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# Appeal Decision

Site visit made on 14 September 2011

**by Paul Jackson B Arch (Hons) RIBA**

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

**Decision date: 28 September 2011**

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**Appeal Ref: APP/Y3940/A/11/2154519**

**Ivy House Hotel, 43 High Street, Marlborough, Wiltshire SN8 1HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Marlborough College against Wiltshire Council.
  - The application Ref E/10/1632/FUL, is dated 26 November 2010.
  - The development proposed is change of use from hotel (C1) to boarding house (C2).
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## Preliminary matters

1. The description of development given above is a shortened version of that on the application form. I have considered the appeal on the basis of the full description.
2. Wiltshire Council failed to make a decision on the planning application in the required amount of time. Had it been able to do so, it would have refused the application for the following putative reason:

*'The proposal would result in the loss of an important tourist facility within the Marlborough area. This would be detrimental to the vitality and viability of the area as a consequence of lost local employment and tourism related spend, and so is contrary to the broad principles of Planning Policy Statement No. 4 and policy ED18 of the Kennet Local Plan 2011.'*

## Decision

3. The appeal is allowed and planning permission is granted for change of use from hotel (C1) to boarding house (C2) at Ivy House Hotel, 43 High Street, Marlborough, Wiltshire SN8 1HJ in accordance with the terms of the application, E10/10632/FUL, dated 26 November 2010, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) No part of the development hereby approved shall be brought into use until the turning area and parking spaces have been completed in accordance with the approved plans. The parking and turning areas shall be retained for these purposes thereafter.
  - 3) The development hereby approved shall be built in accordance with the approved plans P0500, P1301, P1100A, P1101A and P1102A.

## **Main Issue**

4. The main issue is the effect of the proposed change of use on the vitality and viability of the area.

## **Reasons**

5. The appeal premises consist of a 28 room hotel with conference facilities situated in the centre of Marlborough, an historic market town with an attractive retail centre. The building is a Grade II listed former house and school dating from the mid 18<sup>th</sup> century which has been much altered and extended over the years, most noticeably with a 50 cover restaurant and conference facility in the early 20<sup>th</sup> century and a large extension containing bedroom accommodation in 1986. As part of the current proposal, internal alterations, minor external alterations and the removal of hotel signage would be carried out, for which listed building consent has been granted.
6. The development plan comprises saved policies of the Wiltshire and Swindon Structure Plan and the Kennet Local Plan 2011, adopted in 2004 (LP). The replacement draft Wiltshire Core Strategy Document is at an early stage, having recently completed the first stage of consultation, and I give it very limited weight.
7. A main objective of the economic and tourist development policies of the LP reflects national guidance in current Government guidance in Planning Policy Statement 4 *Planning for Sustainable Economic Growth* (PPS4). It can be summed up as to promote jobs and to sustain and enhance the vitality and viability of existing town and service centres. The reason for refusal refers to policy ED18 of the LP, which seeks to protect the prime shopping areas of Devizes and Marlborough. It advises that planning permission will not be given for the change of use of ground floor premises to uses other than Class A1 (shops) the objective being to maintain a concentration of retail. However, the proposed change of use would not lead to a loss of an A1 use. I also give weight to the concern that conversion to a shop would not be sympathetic to the buildings special architectural interest.
8. Marlborough is a significant tourist destination in the area. Numerous cultural and public events are held throughout the year. It has a large shopping area on both sides of the wide High Street catering for visitors and locals. There is demand for accommodation from tourists and visitors and from the parents of children at Marlborough College, a major local enterprise that hosts and supports tourism in the town. To assist in understanding the potential impact of the proposal, the Council commissioned an independent economic impact study in June 2011. This indicates that average occupancy levels at the Ivy House of around 55% do not differ significantly from those experienced by other hotels in Kennet and reflect trends in the economy more generally. It is common ground that there is demonstrable demand for hotel accommodation in the area and that the existing enterprise contributes to the local economy in terms of employment and spending.
9. However, the hotel operator has provided evidence that occupancy rates and revenue have deteriorated over the last 5 years with a concomitant impact on profitability. As part of recent cost saving measures and in response to local competition from restaurants, bars and cafes, the restaurant has been closed for lunch and evening meals and the hotel now operates on a bed and

breakfast basis. Efforts to market the building in 2008 and 2009 as a hotel failed although there was significant interest. The last offer was in February 2010, but this fell away. Despite a reduction in the price agreed, buyers failed to obtain bank funding and/or were discouraged by the amount of capital expenditure required to maintain and improve the premises. I have no reason to doubt the figures provided on occupancy, revenue and marketing.

10. The proposed boarding house use would also generate employment. There would be 8 full time staff and additional support staff. Although lower in terms of full time equivalent (FTE) employment than the Ivy House, the amount of money paid in wages would be significantly higher. In addition, there would be increased food purchases and maintenance as well as other supplies necessary for a fully occupied building. The increased numbers of pupils in the town would generate additional spend by them and their parents. The premises would be used for residential conferences during the school holidays. As such, the effect on the local economy would be positive and would not conflict with the economic development objectives of PPS4.
11. Moreover, there is very unlikely to be an unacceptable effect on the availability of serviced accommodation in the area. Apart from the 33 room Castle & Ball Hotel on the opposite side of the High Street, there are a further 51 hotel rooms within 5 miles and 443 within 8 miles of the centre. There are 10 accommodation providers within 1 mile. I saw that there are bed and breakfast establishments such as the Merlin in the High Street and the Lamb Inn within a short distance. There is no evidence that closure of the hotel would lead to any shortage of accommodation for visitors or that there would be any negative impact on income received by other businesses in the town.
12. I appreciate the concern that the nature of a boarding house use would be different from a hotel which has existed for over 70 years, but there is nothing to suggest that potential visitors to Marlborough would be unable to stay in the area or would be discouraged from doing so; or that the use of the building by children, students or other users would not add to vitality and interest. The development would not conflict with the aims of policy ED18 of the LP.
13. In addition, the removal of the hotel lettering from the front elevation would improve its appearance as a former house. Whilst I saw that the hotel appeared in good physical condition, the ability of the owners to adapt and invest in it as a hotel is constrained by its listed status, as was demonstrated by an earlier application in 2008. The likelihood that the College would be committed to long term maintenance of the fabric of the listed building is a factor in favour. The development would maintain a diversity of uses within the centre, consistent with the conservation aims of the LP, and would encourage continued investment and so maintain and enhance the built fabric.

### **Other matters**

14. I have taken account of all the other matters raised. Whilst it may be that hotel use could be successful as many suggest, marketing has not provided a way forward, even on the basis of 'offers invited'. If it were possible to operate the hotel at a profit that would enable investment for the future and a reasonable return, then that opportunity has been provided and no firm bids have been materialised.

15. There is nothing to suggest that the noise likely to be generated by students would be unacceptable compared with the existing hotel use which has a large outdoor sitting area at the rear. There is no existing public access to the rear that would be lost. There is no evidence to suggest that the reduction in business conference or reception facilities at the Ivy House is likely to have an unacceptable impact on the availability of such facilities in the town generally; in any case, the College has indicated that a similar facility would be provided at Ivy House out of term time, as is done at some of the other boarding houses on their estate.

### **Conclusion**

16. The change of use would have no effect on the number of A1 shop uses in the High Street. There would be a positive effect on income received by local businesses and an increase in wages that contribute to the local economy. The vitality of the area would not be affected. The proposed development would not conflict with the aims of PPS4 or development plan policies and the appeal should be allowed.

### **Conditions**

17. The turning and parking spaces need to be provided before the use commences in the interests of highway safety. It is necessary that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

*Paul Jackson*

INSPECTOR