the site, but on the basis of the layout before me I am concerned that it would not provide either satisfactory living conditions for future residents, or adequate waste storage arrangements. However, as I am dismissing the appeal for other reasons, these matters have not been decisive.

Character and Appearance

24. Local residents are concerned that a three storey building would not be in keeping with the surrounding area. The character of the estate is one of a variety of dwelling types, including blocks of flats. The proposed hipped roof would reduce the bulk of the building, and even with its positioning on a hillside, it would not appear unduly dominant within its surroundings, or significantly harm the character and appearance of the area.

Fire Escape

25. The flats on the top floor have no windows only rooflights. Local residents consider the central stairwell serving the building would not provide a means of fire escape for all residents on the first and second floors. However, fire escape depends not just on windows but also on the design and construction of a building. In the absence of an objection from the fire service and noting that the matter is for consideration under Building Regulations, in this instance I have no evidence before me that there would be an unacceptable risk to future occupiers.

Conclusion

26. Based on the information before me, and with regard to the strong presumption in favour of retaining valued and needed community facilities, it has not been demonstrated that the loss of the public house is justified. None of the other matters identified outweighs the harm I have found with regard to the main issue. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR

APPEARANCES

FOR THE APPELLANT

B McCoid	Appellant
T G Dennington	Agent
Robin Furby	S106 Management

FOR THE LOCAL PLANNING AUTHORITY:

Simon Till	Senior Planning Officer
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INTERESTED PARTIES:

Dr Royce Longton

Local resident

DOCUMENTS

Policies HSG.1 and TRANS.1 of the West Berkshire District Local Plan (2007).

Area Delivery Plan Policy 1, Area Delivery Plan Policy 6, Policies CS 1, CS 4, CS 6, CS 10, CS 11, CS 13, CS 14, CS 15, CS 16, CS 17, CS 18, CS 19 of the West Berkshire Core Strategy (2012).

Quality Design – West Berkshire Supplementary Planning Guidance Part 2 Residential Development (2006).

Drawing DWS_1014_00_SL_Rev A.

Appeal notification letters, dated 24 November 2015 and 6 January 2016.

Richborough Estates