

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	29th May 2013		
Application Number	N/13/00477/FUL & N/13/00478/LBC		
Site Address	The Horse and Jockey Public House, Gosditch, Ashton Keynes, SN6 6NZ		
Proposal	Change of Use of former Public House and associated land and buildings, together with refurbishment and conversion works to form a single private dwelling. Works include the demolition of modern flat-roofed extensions and the construction of a first floor extension; construction of front garden dry-stone wall; removal of commercial fixtures and fittings; and general repairs and re-decoration throughout.		
Applicant	Whitehouse and Pears		
Town/Parish Council	Ashton Keynes		
Electoral Division	Minety	Unitary Member	Councillor Berry
Grid Ref	404215 193817		
Type of application	Planning permission and Listed Building Consent		
Case Officer	Sarah Gostling	01249 706664	sarahgostling@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Soden requested that the committee consider:

- whether the pub was seriously marketed,
- Whether the pub would be viable,
- The loss of a village amenity.

1. Purpose of Report

To consider the above application and to recommend that planning permission and listed building consent be DELEGATED, subject to conditions.

Ashton Keynes Parish Council strongly objects to the change of use, which would result in the loss of a valued local facility. The Parish Council take strength in this view from a survey of parishioners, (590 leaflets distributed, 159 responses received) which showed a substantial level of support for this facility. The Parish Council also has a number of issues with regard to viability, interest shown in the pub, intent of the applicants when pub purchased, sustainable economic development in villages and use of planning system to overcome a poor business decision.

Separately from the Parish Council survey fifteen letters in support of the application have been received together with three letters of objection.

2. Main Issues

The main issues in considering the application are:

- Principle of development/policy setting;
- The loss of services and community facilities;

- Impact on designated heritage assets, being: the character and appearance of the Conservation Area and the architectural and historic interest of the listed building;
- Impact upon neighbouring residential properties;
- Access and highways;
- S106 contributions.

3. Site Description

The Horse and Jockey, listed grade II, lies on the south side of Gosditch, some 400m to the west of the village centre, within both the conservation area and the settlement development framework. The principal building sits back from the lane frontage, an open, tarmac car park to the front, bounded to the east by single-storey outbuildings. To the rear and west of the building are generous, grassed garden areas.

The oldest part of the building is the original, 2.5 storey, early 18thC cottage. The rear, 1.5 storey range was added, and then extended, in 19thC. Records suggest that the building was a public house by the late 18thC. The stable range, which dates from this period, was converted to a skittle alley in 20thC and extended to link to the main building. Also during the 20thC flat-roofed extensions were added to the north and south elevations to extend the trading and back of house areas. The ancillary domestic accommodation currently comprises four rooms (3 bedrooms) on the first and second floors.

The public house ceased to trade and was closed by the brewery in October 2011. The internal fittings were removed, following which it was sold on the open market to the applicants.

4. Relevant Planning History		
Application Number	Proposal	Decision
11/03879 PRAP	Change of use of public house to residential dwelling	
12/01280 FUL	Change of use of ground floor of public house to residential	Withdrawn
12/01281 LBC	Internal alterations associated with change of use to residential	Withdrawn

5. Proposal

The proposal comprises the change of use of use of the buildings and grounds to form a single, six bedroom dwelling.

Physically this will entail: the demolition of the two flat-roofed extensions; the removal of any remaining commercial impedimenta both inside and out, including signage, lighting, a large part of the tarmac parking area and various internal fittings eg. wcs; the construction of a first floor extension to the rear to form a bedroom and ensuite; repair and restoration to external walls, including new door and window openings; internal alterations and repairs and construction of a stone boundary wall to the north and west boundaries.

The planning application is accompanied by both a marketing report (which outlines the steps taken to market the property and the response) and a viability report (which considers the prospects for a resumption of a pub business at the premises).

Marketing Report

The property was marketed by two agents, the salient figures being as follows:

Agent 1 – 938 notifications sent, 25 viewings, 3 offers received.

Agent 2 – 768 notifications sent, 127 enquiries received, 5 viewings, 1 offer, now withdrawn.

Viability Report

The viability report concludes that the re-opening and re-establishing of the Horse and Jockey as a pub business has no sound financial basis and would be highly unlikely to be successful. This is based upon:

- The building is in poor condition, closed for business. The costs of re-establishing the business, both repairs/alterations to the building and re-equipping to modern standards, would be substantial, making it financially non-viable.
- There is already a public house in the village and re-opening a second, similar business could threaten the existence of both.
- Within a three mile radius there are 9 other public houses all providing for a different sector of the market. There are no noticeable gaps in which a new business could establish itself. In the face of this substantial competition re-opening would be a very risky undertaking.
- The likely annual running costs are estimated to be in the order of £160,500. In the light of current competition and the past track record of the Horse and Jockey achieving this figure would seem highly improbable.

6. Consultations

Environmental Health Officer – No adverse comments.

County Environment Services - This development would generate a need for a Public Open Space contribution of £1,580. The target site would be Ashton Keynes Recreation Ground.

Highway Officer – No objection, subject to the imposition of conditions to secure: the completion and proper surfacing of the access and parking area and inward opening gates.

Senior Conservation Officer – Initial comments indicated that the proposals were likely to be acceptable in principle, subject to modifications to both the design of the extension and alterations and the specification of works. More detailed comments are contained in the section on the impact of the proposals on heritage assets.

Ashton Keynes Parish Council – The Parish Council object strongly to the proposals, which represent the loss of a valued local facility.

A survey of 590 parishioners was undertaken to gauge local views on: a) the attitude to loss of this pub, b) likelihood of residents using the pub if reopened and c) the potential of the village to support two pubs.

The number of respondents was 159 (27%) of whom:

60% (95) said it would matter to them to some extent if the pub were to close;

55% (87) said they would be likely to use the pub and

50% (79) said they thought the village could support two pubs.

The Parish has a number of observations about specific issues:

- The viability test has to be objective and needs to show that a different owner could not make a success of the business;
- The marketing report shows that there was significant interest in the facility and the council is aware of at least one individual who would be interested in running it as a pub;
- The applicants bought the premises with a view to conversion so little weight can be attached to their attempts to market it, especially when a number of offers were made only to be rejected by the applicants.
- Government policy stresses the need for sustainable economic development in villages. It is important Ashton Keynes maintains a level of economic activity within the village. The loss of employment caused by the change of use is therefore considered unacceptable;
- The facility was a pub when sold and the market price should have reflected its business value. If the applicants paid more on the basis of getting a change of use it is not for a public service to facilitate such speculation.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

Three letters of objection and fifteen letters of support have been received

Summary of key relevant points raised:

In objection

- The Horse and Jockey has always been the most popular of the three village pubs and has flourished for most of the past 33 years.
- Bad management, poor landlords and lack of investment by the pub company have caused the decline.
- The village needs and can support two pubs.
- Pubs are an important part of village life and should be protected at all costs.
- The Horse and Jockey could offer facilities such as parking, outside space, pub games and a different, more traditional approach than the White Hart. So it could garner trade from those for whom the White Hart is not suited.
- The property was obviously bought with the idea of turning a fast buck.

In support

- The structure, building services and kitchen all need substantial and expensive upgrading. It is therefore no surprise that a tenant was not found as the necessary investment is likely to outweigh commercial viability. It is unlikely to have been put up for sale if the pub company could have made a profit.
- Feel that it has been proven over the past ten years that the village cannot sustain two pubs as viable businesses. If the Horse and Jockey were to have a new landlord it would only be a matter of time before both pubs closed.
- The White Hart struggles to survive as it is.
- This potentially attractive building is now an eyesore, having it cared for and restored would be a more attractive outcome for the village environment. There is a precedent in The Plough in Back Street, which is now a fine residential property.
- To protect the historic building use as a private dwelling is the only option.
- The front wall should be only 1.5m, like others on the lane.
- The boundary wall should not be built until the building work is completed so that lorries can turn easily.

8. Planning Considerations

Policy setting

- Policies C3 (general development control criteria), HE1(Development in conservation areas), HE4(Development or alterations affecting listed buildings), H3(Residential development within framework boundaries), R6(Existing local shops and services) and CF3(Provision of open space) of the adopted North Wiltshire Local Plan 2011.
- Core Strategy Submission Draft July 2012 Policies 2(Delivery strategy), 49(Protection of services and community facilities), 52(Green infrastructure), 57(Ensuring high quality design and place shaping), & 58(Ensuring the conservation of the historic environment). The Wiltshire Core Strategy is at an advanced stage, being now in process of Examination. There are currently outstanding objections to a number of policies, including 49, therefore only limited weight can be given to the emerging policies as they stand.

- Structure Plan Alteration 2016 policies HE7 (seeks to safeguard heritage assets and the historic environment) & DP9 (within or adjoining settlements previously developed land should be used in preference to undeveloped)
- National Planning Policy framework, sections: 3 (supporting a prosperous rural economy), 6 (delivering a wide choice of high quality homes), 8 (promoting healthy communities) & 12 (conserving and enhancing the historic environment).

Principle of development

The Horse and Jockey lies within the framework boundary of Ashton Keynes, and residential use is therefore acceptable in terms of the Local Plan policies for residential development and the Core Strategy and NPPF presumption in favour of sustainable development.

The loss of services and community facilities

The proposal would result in the loss of a community facility.

Policy R6 of the Local Plan allows changes of use provided that the business is no longer viable and every reasonable attempt to market the premises has been made and that there are alternative local facilities within walking distance.

The Core Strategy policy 49 states that

Proposals involving the loss of a community service or facility will only be supported where it can be demonstrated that the site/ building is no longer viable for an alternative community use.

Preference will be given to retaining the existing use in the first instance, then for an alternative community use.

Where this is not possible, a mixed use, which still retains a substantial portion of the community facility/service, will be supported. Redevelopment for non-community service/ facility use will only be permitted as a last resort and where all other options have been exhausted.

In order for such proposals to be supported, a comprehensive marketing plan will need to be undertaken and the details submitted with any planning application. Only where it can be demonstrated that all preferable options have been exhausted will a change of use to a non-community use be considered.

It is acknowledged that pub closure is a national trend, which is likely to continue unless their viability can be improved by encouraging sustainable communities and by taking a hard line on change of use applications. However the latter will not work without the former.

The NPPF requires that planning 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.

The community facilities currently available in Ashton Keynes comprise a village shop, hall, primary school, two pubs, one currently trading and a sports field and pavilion, which is available for private functions.

The marketing report has shown that, although the prospect of running a village pub is an attractive one, the particular circumstances of the Horse and Jockey have been sufficiently challenging to put off the vast majority of enquirers. The reasons behind this are suggested in the viability report: the cost of reinstatement, the high level of local competition, the presence of another pub in the village and the uncertainty, given past performance and current competition, that the business could be sustained.

It is therefore considered that a satisfactory case has been made that the business is no longer viable and that re-opening could jeopardise the future of the remaining public house, the White Hart.

The White Hart is within walking distance of the Horse and Jockey and, indeed, given its position in the village centre, it is more accessible to the village at large. So there is an alternative facility nearby and the community's ability to meet its day-to-day needs (as required by the NPPF) would not be reduced.

The emerging Core Strategy has more onerous criteria, requiring alternative community uses to be considered prior to change of use to non-community uses. As highlighted above this policy

remains subject to objections and therefore only limited weight can be accorded to it in its present form.

As outlined above Ashton Keynes is considered to have a full range of the type of community facility which could be expected to be supported by a large village. Accordingly it is felt to be unlikely that an alternative community facility could be found to occupy the building and to the extent that would provide for its satisfactory future maintenance.

Impact on designated heritage assets, being: the character and appearance of the Conservation Area and the architectural and historic interest of the listed building

The Local and Structure Plan policies (HE1, HE4 & HE7) seek to ensure that the significance of heritage assets is protected; that the character and appearance of conservation areas is preserved or enhanced and the special architectural or historic interest of listed buildings and their settings are preserved.

Core Strategy policy 58 encapsulates how development should protect, conserve and, where possible, enhance the historic environment.

The NPPF requires local authorities, inter alia, to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The optimum viable use will fund future maintenance and cause least harm to the significance of the asset (English Heritage).

Originally constructed as a dwelling the Horse and Jockey has been a public house for a considerable period of time. Originally built in two phases (18thC & 19thC) the most significant period of alteration of the original fabric has been in the latter part of the 20thC. Flat roofed extensions to front and rear, removal of internal, and parts of external, walls at ground level, a pitched roof extension to the east side, internal fittings and a tarmac surfaced car park; all have, to a greater or lesser extent, compromised the significance of this historic building and its setting. In recent time there has been a lack of investment in the fabric of the property which now requires considerable repair and refurbishment.

It is of considerable importance in conserving heritage assets that they are found a viable, long-term use, which can sustain their long-term maintenance. It is apparent that the public house use has ceased to generate sufficient funds to guarantee continuing investment in the building, accordingly, from an historic buildings point of view, the proposal to convert the building to residential would secure its long-term future.

The detailed proposals for the demolition of the flat roofed extensions, reinstatement of external walls, new first floor extension, alterations and repair/refurbishment have been the subject of detailed discussions with a senior conservation officer, and the proposals have been amended. The extension will be clad in stone to the rear elevation and render to the side under a natural slate roof, set below the existing ridge of the rear range. The openings where the flat roofed extensions are removed will be rebuilt in stone, with new windows and doors inserted. The internal plan form remains much as existing except for the removal of the pub toilets to accommodate the kitchen and the insertion of a bedroom and ensuite at the end of the former skittle alley in the stables.

The proposals will achieve significant enhancements of the building, by repairing the fabric and removing modern additions and paraphernalia which have obscured the historic form and detracted from the appearance of the building, its setting and the wider conservation area. The new extension and alterations have been designed to be subservient to the historic ranges of the building, enabling the historic progression to be read. They will enhance the accommodation and facilities whilst preserving the architectural and historic interest of the building.

It is proposed to remove of a large area of tarmac to the front of the property and to erect a natural stone boundary wall to the north and west of the site. There are already a number of stone boundary walls, with and without hedges, along Gosditch and the new walls will reinforce this characteristic and will greatly enhance both the setting of the building and the wider conservation area.

Impact upon neighbouring residential properties

The Horse and Jockey is situated centrally in its plot, in an area which is otherwise entirely residential, at some remove from the neighbouring properties. It is considered that there would be no detriment to the amenities of neighbouring occupiers should the residential use be permitted. Indeed, it could be anticipated that there would be an enhancement of residential amenities due to the reduction in traffic and potential disturbance.

Access and highways

County Highways raise no objection now that the access and parking proposals have been amended to come solely from Gosditch, rather than from the access drive to the residential properties behind. Two highways conditions are proposed.

S106 contributions.

Policy CF3 of the Local Plan requires new housing development to make provisions for open space. Where it is not possible to make that provision directly the Council will accept financial payments to remedy deficiencies in the quality or quantity of that space. County Environment Services have identified that the development would generate a need for a Public Open Space contribution of £1,580. The target site would be Ashton Keynes Recreation Ground.

9. Conclusion

Officers are satisfied that the business is no longer viable and every reasonable attempt to market the premises has been made. It is accepted that the future of the remaining active pub in the village could be compromised by the re-opening of the Horse and Jockey.

It is considered that a full range of conveniently sited, community facilities would remain available to the residents of Ashton Keynes and that, given the existing level of provision, it is unlikely that an alternative community use could be found to utilise the building on a full-time basis, sufficient to secure its long term maintenance.

The proposal is acceptable in the context of the surrounding area and indeed, would result in significant enhancements to the historic building, its setting and the conservation area, whilst not impacting upon residential amenity.

Sufficient car parking and manoeuvring space is provided within the site and the development would not be detrimental to pedestrian or highway safety.

10. Recommendation

In respect of 13/00477/FUL

Authority to grant planning permission be DELEGATED to the Area Development Manager, subject to the signing of a Section 106 agreement, for the following reason:

The Council is satisfied that the business is no longer viable and every reasonable attempt to market the premises has been made.

It is considered that a full range of conveniently sited, community facilities would remain available to the residents of Ashton Keynes and that, given the existing level of provision, it is unlikely that an alternative community use could be found to utilise the building on a full-time basis, sufficient to secure its long term maintenance.

The proposal is acceptable in the context of the surrounding area and indeed, would result in significant enhancements to the historic building, its setting and the conservation area, whilst not impacting upon residential amenity.

Sufficient car parking and manoeuvring space is provided within the site and the development would not be detrimental to pedestrian or highway safety.

The development is considered to comply with the relevant provisions of the NPPF, the Wiltshire Structure Plan Alteration 2016, policies C3, HE1, HE4, H3, R6 & CF3 of the North Wiltshire Local Plan 2011 and the Wiltshire Core Strategy February 2012.

Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

2. No development shall commence on site until sample panels of stonework for the walling to the house and boundaries, not less than 1 metre square, have been constructed on site, inspected and approved in writing by the Local Planning Authority. The panels shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved samples.

REASON: In the interests of the listed building, its setting, visual amenity and the character and appearance of the area.

3. No development shall commence on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of the listed building, its setting, visual amenity and the character and appearance of the area.

4. Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
- (ii) Large scale details of all internal joinery (1:5 elevation, 1:2 section);
- (iii) Full details of proposed rooflights, which shall be set in plane with the roof covering;
- (iv) Large scale details (1:5) of new chimney stack;
- (v) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- (vi) Full details of proposed meter and alarm boxes;
- (vii) Large scale details of proposed eaves and verges (1:5 section);
- (viii) Full details of proposed internal service routes;
- (ix) Full details of rainwater goods which shall be in cast metal;
- (x) Full details of external decoration to render, joinery and metalwork; and
- (xi) Full details and samples of all external materials;
- (xii) Large scale details (1:10) of the boundary wall.

The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the architectural and historic interest of the listed building and its setting.

5. The works shall be carried out in accordance with the approved Outline Specification of Work Rev. 17 April 2013.

REASON: In the interests of preserving the architectural and historic interest of the listed building and its setting.

6. Prior to the first use or occupation of the development hereby permitted all external signage, lighting, aerials and other commercial paraphernalia shall be removed from the buildings and their cutilage.

REASON: In the interests of the listed building, its setting, visual amenity and the character and appearance of the area.

7. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the listed building and the protection of the character and appearance of the conservation area.

8. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the listed building and the protection of the character and appearance of the conservation area.

9. No part of the development hereby permitted shall be first brought into use/occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The parking and turning area shall be properly consolidated and surfaced (not loose stone or gravel). The areas shall be maintained for those purposes at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

10. Any gates shall be erected to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

11. The development hereby permitted shall be carried out in accordance with the following approved plans:

Outline Specification of Work dated 17 April 2013;

Location plan and 12.10.14, .15, .16 & .17 all dated 14 February 2013;
Site plan 12.10.19B dated 29 April 2013;
12.10.20D, .21D, .22C & .23D all dated 07 May 2013.

REASON: For the avoidance of doubt and in the interests of proper planning, the listed building and its setting.

In respect of 13/00478/LBC

Listed Building Consent be DELEGATED as works include those consequent upon the change of use.

Reason for granting Permission:

The proposed works of rehabilitation and extension, will enhance the essential architectural and historic character of the building and its setting and bring it back into beneficial use, in accordance with S.16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the National Planning Policy Framework.

Subject to the following conditions:

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
- (ii) Large scale details of all internal joinery (1:5 elevation, 1:2 section);
- (iii) Full details of proposed rooflights, which shall be set in plane with the roof covering;
- (iv) Large scale details (1:5) of new chimney stack;
- (v) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- (vi) Full details of proposed meter and alarm boxes;
- (vii) Large scale details of proposed eaves and verges (1:5 section);
- (viii) Full details of proposed internal service routes;
- (ix) Full details of rainwater goods which shall be in cast metal;
- (x) Full details of external decoration to render, joinery and metalwork; and
- (xi) Full details and samples of all external materials;
- (xii) Large scale details (1:10) of the boundary wall.

The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the architectural and historic interest of the listed building and its setting.

3. No works shall commence on site until sample panels of stonework for the walling to the house and boundaries, not less than 1 metre square, have been constructed on site, inspected and approved in writing by the Local Planning Authority. The panels shall then be left in position for comparison whilst the works are carried out. The works shall be carried out in accordance with the approved samples.

REASON: In the interests of the listed building and its setting

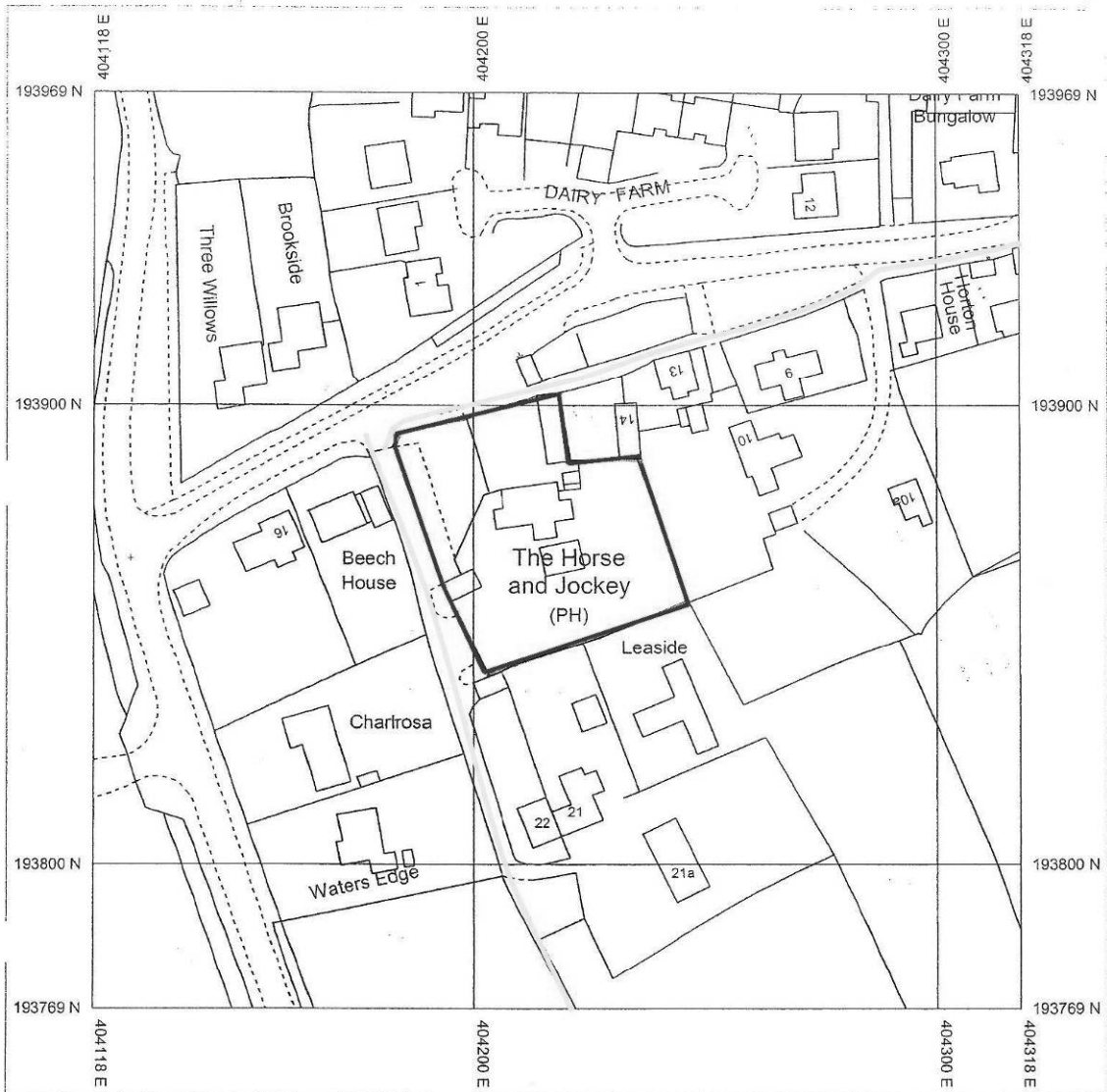
4. No works shall commence on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the works are carried out. The works shall be carried out in accordance with the approved sample.

REASON: In the interests of the listed building and its setting.

5. The works the subject of this consent shall be carried out in accordance with the following approved plans:

Outline Specification of Work dated 17 April 2013;
Location plan and 12.10.14, .15, .16 & .17 all dated 14 February 2013;
Site plan 12.10.19B dated 29 April 2013;
12.10.20D, .21D, .22C & .23D all dated 07 May 2013.

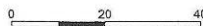
REASON: For the avoidance of doubt and in the interests of the listed building and its setting.



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Public Footpaths AKEY 29 and14

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Plot Centre Coordinates: 404218, 193869