

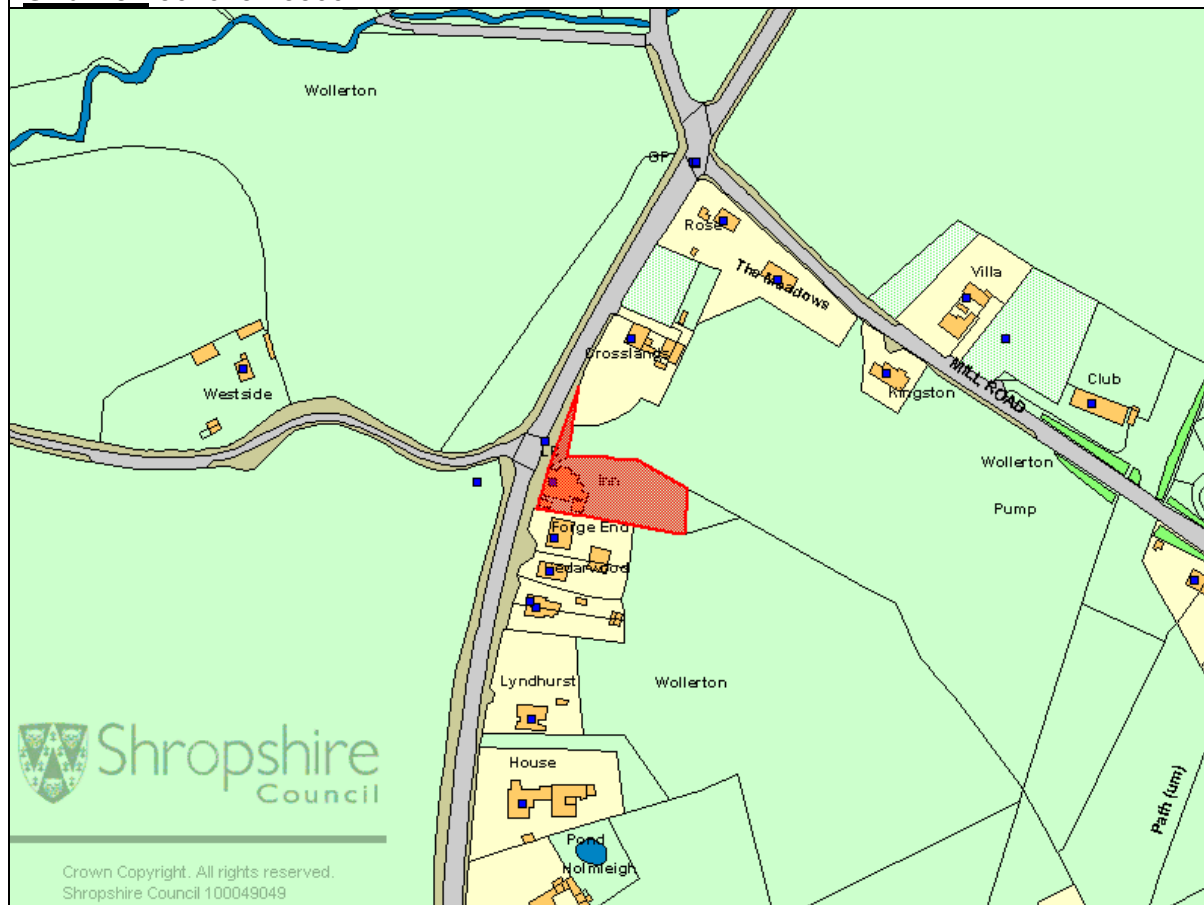
Development Management Report

Responsible Officer: Stuart Thomas

email: stuart.thomas@shropshire.gov.uk Tel: 01743 252665 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 12/01849/FUL	<u>Parish:</u> Hodnet
<u>Proposal:</u> Change of use from a public house (Use Class A4) to a residential dwelling (Use Class C3)	
<u>Site Address:</u> Squirrel Inn Wollerton Market Drayton TF9 3LX	
<u>Applicant:</u> Ms C and S Howell and Mazloom	
<u>Case Officer:</u> Richard Denison	<u>email:</u> planningdmne@shropshire.gov.uk
<u>Grid Ref:</u> 362023 - 330044	



Recommendation:- Grant Permission subject to the applicants entering into a Section 106 Legal Agreement and subject to the conditions set out in Appendix 1.

Recommended Reason for Approval

1. It is regrettable that the proposed change in use of the public house to a dwelling will result in the loss of a local community facility. However, significant evidence has been provided to demonstrate that the business was advertised and marketed as a commercial business not only as a public house, but also for a wide range of employment generating uses. Unfortunately, due to a significant reduction in the asking price no offers were made and the premise was purchased with the view of converting into a single dwelling. The owners are currently occupying the first floor residential element of the public house and it is clear it will not operate as a public house and therefore the community facility has already been lost. Due to the level of existing community based facilities located within Wollerton and the close proximity of existing public houses it is considered that on balance and in the special circumstances of this application the permanent loss of this facility would be acceptable. The proposed use of the building as a single residential dwelling will not result in any detrimental impact on the adjacent residential properties and will not impact on the visual character of the area, cause any highway concerns or impact on the adjoining public right of way.
2. Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies: National Planning Policy Framework (March 2012): 3 : Supporting a Prosperous Rural Economy. Regional Spatial Strategy (January 2008): RR4 : Rural Services and QE1 : Conserving and Enhancing the Environment. Shropshire Council Core Strategy (February 2011): CS5 : Countryside and Green Belt, CS6 : Sustainable Design and Development Principles and CS8 : Facilities, Services and Infrastructure Provision.

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the change of use of a public house to provide a single residential dwelling. The public house was purchased in September 2011 and the applicants have moved in residing in the first floor residential accommodation. The proposed conversion will involve the front bar area being used as the lounge, whilst the rear bar area will be used as a kitchen/dining room. The ground floor kitchen will become an office/store, whilst the male and female toilets will be converted into a further office and w.c./shower room. The first floor living room and kitchen will be removed to provide a further bedroom with ensuite. The existing rear car parking area will be landscaped and made private with the provision of a gated entrance.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The Squirrel Inn public house is located on the edge of Wollerton settlement adjacent to the former A53 road approximately 1 km north of Hodnet village. The two storey building is constructed with white render walls and concrete tiles with a

single storey rear element. An existing dropped kerb and footpath runs directly along the roadside frontage with a small area of hard standing, whilst a large hard surfaced car park is provided to the rear. The north and east boundary is located adjacent to an open field which has a public footpath running through, whilst the adjacent property Forge End runs along the southern boundary of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Hodnet Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee vice chairman and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Shropshire Council, Highways** - The site abuts the former A53 that has subsequently been bypassed with the building of the Hodnet bypass. From a highway aspect the change of use from a public house to a single residential dwelling and the associated reduction in use of the access is welcomed and no objection is raised to the principle of the conversion. The plans as submitted are a little limited in their detail with regard to the proposed layout of the front boundaries and the exact position of the access gate and whether this will be hung to open into the site. The 'northern arm' of the site road frontage has been open to the public highway for some time and used as parking in association with the public house. A stile and route of a public footpath is located within the rear boundary abutting the adjoining field and questions as to whether this area of land forms part of the highway and that its potential enclosure would be encroaching on the highway and obstructing the route of the right of way.

4.1.2 **Shropshire Council, Rights of Way Officer** - No objection to the change of use from a rights of way perspective is raised, although an informative should be included to the effect that 'no works should be undertaken that may affect the public footpath without prior consultation with the Rights of Way Officer. The right of way must not be altered, nor may further barriers such as stiles or gates be erected without prior authorisation'.

4.1.3 **Shropshire Council, Drainage Engineer** - No comments from a drainage and flood risk perspective are raised regarding the change of use as there are no proposed changes to the footprint of the building. As part of the SuDS, the applicant should consider employing measures such as the provision of water butts, rainwater harvesting system, permeable paving on any new driveway/paved area and grey water recycling system to ensure that, for the disposal of surface water drainage, the change of use is undertaken in a sustainable manner.

4.1.4 **Shropshire Council, Planning Ecologist** - A formal response has been received raising no ecological comments.

4.1.5 **Hodnet Parish Council** - Objects to this application. This property could be a source of local employment as well as a social facility and we do not want yet another example of another North Shropshire village losing a key ingredient to village life. We would refute the figures in the Planning Statement 5.15. There are in fact 86 properties within easy walking distance of the pub and this does not include the neighbouring hamlets of Lostford, Mickley, Fauls Green and Marchamley Wood who do not have such facilities. Many local clubs and societies used the Squirrel. Wollerton Tennis and Bowling clubs - members and visiting teams took refreshment after their games. Hodnet Senior Citizens Luncheon Club used to meet there. Those attending Bingo and Bridge Nights at Wollerton Village Hall and the substantial number of visitors to Wollerton Old Hall Gardens have all previously used the Squirrel. Whilst there is a Public House in Hodnet there is no footpath between Wollerton and Hodnet. The Parish Council received enquiries from interested parties wishing to purchase the property and change use to residential, but all were firmly advised that the Parish Council would not in any circumstance support change of use. Had the present applicant approached the Parish Council the reply would have been the same. The Squirrel is situated in a predominantly rural area of Shropshire where inhabitants are very used to driving to find services. There are many local examples of thriving Pubs with far less properties in the vicinity.

4.2 **Public Comments**

4.2.1 Three letters of objection have been received from local residents raising the following concerns:-

- The previous landlord changed the style of the public house to a town style pub with sky television for football, with less focus on country cooked meals in the restaurant.
- The pub was purchased knowing it was a business premises.
- The Planning Statement is incorrect as there are 86 houses in Wollerton not 40 as stated.
- The pub provided local employment and was used by Wollerton Tennis Club, had its own dominoes team and was used by visitors to Wollerton Old Hall Gardens and Beech House Nursing Home.
- The pub was also used by the community in Lostford, Marchamley Wood, Fauls Green and Mickley.
- Highway safety issues for pedestrians from customers driving drunk from the public house.
- Several parties were interested in running the pub but due to the cost at the time and money involved to modernise the facilities it made the redevelopment unviable.
- The previous owners did not take sufficient steps to market the property in a realistic manner or maintain the property in a condition that might have attracted buyers.
- Although there are other public houses in the local area they are not accessible by public footpath.

4.2.2 A petition has been signed by 164 individuals objecting to the conversion of The Squirrel Inn and Restaurant into a residential dwelling, although no reasons have been given.

4.2.3 Three letters of support have been received from local residents raising the following comments:-

- The use of the public house failed partly due to the landlord and local residents not supporting this local facility.
- Public houses have to change in order to be viable and the traditional village pub serving only the local community (within walking distance) is not viable.
- Wollerton does not have the economic density to allow this public house to be operate without requiring a large economic investment
- The existing bowling club in the village and the Bear Hotel in Hodnet have to work hard to remain in business.

4.2.4 One letter has been received from the new proprietor of the Bear Inn at Hodnet who have provided the following comments:-

- If the applicant is not successful in obtaining change of use then there will be two pubs within two miles of each other that will be competing for the same business.
- The area does not have the amount of custom needed to support two pubs hence The Squirrel public house closed down.
- Due to the current housing shortage the use of the public house for a residential dwelling should be supported.

4.2.5 Hodnet Parish Council has received an online comment from an individual indicating that they were aware that the Squirrel public house was empty and for sale, although on contacting the selling agent they were informed it was off the market. Confirmation has been received that they would consider opening the public house up by putting a manager in.

5.0 THE MAIN ISSUES

- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Affordable Housing Contribution

6.0 OFFICER APPRAISAL

6.1 Policy & Principle of Development

6.1.1 Policy H6 'Other Limited New Housing and Conversions in Local Services Villages and Other Village with Defined Development Boundaries' of the North Shropshire Local Plan is still a current saved policy which supports, in principle, the conversion of existing buildings into residential use within Wollerton. However, the proposals map indicates that the Squirrel Inn is located outside of the development boundary and would not be acceptable for conversion. However, the more recently adopted policy CS5 'Countryside and Green Belt' of the Shropshire Core Strategy indicates that open market residential conversions in open countryside will be acceptable where the conversion respects the heritage asset.

The building is of a substantial construction and is of local importance and the conversion will not involve any external alterations and would in principle be acceptable for conversion for residential use.

- 6.1.2 However, Policy RR4 'Rural Services' of the Regional Spatial Strategy for the West Midlands indicates improving the range and quality of services available to rural communities is a key component of rural renaissance, where services should be improved by bringing them closer to where people live. The threat to rural services is recognised in the Countryside Agency's 'State of the Countryside 2003 (West Midlands)' which indicates that it may be appropriate to protect services and facilities from other development. This is to retain and improve the availability of services in the rural areas. This is reiterated in the recently adopted National Planning Policy Framework in which policy 3 'Supporting a Prosperous Rural Economy' indicates that policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The policy also promotes the retention and development of local services and community facilities in villages, which includes public houses. This is further reiterated in local policy CS8 'Facilities, Services and Infrastructure Provision' of the Shropshire Core Strategy which seeks the protection of existing facilities, services and amenities that contribute to the quality of life of residents and visitors. In the explanation of the policy it indicates that facilities, services and infrastructure also include public houses which should be protected in the rural area. This is also referred to in policy CS6 'Sustainable Design and Development Principles' which indicates that proposals resulting in the loss of existing facilities, services or amenities will be resisted unless provision is made for equivalent or improved provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term.

Marketing Exercise

- 6.1.3 The use of the property as a public house ceased in mid-2010 with the building having been advertised in the local property market from May 2010 until August 2011 (15 months). During this time the property was marketed both locally and nationally by Paramount Investment and Development Brokerage, Admiral Taverns, Sidney Philips and Fleurets Ltd. The initial asking price was for offers invited at £225,000. This guide asking price was later reduced to £210,000 in January 2011 (after 8 months), then £200,000 in May 2011 (after 12 months), to £175,000 in June 2011 (after 13 months) and then finally to £160,000 / open to offers in July 2011 (after 14 months). The sale particulars indicated that although the property was marketed as a public house planning permission would not be required for the use of the property falling within use classes A1 (shops, travel agents and post office), A2 (financial and professional services) and A3 (restaurant and cafes) as these uses are permitted without the need for further planning permission by the Town and Country Planning (Use Classes) Order.
- 6.1.4 Despite extensive marketing by all agents the property did not sell. Although no offers were made to Fleurets, Paramount did receive some conditional offers for the property but these were subject to planning permission being granted for residential use. These offers were rejected. Following the unsuccessful marketing exercise the property was put up for auction on the 28th July 2011 with a reserve price of £140,000 (a 38% reduction from the original asking price). The property did not meet the asking price, although following the auction the applicant viewed

the premises on the 1st August and exchanged contracts on the 2nd August with the purchase being completed on the 20th September. The applicants moved into the upstairs residential accommodation.

- 6.1.5 Having regard to the marketing strategy it is clear that the premise has been marketed at a realistic price with the previous owners intention to dispose of the property as a going concern. The sale particulars also included the alternative uses other than as public house and despite the flexibility to potential future uses of the building the property has not been sold.

Viability Appraisal

- 6.1.6 As indicated in policy CS6 'Sustainable Design and Development Principles' it should be demonstrated that the existing facilities are not viable over the long term. Officers have requested the submission of an Independent Business Appraisal to assess whether the use of this premise as a public house would be viable. Unfortunately, to assess the viability the financial accounts would be required to ascertain what income/losses were provided leading up to the closure. However, the applicant has contacted Fleurets, Paramount and Sydney Phillips asking for the trading accounts, who have all advised these are not available. Contact has also been made with the solicitor acting on behalf of Admiral Taverns who were selling the property and no account information has been forthcoming. The public house was traded under the company name of Squirrel Taverns Limited and information from the Registration Office has indicated that the precise history and turnover and overheads will often not be available as such information often rests with the existing or former holders of the tenancy. It is clear that the applicant has made significant efforts to obtain the trading accounts. It would also be reasonable to expect that the previous tenants in the recent economic climate were not trading profitably and therefore this may have been one of the reasons why they chose to not renew their tenancy agreement. Without the trading accounts it would be difficult to provide any meaningful business appraisal. Comments have also been received from local residents indicating that several parties were interested in running the pub, but due to the asking price at the time and money involved to modernise the facilities it made the redevelopment unviable.

Existing Community Facilities

- 6.1.7 The Parish Council have indicated that a number of groups previously used The Squirrel public house which provided an important facility for the community to meet and socialise. However, the Wollerton Bowls and Social Club have an existing club house and the ability to serve refreshments if required, whilst the Wollerton Tennis Club also has a club house and post-match refreshments can be served. Wollerton Old Hall Gardens provide a tea room open from 12 o'clock to 17:00 hrs providing home cooked fresh food daily from early April through to August (including Fridays in September). The Wollerton Village Room also provides opportunities for local groups to organise events and currently operates prize bingo nights. The nearest existing public house is The Bear Inn at Hodnet which is approximately 1.5 km away, whilst other public houses and bars within a few kilometres include The Red Lion at Wistanswick, The Castle at Bletchley, Tern Hill Hall Hotel at Tern Hill and The Stormey Petrol at Tern Hill (although currently vacant).

6.1.8 Officers consider that the site has been extensively marketed for a significant period of time, not only as a public house, but also for alternative commercial related uses. It has been clearly demonstrated that in the 15 months of marketing there have been no interested parties wishing to operate a business from this premises. The opening the Hodnet bypass in 2003 would have had a significant impact on passing trade and due to the current economic climate the provision of a public house in this location has not been able to operate as a viable business. Due to the applicants ownership of the public house it has been indicated that the likelihood of The Squirrel re-opening as a public house are very slim to non-existent. Therefore, the loss of this community facility has already taken place. There are existing public houses a short distance away from Wollerton in neighbouring settlements and although not in walking distance, the distance is no different to that which residents in other settlements have to travel. Although it is regrettable that an existing community based facility is being lost it is considered that on balance an adequate level of service provision is currently provided both within Wollerton and the local and neighbouring parishes.

6.2 Design, Scale and Character

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The current occupiers have removed the pub signage from the main frontage, although no external alterations are being proposed to the building with only the internal use of the building being altered. The existing character and appearance of the building is not being altered.

6.3 Impact on Residential Amenity

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The proposed use of the building as a public house would have the potential to generate a significant level of noise and disturbance due to the late opening times and level of movement of vehicles in close proximity to the neighbouring property. The use of the building to provide a single residential dwelling would have a significant improvement on the living conditions of the adjacent property.

6.4 Highways

6.4.1 The existing site is located directly adjacent to the former A53 which has subsequently been bypassed with the building of the Hodnet bypass. Therefore, from a highway aspect the change of use from a public house to a single residential dwelling and the associated reduction in use of the access is supported and no objection is raised from the Highways Authority to the principle of the conversion.

6.4.2 However, the proposed site incorporates a triangular area of land directly to the north of the existing building which runs adjacent to the public highway. Part of this area of land falls within the applicant's ownership, although not all of it. Details have been indicated to show that the area of land owned by the applicant will be

enclosed with large planters and low level railings. As this boundary provision will not encroach onto the highway land no highway objection is raised.

6.4.3 The site layout plan indicates the provision of a gate which will be installed directly adjacent to the building will be set back from the pavement edge by 7 metres and 8.5 metres from the roadside. It is considered that this distance is sufficient to allow vehicles to move off the highway and pavement without obstructing any vehicles on the highway or pedestrians.

6.4.4 A public right of way crosses a small section of this land directly adjacent to the vehicular access with a stile providing access into the adjacent field which the path crosses. However, the site layout plan clearly indicates that the position of the vehicular gate and posts will not obstruct this route which will be available at all times for pedestrians to use.

6.5 **Affordable Housing Contribution**

6.5.1 Policy CS11 'Type and Affordability of Housing' of the Core Strategy indicates that all new open market housing development (including conversion schemes) should make an appropriate contribution to the provision of local needs affordable housing having regard to the current prevailing target rate as set out in the Shropshire Viability Index. The existing target rate is 13% which equates to a maximum financial contribution of £11,700 for dwellings over 100 sqm. As the public house currently has ancillary residential accommodation as part of the first floor the proposed affordable housing contribution would only be based on the ground floor business floor area. The provision of the contribution would form part of a Section 106 legal agreement.

7.0 **CONCLUSION**

7.1 It is regrettable that the proposed change in use of the public house to a dwelling will result in the loss of a local community facility. Unfortunately, due to a significant reduction in the asking price no offers were made and the premise was purchased with the view of converting into a single dwelling. The owners are currently occupying the first floor residential element of the public house and it is clear it will not operate as a public house and therefore the community facility has already been lost. Due to the level of existing community based facilities located within Wollerton and the close proximity of existing public houses it is considered that on balance and in the special circumstances of this application the permanent loss of this facility would be acceptable. The proposed use of the building as a single residential dwelling will not result in any detrimental impact on the adjacent residential properties and will not impact on the visual character of the area, cause any highway concerns or impact on the adjoining public right of way.

8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

8.1 **Risk Management**

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be

awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.

- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS

- 9.1 There are likely financial implications of the decision and/or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. The financial implications of any decision are not a material planning consideration and should not be "weighed" in planning committee members' mind when reaching a decision.

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

National Planning Policy Framework (March 2012):

3 : Supporting a Prosperous Rural Economy

Regional Spatial Strategy (January 2008):

RR4 : Rural Services

QE1 : Conserving and Enhancing the Environment

Shropshire Council Core Strategy (February 2011):

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CS8 : Facilities, Services and Infrastructure Provision

10.2 Relevant Planning History

NS/87/00684/FUL - Alterations and extensions to existing premises to form new entrance, extended bar and survey area, dining area and food preparation rooms with first floor bedroom, kitchen and staircase extension over. Granted 23rd October 1987.

NS/93/00895/FUL - Erection of a conservatory to rear elevation. Granted 4th March 1993.

NS/77/00350/FUL - Erection of prefabricated garage for storage purposes. Granted 21st July 1977.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application Reference 12/01849/FUL

Cabinet Member (Portfolio Holder) - Cllr M. Price

Local Member - Cllr Karen Calder

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITIONS

1. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.