



**Formal response to an application for partial Change of Use from A4 Drinking establishment to C3 Residential at the Wellington Inn, Wellington, Hereford HR4 8AT**

**Herefordshire Council Planning ref: 222734/F**

**Herefordshire CAMRA**

**December 2022**



**CAMRA objects to this application on FOUR grounds:**

1. Impact on commercial viability
2. Conflict of amenity
3. Negative impact on a community facility
4. Inadequate marketing of the pub business

**1. Partial Conversion and its impact on commercial viability**

- 1.1 It is important to recognise that this application represents a partial change of use from A4 Drinking Establishment to C3 Residential Dwelling. This is confirmed in the applicant's own documents in support of this planning application.
- 1.2 In section 2.2, paragraph 7, of the applicant's Design and Access statement it is stated, quote: "The long-term future of the facility depends on the commercial success of the pub" and it further states, quote: "This includes generating new streams of revenue to supplement the pub trade." CAMRA wholeheartedly welcomes these sentiments, however, nowhere in any of the documents in support of this application are there any proposals that would potentially generate new streams of revenue.
- 1.3 Further, as the application is presented, it actually *reduces* the facilities and amenities that the pub currently offers, namely:

**1.3.1 It is proposed to reduce the pub's garden by approximately 50% in area.**

There is no proposed provision in the application to compensate for this loss. This will have a significant impact on the pub's ability to trade (particularly during the summer months). The garden is an important aspect of the pub's commercial operation – offering an outdoor space for customers as well as a venue for events, festivals and live music. This loss of garden space will frustrate or restrict the ability to hold such events in the future.

**1.3.2 It is proposed to demolish the pub's conservatory.**

This will reduce the number of covers in the restaurant by 12 (from 60 to 48 - a reduction of 20%). Historically, the Wellington has traded strongly on out-of-town dining, benefiting significantly due to its proximity to both the A49 trunk road and Hereford city. This proposed loss will significantly undermine the pub's dining capability – particularly at busy times. This will have a significant impact on the potential profitability of the pub's kitchen operation and, therefore, the pub business overall.

**1.3.3 The application states there will be no change to car parking provision.**

It is stated that there will be a neutral impact on the number of car parking spaces available to the pub business. However, it is *how* the car park operates in the future that is a key factor. How does access to/from the proposed dwelling impact upon the car park? How will delivery vehicles gain access to drop supplies at the pub? These matters are not addressed in the proposal, and must bring into question whether, in fact, the effect on the car park is neutral.

- 1.4 It is not in question that these proposed changes will diminish the size and scope of the facilities and amenities that the Wellington currently provides. As no equivalent alternative

amenities are proposed, therefore, the pub's ability to trade on a day-to-day basis will be reduced. This proposal, if implemented, will significantly reduce the pub's commercial viability.

- 1.5 In the third paragraph of 2.2 in the applicant's *Design & Access Statement* the pub's disposition is referred to as, quote: "...[it] sits within a site that exceeds the area required to support a public house of its size and type..." unquote. No explanation is provided as to what "type" of pub the Wellington is. Further, nor is any evidence provided that supports a proposition that the site is too large for the pub. Notwithstanding that the Wellington's entire land footprint is currently a constituent part of the pub business, it is noteworthy that there are other pubs in Herefordshire that are on larger sites and in smaller settlements (and/or more remote areas). Examples include the Bulls Head at Craswall; Boat Inn at Whitney-on-Wye; Live & Let Live at Bringsty Common; Baiting House at Upper Sapey; Swan Inn at Letton, and the Alma Inn at Linton (this list is by no means exhaustive). Just like the Wellington, these pubs rely on all their land and facilities to contribute towards the commercial viability of their respective operations.
- 1.6 CAMRA has grave concerns regarding this proposal. The fact that the Wellington remains unleased (and has been in that situation for some considerable time), suggests that great care needs to be exercised with matters that will affect its commercial potential. To attract a future pub operator, it is going to be essential that the Wellington retains all of its facilities, but this proposal permanently reduces and diminishes them. This will inevitably make the Wellington less attractive commercially to potential future pub operators, thus calling into question the future of the pub.
- 1.7 Particularly noteworthy, is that no business viability report has been provided with this application - this is a significant omission. CAMRA understands that the applicant's company is a property development company not experienced in running pubs. Therefore, these facts may help to explain the lack of any evidence provided on the applicant's part as to the impact of this proposal on the pub's ability to trade and its future viability.

## **2. Proximity of the proposed dwelling to the Pub**

- 2.1 This application proposes the construction of a two-storey, three-bedroom dwelling within the pub's present curtilage. The proposed dwelling, if built, will be sited such that its fence-line (and side aspect) will be immediately adjacent to the pub and, specifically, its garden. Further, its front aspect will face directly onto the pub car park. This close proximity to the pub's operating areas (on two aspects) will have a significant negative impact on the pub's ability to trade for a number of reasons:
  - 2.1.1 One of the living-room windows, and the windows in two of the bedrooms of the proposed dwelling will face directly to the pub and its garden. Setting aside the desirability of this in terms of families and related safeguarding matters, this will result in a direct conflict of amenity between the occupiers of the dwelling and the pub business. The pub garden is the venue for a number of activities that can generate noise and other nuisance over an extended period of time, including during anti-social hours (late evenings and at weekends). Such activities will reasonably include the noise of children playing; outdoor music and performances, and customers gathering in numbers to talk/drink together. Further, there will be noise and nuisance from customers arriving and departing from the pub's car park. These activities will inevitably have an adverse impact

on the quality of home life for the inhabitants of the dwelling. Sadly, it is a fact that even the best run pubs don't always make good neighbours.

- 2.1.2 The National Planning Policy Framework (NPPF) and Herefordshire Core Strategy Policy SD1 requires an applicant to address potential noise issues. However, alongside the absence of any noise impact assessment within this application, there are also no proposed mitigating measures for the dwelling that might seek to address matters of potential nuisance (including noise). However, it is difficult to see what measures could be effective in these circumstances: the provision of double-glazing will be undermined by the need to open windows on warm summer days, and the provision of a high fence is not appropriate by dint of the building being two-storey and in very close proximity to the proposed fence-line of the pub.
- 2.2 Such an outcome presents a problem. How long will it be before a complaint is raised by a future (unknown) occupier of the dwelling to the council's Environmental Health Officer regarding nuisance? Such may ultimately result in the curtailment of certain activities with a further consequential loss of trade. Moreover, the mere threat of such action by the occupant(s) may weigh heavily on the mind of a pub operator, therefore, resulting in less commercial activity making use of the pub garden. Furthermore, the ability of a pub operator to increase/enhance the outdoors aspect of the pub business in the future will be lost forever with the proposed permanent reduction in facilities – once gone, there is no way back.
- 2.3 Relevant here is the case of the Rosie (now Secret Garden) public house, Coldwells Lane, Hereford HR1 1LH. In dismissing an appeal by the owner against an earlier decision by Herefordshire Council (Herefordshire Council planning ref: 161482) to refuse planning permission for a dwelling in the pub grounds (PINs ref: APP/W1850/W/17/3173815) in August 2017, the inspector came to the conclusion that the proposal would have a negative impact on the viability of a community facility. (This appeal determination is attached as an appendix to this report).
- 2.4 Specifically, the inspector states in section 10 of his determination report, in relation to the proposed dwelling, quote: "...the proposed development would not provide satisfactory living conditions for the future occupiers with regard to noise and disturbance." He then adds further in section 19, quote: "...the proposed development would have a negative effect on the viability of a community facility by reducing the amount of land available to it that would potentially conflict with this facility." In Paragraph 32 he concludes his determination by stating, quote: [the proposed development] "...would have a negative effect on the viability of a community facility and would not provide satisfactory living conditions for future occupiers."
- 2.5 In the case of the Rosie public house, the applicant proposed to build a dwelling in the pub grounds that would be immediately adjacent to the car park. However, that proposed dwelling was considerably *further away* from the pub than is proposed with this application. Furthermore, the overall size of the plot at the Rosie was significantly larger in area than at the Wellington both 'before' and what would have been 'after' should the application be granted. Moreover, that application included a full noise impact assessment, alongside various proposed mitigating measures, neither of which have been provided with this application.

2.6 CAMRA believes the same matters appertaining to this case are highly pertinent to this proposal. Therefore, further confirming that this application fails to accord with Herefordshire Council Core Strategy Policy SD1.

### **3. Long term negative impact on a community facility**

3.1 Should this application be approved, a combination of a significantly diminished commercial operating environment, allied with a potential conflict of amenity with the proposed dwelling, will have a major impact on an important community facility.

3.2 The Wellington is the last and only pub in the village of Wellington. There is no alternative pub for villagers to use that is within reasonable or safe walking distance. It has in the recent past been a very successful 'destination pub' for people in the wider county (and especially Hereford city) to enjoy. It is also a key source of local employment and economic activity. Its permanent loss will result in significant and long-lasting harm to the community that relies on it for social amenity and economic opportunity.

3.3 The documents deposited with this application concede that efforts to lease the pub to an operator have, thus far, proved unsuccessful. Therefore, to propose to reduce the size and scope of the pub's business will only make this task all the more difficult. In light of these circumstances, it is hard to see how this proposal – if it were to be approved - would not result in the permanent closure of the Wellington.

3.4 In light of these findings, it comes as little surprise to see the number and strength of objections to this proposal, including from Wellington Parish Council. Further, is the action taken by the local community to buy the premises with the aim being to run as a community enterprise. They still have the wherewithal to achieve this aim, and should be afforded the opportunity to do so before a (partial) alternative use is considered.

3.5 National planning policy is quite explicit here. The NPPF paragraph 84(d) requires that planning decisions by LPAs should enable the retention and development of accessible local services and community facilities, including public houses. Moreover, NPPF paragraph 93 further requires LPAs to guard against the loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

3.6 Further, Herefordshire Council Core Strategy Policy SC1 is also highly relevant here, in so much it states that existing facilities will be retained, unless it can be demonstrated that an appropriate alternative facility is available, and adds that any viable alternative facilities must be equivalent to those they replace, in terms or size, quality and accessibility.

3.7 CAMRA asserts that this application sits outside the word and spirit of all of these policies for the reasons stated in sections 1 to 3 of this document.

### **4. Inadequate marketing of the premises**

4.1 Herefordshire Council Core Strategy Policy SC1 also sets out clearly what is expected in terms of marketing before an alternative use is considered for a public house, when it requires that evidence of marketing of a business for a period of at least 12 months be provided with any proposals involving the loss of community facilities.

4.2 In this case, the application fails to provide any evidence of marketing of the business despite proposing a net loss of community facilities through change of use. Therefore, it fails to comply with Policy SC1 in this regard.

4.3 Particularly relevant here is the role of the local community. In 2019 they established a Community Benefit Society (CBS) called the *Community Wellington Inn (Herefordshire) Ltd* with the sole objective of buying the Wellington via a share subscription scheme. Their intention, as set out in their business plan, is to refurbish and improve the pub and to run it as a community enterprise. This is a model of community ownership and operation that is becoming increasingly common across the UK.

4.4 Sufficient funds were raised to enable the Wellington CBS to bid to purchase the freehold of the Wellington Inn - [REDACTED] ultimately, [REDACTED] the applicant bought the pub premises [REDACTED]

[REDACTED] In the case of the CBS, their plans do not require any third-party property development, and their business plan states explicitly that they will not only retain the Wellington as it stands, but will improve and develop the pub as a viable business and community facility. [REDACTED]

[REDACTED] the option for a community buy-out is still a viable proposal.

4.5 Even if the CBS were ultimately to be dissolved, there is still the matter of the appropriate marketing of the pub as a pub business to be addressed. Should the current owner decide that they cannot make it work commercially without needing to effect change of use and ancillary development, then national and local planning policies require a period of marketing activity (as a pub business) to first be exhausted. This exercise has not been done. [REDACTED]

[REDACTED] it remains a requirement for the pub to be offered for sale as a pub business first. Therefore, this application fails to meet the requirements of the Herefordshire Core Strategy Policy SC1.

## 5. Conclusion and Recommendation

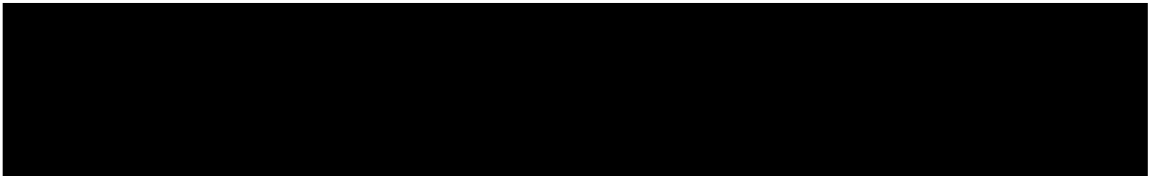
5.1 CAMRA is not opposed to development on A4 land *per se*, but will object to any development proposal that will undermine a pub's viability and/or harm the potential to enhance and develop a pub business in the future.

5.2 The Wellington is the only pub in the village of Wellington; there is no alternative pub within walking distance. It is a long-standing and much-valued community facility, that also provides important and scarce employment opportunity and economic activity in a rural settlement.

5.3 [REDACTED]

- 5.4 With the proposed loss of part of the pub's garden and its conservatory, plus the probable compromising of the operation of the car park, this application will significantly reduce the trading capabilities of the Wellington. With no proposals to provide any replacement facilities to compensate for these losses this proposal will greatly undermine the pub's commercial viability.
- 5.5 The immediate proximity of the proposed dwelling to the pub and its garden, will create a potential clash of amenities between the occupants of the dwelling and the pub operator - further undermining the ability of the pub to trade at its current potential.
- 5.6 This proposal has no merit, in so much that it will greatly diminish the ability of the Wellington to trade on a day-to-day basis, such that its long-term commercial viability will be adversely affected. Noting that recent efforts to find a pub operator have thus far met with no success, CAMRA believes this may lead to the loss of an important social and economic facility. Therefore, this application is directly at odds with NPPF Paragraphs 84 and 94; Herefordshire Council Core Strategy Policy SC1 and Wellington NDP Policy W8.

5.7



This application fails to provide satisfactory evidence as to a proper marketing exercise having been exhausted prior to an alternative use being proposed - as per the requirements of Herefordshire Council CS Policy SC1. CAMRA notes that a viable alternative bidder (the community buy-out) still exists that can fully comply with Policy SC1 (and all other relevant planning policies), through a business plan that both retains and develops the Wellington as a commercially viable community facility.

**FOR THESE REASONS CAMRA RECOMMENDS THE APPLICATION BE DECLINED.**



## Appeal Decision

Hearing held on 8 August 2017

Site visit made on 8 August 2017

**by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC**

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

**Decision date: 19<sup>th</sup> September 2017**

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**Appeal Ref: APP/W1850/W/17/3173815**

**Land east of The Rosie, Coldwells Lane, Munstone, Hereford HR1 1LH**

- 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 Greg Mifflin against the decision of Herefordshire Council.
  - The application Ref 161482, dated 11 May 2016, was refused by notice dated 13 October 2016.
  - The development proposed is construction of a self-build dwelling with integral one bedroom dependent relative annexe to replace the existing static caravan and new children's play area for the pub.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was refused for five reasons. The second reason related to the potential effect of the development on the route of the Hereford Relief Road. However, the Council confirms in its appeal statement and the statement of common ground that it is no longer defending this reason for refusal as the route options for this section of the relief road which may be affected by the appeal scheme would not impinge on the delivery of strategic housing sites.
3. The fifth reason for refusal related to the insufficient access visibility. However, the Council confirms that a revised site plan and an appropriately worded Grampian condition to remove fencing and hedgerow planting would adequately address this reason for refusal. Based on the above, I have focused my assessment of this appeal on the remaining three reasons for refusal.
4. Revised site plan PACM APP 01a submitted with the appellant's appeal documents shows the proposed works to improve the access visibility. The revised site plan also shows the proposed children's play area further to the west than previous plans, along with an external decking area. There was discussion at the hearing as to whether the decking area would require planning permission in its own right. It is not mentioned in the description of development unlike the play area. As the play area would be further away from any adjoining property, I am content to take into account its new position as shown on the revised site plan, as well as consider the proposed access visibility works. However, I have not taken into account the decking area as shown on the revised site plan as this has not been subject to any public consultation.



## **Main Issues**

5. The main issues are:

- (a) whether satisfactory living conditions would be provided for future occupiers of the proposed development with regard to noise and disturbance;
- (b) the effect of the proposed development on the viability of a community facility; and
- (c) the effect of the proposed development on the character and appearance of the surrounding area.

## **Reasons**

### *Living conditions for future occupiers*

6. As a public house, The Rosie will generate a range of noise and movements from cars arriving and exiting the car park to people sitting outside with amplified music. The appellant has produced a noise impact assessment based on two events that took place at The Rosie during the weekend of 14-16 July 2017. Notwithstanding the one-off nature of these events and potential breach of planning control with the established use of The Rosie, they provide a reasonable indication of the likely noise levels in the afternoon and evening.
7. The assessment reveals that additional sound insulation measures would be necessary for the proposed dwelling to control noise intrusion on every elevation except the eastern. These measures chiefly focus on closed windows with mechanical ventilation. I appreciate that the windows would not be fixed shut at all times, but given the likely hours of operation for the public house throughout the afternoon until late evening, they are likely to need to be closed for significant periods of time. The Council argued at the hearing that mechanical ventilation is often used in locations near to major transport corridors, but I was not presented with any evidence of such measures being used in the context of rural housing adjacent to a public house. It would seem unreasonable for future occupiers of the dwelling to not be able to open their windows in a countryside location, particularly in warmer months. Thus, there would be harm to the living conditions of future occupiers through the reduced ability to enjoy their property.
8. The assessment indicates that the close boarded fencing would help to screen noise from the public house and the main car park to external spaces around the proposed dwelling, while the garden immediately to the south of the dwelling would benefit from screening from the dwelling itself. There is a greater threshold for noise levels externally, but the proximity of the car park and the comings and goings of people attending the public house would still generate a degree of harm to the living conditions of future occupiers externally in terms of noise and disturbance.
9. I recognise that Rose Gardens Cottage is situated closer to the public house than the proposed dwelling and that its occupants have not objected to the proposed development or sought to complain about noise and disturbance. The property may also not have the sound insulation measures suggested by the assessment. However, Rose Gardens Cottage appears to have existed for many decades based on the historic 19<sup>th</sup> century map provided by the Council.

It does not justify the negative effects that would be experienced by future occupiers of the proposed dwelling

10. Concluding on this main issue, the proposed development would not provide satisfactory living conditions for future occupiers with regard to noise and disturbance. Therefore, it would not accord with Policy SD1 of the Herefordshire Local Plan Core Strategy 2011-2031 ('the Core Strategy') insofar as it seeks to safeguard residential amenity for future residents. It would also conflict with the aims of paragraph 17 of the National Planning Policy Framework (NPPF) which seeks a good standard of amenity for all future occupants of land and buildings.
11. I recognise that paragraph 123 of the NPPF and the Planning Practice Guidance require development proposals to address noise issues, which this development has attempted to do. However, the measures proposed in terms of the mechanical ventilation have unsatisfactory effects on living conditions.

*Viability of a community facility*

12. Paragraph 70 of the NPPF seeks to plan positively for the provision and use of community facilities, guard against the unnecessary loss of valued facilities and ensure that established facilities are able to development and modernise in a way that is sustainable and retained for the benefit of the community. Policy SC1 of the Core Strategy seeks to protect, retain or enhance existing social and community infrastructure, where existing facilities will be retained unless it can be demonstrated that an appropriate alternative facility is available.
13. It was agreed by the parties at the hearing that the land to the south-east of the main pub building, where the proposed dwelling would be located, has been used in the past as a children's play area and recreation space. Interested parties stated that this recreation space once extended further south than the red line of the appeal site as far as the line of trees towards the southern limit of the appellant's ownership.
14. However, there was disagreement at the hearing over the extent of the land associated with the public house to the south-west of the main pub building. The appellant argues that this land has historically been used as paddock separate to the operation of the public house. Correspondence from the appellant to the Council seeks to exclude land to the south-west of the main pub from the recent Asset of Community Value (ACV) designation, from an east-west line consistent with the front elevation of Rose Gardens Cottage southwards. By creating a new children's play area and recreation space on this land, the appellant argues this would compensate for the loss of land to south-east.
15. The Council and interested parties argue that land to the south-west has formed part of the public house use. As such, it would not provide compensation for land lost to the south-east, with an overall reduction in the amount of land available for public house use.
16. Aerial photographs provided by both the appellant and the Council purportedly dating back to 1999 are difficult to judge in terms of the use of the land to the south-west. There is no obvious boundary line comparable to the east-west line of the appellant's ACV argument. I have no conclusive proof of the lawful use of this area of land. It falls within the overall ownership of the public

house, as indicated by Land Registry records. Thus, taking a precautionary approach in light of the limited evidence, I regard the land to the south-west to form part of the public house use.

17. The proposed dwelling and its private garden would occupy a large parcel of land. While there may be a logical argument for moving the children's play area to the south-west side away from the main car park, the loss of land reduces the space available for public house use. This loss would not be compensated for by land to the south-west given my above assessment.
18. The public house has been extensively renovated over the past five years. While it has only been open for relatively short periods during this time, there is little to suggest that it could not be run successfully as a public house. Neither is there compelling evidence that the amount of car parking to the east and west of the public house and the land to the south-west is insufficiently small to meet present and future demand. Nevertheless, the loss of land to the south-east erodes the overall facility and there is insufficient justification for this loss. Referring back to the first main issue, there is also the potential for the curtailing of pub activities given the harm to the future living conditions that would arise through noise and disturbance.
19. Concluding on this main issue, the proposed development would have a negative effect on the viability of a community facility by reducing the amount of land available to it and introducing a form of development that would potentially conflict with this facility. Therefore, it would be contrary to Policy SC1 of the Core Strategy and paragraph 70 of the NPPF. Paragraph 123 of the NPPF also seeks to avoid new development from having adverse effects on the operation of an established business in terms of noise effects.

#### *Character and appearance*

20. Munstone is a small settlement focused along narrow country roads and a crossroads. Built development is sporadic and appears in clusters along the roads. Properties vary in size, age and design with a mixture of materials. The cluster of housing to the east of the appeal site fronts onto Coldwells Road with a similar amount of setback. This cluster is apparent travelling towards the appeal site from the east, but there is a field and boundary planting between it and the site which provides a visual break. Heading west towards the site, the road is enclosed by hedging and the cluster is not particularly prominent.
21. The appeal site is located within a small cluster of built development focused on The Rosie, including Rose Gardens Cottage set back from the road behind the main public house building. The part of the appeal site where the new dwelling is proposed comprises an area of lawn enclosed by fencing. From the road, the site is set back behind fencing and car parking. A public footpath runs along the west side of the lawn area from the road towards new housing development on the edge of Hereford to the south. The lawn area is clearly visible from the footpath and in its undeveloped state provides some visual quality as one heads to and from the countryside. Nevertheless, the enclosed nature of the lawn area limits any wider views across the surrounding landscape.
22. The proposed dwelling would be set further back from the road than the cluster of housing to the east. However, given the visual separation, this would not be particularly obvious or harmful. The dwelling would have a similar setback to

Rose Gardens Cottage and would sit comfortably within the cluster of development around the public house. The proposed design, including materials and detailing, would not look out of place given the mixture of architectural character in the vicinity.

23. It would be a relatively large detached building and visible from the road and footpath, but not noticeably bigger than any existing building including the public house and the cluster of housing to the east. The inclusion of an annexe on the ground floor would not add excessively to the overall scale and mass which in any case would be broken up by different elements. There would be sufficient gap between it and Rose Gardens Cottage and the public house to avoid any dominant visual effect on the setting of these existing buildings. The dwelling would be obvious in views from the footpath, but would be sited in the north-east corner with ample garden space to limit any negative effects.
24. Concluding on this main issue, the proposed development would have an acceptable effect on the character and appearance of the surrounding area. Therefore, it would accord with Policies RA2, LD1 and SD1 of the Core Strategy. Amongst other things, these policies require development to make a positive contribution to the surrounding environment and landscape, with new buildings designed to maintain local distinctiveness and respect the scale, massing, form, layout and character of surrounding development and settlements. The development would also meet the relevant aims of the NPPF in terms of responding to local character and securing good design.

#### *Planning balance*

25. It is common ground between the main parties that the Council cannot demonstrate a five year housing land supply. The extent of supply presented to me as part of this appeal is 4.39 years. As a consequence, relevant policies for the supply of housing should not be considered up to date in accordance with paragraph 49 of the NPPF. Paragraph 14 of the NPPF states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as whole or specific policies in the NPPF indicate development should be restricted. Policy SS1 of the Core Strategy follows a similar approach in such circumstances.
26. The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. It has not been demonstrated to me that any of the policies relating to this appeal proposal are inconsistent with the NPPF and so they continue to carry considerable weight.
27. Addressing the adverse impacts first, the development would result in a considerable part of the public house grounds to the south-east of the main building being lost to residential use. This would not be compensated for by land to the south-west of the main building and so would reduce the viability of the public house and opportunities for it to develop. The potential conflict between the development and the public house in terms of noise and disturbance is also a key consideration. As such, there would be negative effects on a community facility contrary to local and national policy. The unsatisfactory living conditions for future occupiers of the development is also important. Therefore, I give the overall adverse impacts of the development significant weight.

28. Considering the benefits of the development, the provision of a new dwelling would boost local housing supply, mindful of the shortfall. The appellant points to the reliance on windfalls for housing delivery in Herefordshire and the government's encouragement of self-build dwellings. The development would also provide investment in construction and support for local services and facilities as well as financial contributions through mechanisms such as the New Homes Bonus. It would be located close to Hereford with a footpath link to reduce the need to travel. It is also argued that the dwelling would be energy efficient. However, given that the development only involves a single house against the extent of the shortfall, these social, economic and environmental benefits are modest. I can also give little weight to the identification of land for potential housing development immediately adjacent to the appeal site in the emerging Hereford Area Plan, as this development plan document is at an early stage of production.
29. The provision of an annex for the appellant's elderly relative would be a benefit, but largely a personal one meaning I can only give this limited weight. The appellant also argues that the development allows for the enhancement of the public house, but I have seen little evidence to support this claim, and note that the building and grounds have already undergone refurbishment. As a result, I give this benefit very little weight. Freeing up space for tenants to live in the main pub building would be a benefit as it would enable the pub to be run more effectively on a daily basis. However, there appears to be little necessity for the appellant to live next door in order to manage the running of the pub, as this would normally be the responsibility of the live-in tenants. Thus, I afford limited weight to this benefit. Overall, I give no more than moderate weight to the benefits of the development.
30. There would be no harm to the character and appearance of the area or other matters such as flood risk, but these considerations carry neutral weight in the planning balance.
31. Thus, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the proposal would not represent sustainable development contrary to the NPPF and Policy SS1 of the Core Strategy.

### **Conclusion**

32. The development would have an acceptable effect on the character and appearance of the surrounding area, but would have a negative effect on the viability of a community facility and would not provide satisfactory living conditions for future occupiers. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*Tom Gilbert-Wooldridge*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Russell Pryce	Collins Design & Build Limited
Greg Mifflin	Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Charlotte Atkins LLB (Hons) MA MRTPI	Herefordshire Council
Susannah Burrage	Herefordshire Council

### INTERESTED PARTIES WHO SPOKE AT HEARING:

Mark Haslam	CAMRA
John Phipps	Local resident
Marc Mohan	Local resident

## **DOCUMENTS SUBMITTED AT HEARING**

1. Hereford Area Plan Topic Paper April 2017, submitted by the appellant.
2. Google Earth aerial photographs of site from 1999, 2006 and 2009 and Bing Maps aerial photograph of site from 2013, submitted by the appellant.
3. Email correspondence from July and August 2017 between appellant and the Council regarding ACV designation, submitted by the appellant.
4. Comments from the Council's Environmental Health Officer (EHO) dated 7 August 2017 regarding the noise impact assessment, submitted by the local planning authority.
5. Comments from the appellant's noise consultant dated 8 August 2017 responding to the Council's EHO comments on the noise impact assessment, submitted by the appellant.