



Appeal Decision

Hearing held on 29 May 2013

Site visit made on 29 May 2013

by Nigel Burrows BA MRTPI

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

Decision date: 20 June 2013

Appeal Ref: APP/D3505/A/13/2190852

Highbury Barn, 46 Canhams Road, Great Cornard, Sudbury, CO10 0ER

- 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 Punch Taverns against the decision of Babergh District Council.
 - The application Ref B/12/01223/FUL, dated 8 October 2012, was refused by notice dated 5 December 2012.
 - The development proposed is described as 'Demolition of existing public house and redevelopment to include erection of building for Class A1 (retail) access, parking, servicing and landscaping'.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues in this case. The first is whether the public house is an important local feature and heritage asset for the purposes of the relevant local and national planning policies and the potential implications of its demolition. The second is the effect of the proposed retail development on the character and appearance of the area.

Reasons

Issue 1: Implications of Demolition

3. The appeal relates to the Highbury Barn public house located on the southeast side of Canhams Road in Great Cornard, which lies on the south eastern edge of Sudbury. The public house is within a predominantly residential area, which is characterised by a variety of dwellings of different age, scale, form and design. The submissions for the parties suggest the architecture of the housing in the vicinity of the site is of 'no great merit'. However, despite the differences in the age and appearance of these properties, I observed they contribute to the harmonious and settled character of the street scene.
4. There is no dispute that planning permission is required for the demolition of the public house; the Council recently issued an Article 4 Direction removing permitted development rights for its demolition. A local resident requested English Heritage to assess whether the building is of sufficient status to warrant listing. In a report dated 17 September 2012, English Heritage concluded that the building does not meet the criteria for listing in a national context, although it is of local architectural interest.
5. The report indicates the public house is believed to date from the eighteenth century, or earlier; it was originally in a fairly isolated rural location, which suggests that it was a coaching inn mainly used by travellers. English Heritage considers that it is not worthy of national listing because it has been extensively altered and extended in the twentieth century (resulting in the loss of historic fabric and plan form) and the historic

- core of the building has been altered internally; the demolition of what may well have been an original stable courtyard also further detracts from its architectural interest.
6. The appellant derives support from the outcome of English Heritage's assessment and argues the building is not a heritage asset for the purposes of the NPPF¹. However, the Council's stance is that it can be considered a heritage asset for the purposes of the glossary at Annex 2 of the NPPF. There is merit in this argument. The Annex to the NPPF defines a heritage asset as '*A buildingidentified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest*'. In this instance, although the building might not be worthy of national listing, the report from English Heritage acknowledges that it is of local architectural interest.
 7. At the present time the premises are not designated as a 'locally listed' building. However, the Council draws attention to paragraph 69 of the NPPF which indicates the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Paragraph 70 indicates that planning policies and decisions should guard against the unnecessary loss of valued facilities and services. Furthermore, paragraph 135 of the NPPF states: "*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*"
 8. The indications are the traditional pattern of ribbon development in Great Cornard has been consolidated over the years by infilling and extensive housing development. The public house has long been assimilated within this part of the settlement. However, I observed that it still retains something of its original historic character. The English Heritage report describes it as '*... a two-storey, double-pile building constructed of brick, painted overall, under a pitched roof clad in slate with red-brick chimney stacks. It has a fiat-roofed, single-storey extension on the north-east end. The irregular main elevation has two canted bay windows flanking the wide off-centre doorway. The first floor is lit by multi-paned sash windows. The fenestration dates to the C20.*'
 9. The public house occupies a substantial plot and there is a significant sense of space around it. The main façade of the building still conveys its original form and function. Notwithstanding the fact the building has not been particularly well maintained and various alterations/extensions have been carried out to the side and rear of the premises, I consider that it makes a positive contribution to the street scene. The building also makes an important contribution to local distinctiveness and provides one of the few historic links to the rural past of this area and the growth of Great Cornard.
 10. There is also evidence to suggest the premises have traditionally provided a focus for community and social interaction. Interested persons at the hearing indicated that it had been an important part of the community and it had been used for weddings and other functions. It was also suggested the public house formed part of the 'collective memory' of the community and there were fond memories of it. The planning history of the site includes a prior notification of the appellant's intention to demolish the building, which according to the Council triggered a petition of objection with over 300 signatures.
 11. The appellant's stance is the public house is not viable. The planning application includes a letter referring, amongst other things, to the chequered performance of the premises in terms of profitability, the turnover of tenants and the cost of keeping the public house 'artificially' trading. Reference is also made to the marketing of the premises that was undertaken and the failure to find an 'experienced operator'.
 12. However, there is little in the way of firm evidence to support these assertions. The submissions for the appellant do not include any information addressing matters such as the turnover of the business, any trading accounts or the extent to which the

¹ The National Planning Policy Framework (published in March 2012)

business was subsidised. In terms of marketing, there is no detailed evidence before me concerning the interest (or otherwise) shown in the premises, for example in terms of the expressions of interest received, number of viewings and so on. It is also unclear whether the public house has been openly marketed for any other potential uses.

13. The Council argues the building could be re-used for other purposes, including retailing. The appellant's representatives indicated to the hearing this was not realistic, as so much of the building would need to be altered². However, it is not clear whether this alternative has been explored in any detail. At the hearing interested persons also suggested the public house had not been run effectively, citing amongst other things the closure of its restaurant and reduced opening hours; it was also claimed that a local businessman has made offers for the premises with the intention of using it once again as a public house.
14. The submissions for the appellant indicate there are about 30 public houses in the area; apparently 4 are owned by the appellant, as listed in the submissions. However, interested persons claimed this list is not wholly accurate; furthermore, it was also suggested the 4 premises shown to be within 1 mile of the appeal site were not all family or food-type premises. In any event, the indications are these premises may not necessarily be within convenient walking distance, especially for the elderly or infirm.
15. Overall, I conclude the demolition of the Highbury Barn public house would result in the loss of a significant local heritage asset which makes a positive contribution to the street scene and local distinctiveness and which provides a historic link to the area's past, as well as providing a traditional focus for community and social interaction. The Council considers that a very robust case would need to be made for demolishing a heritage asset of such local significance. On balance, I consider the Council's stance should be supported, having regard to the particular circumstances of this case.

Issue 2: Character and Appearance of the Area

16. The proposal involves the erection of a substantial retail unit of contemporary design. The intention is to provide a single storey unit of about 325m², extending across much of the footprint of the public house. The building would feature a curved roof constructed in metal cladding. The upper part of its elevations would have 'microrib' wall cladding, with extensive glazing and/or rendered blockwork to the remainder. The unit would be sited near the main road and the footpath adjacent to the southwest flank boundary, although its main façade would be orientated towards the northeast flank boundary and car park.
17. The appellant claims the proposal meets the requirements of 'saved' Local Plan³ policy CN01, which indicates that in some locations contemporary modern design with flair and imagination incorporating modern materials will be appropriate. However, although the scale, design and palette of materials proposed for the unit might be appropriate in some locations, it would constitute a clear and abrupt change in the character of this part of Great Cornard. The building would have little visual or physical affinity with the prevailing character of the street scene, which mainly consists of traditionally styled housing constructed in traditional materials and set back further from the road. It would not blend in with the existing development, nor would it stand alone as an example of high quality contemporary design. Whilst provision is made for landscaping, this would not help to successfully assimilate the development within the street scene. I consider that it would be incompatible with its surroundings and inappropriate to its particular context.
18. I conclude the proposed development of the site would harm the character and appearance of the area. In this respect, it conflicts with the aims of Local Plan policy CN01, which seeks to ensure that proposals pay particular attention to the scale and form of surrounding development and the materials used on its external elevations and roofs.

² The hearing was told the appellant no longer relied on a fallback position, namely the potential to change the use of the premises to an A1 retail use without the need for planning permission.

³ The Babergh Local Plan Alteration No.2, adopted in 2006

Overall Conclusions

19. I have found the public house is a heritage asset of local significance; therefore, in the absence of a satisfactory scheme for the redevelopment of the site, I must conclude there is no justification for its demolition. The appeal proposal is contrary to Local Plan policy CN01, insofar as it seeks to maintain local distinctiveness and requires that proposals pay particular attention to incorporating local features both natural and built.
20. The Local Plan is a document to which paragraph 215, Annex 1 of the NPPF applies. This requires that following a 12-month period from the publication of the NPPF due weight should be given to existing policies according to their degree of consistency with the Framework. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. The economic, social and environmental dimensions of sustainable development should be addressed. Paragraph 9 makes it clear that pursuing sustainable development includes seeking positive improvements in the quality of the environment, as well as people's quality of life. I consider the proposal would be inconsistent with these objectives. Notwithstanding the age of the Local Plan, I do not consider there is any significant degree of inconsistency between the policy on which the Council relies and the NPPF, consequently, it can be given substantial weight.
21. The appellant cites various factors in favour of the proposal, including the creation of local jobs and the significant investment that will be made in this area. The appellant also indicates the public house is closed and it will not re-open. Be that as it may, none of the considerations put forward by the appellant, individually or collectively, clearly outweigh the harm caused by the demolition of the existing public house and the adverse impact the retail unit would have on the character and appearance of the area.
22. The appellant argues the site could become prone to vandalism and trespass and it might become an eyesore; it might also become a focus for anti-social behaviour. However, I give little weight to such arguments in my consideration of this appeal. It is reasonable to assume the premises are an important asset to the appellant, as well as the community. It is also reasonable to assume the appellant will take precautions to secure the premises. The Council has statutory powers to deal with sites that become eyesores.
23. It is not obvious to me that the objections to the scheme could be overcome by any reasonable or appropriate planning conditions. For the reasons given above, I conclude the appeal should not succeed. I have taken into account all the other matters raised, including the lack of any objection to the scheme from some consultees and the fact that not all of the local residents support the retention of the public house, but I find they do not alter or outweigh the main considerations that have led to my decision.

Nigel Burrows

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr G Chamberlain

Babergh District Council

FOR THE APPELLANT:

Mr D Dunlop

D2 Planning Ltd

Mr S Shaw

As above

INTERESTED PERSONS:

Mr G Fance

Mr T Fance

DOCUMENTS SUBMITTED AT THE HEARING:

Document 1 List of planning conditions agreed between the parties

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