

**Site Address: The Bell Inn, High Street, Hook
Norton, Banbury OX15 5NF**

**Application Number:
14/01810/F**

Case Officer: Emily Shaw

Recommendation: Approval

Applicant: Mrs Zoe Fawcett-Shapland

Application Description: Change of use of premises to use as a single dwellinghouse.

1. Site Description and Proposed Development

- 1 1 The application site comprises the Bell Inn public house, a Grade II listed building, located on the High Street in centre of Hook Norton, within the Conservation Area (in the village centre character area as identified in the 2007 appraisal) It sits opposite and adjacent to two other Grade II listed buildings The site is also located within an area of high archaeological interest The building is constructed from coursed ironstone rubble, with iron stone quoins and a steeply pitched plain tile roof The fenestration, stonework and detailing to the building are indicative of the past and add to its special architectural interest
- 1 2 The site is not currently being used as a public house, but is being used as a photocopying place for visiting members of the public A Certificate of Lawfulness (existing) has recently been approved for the change of use of the premises from Public House (A4 drinking establishments) to photocopying place (A2)
- 1 3 The site has been the subject of a range of internal and external alterations to convert the building from a Public House to alternative uses These alterations were approved under planning application 13/00100/F and listed building consent application 13/00101/LB There have also been several planning and listed building applications relating to the use of the premise as a residential dwelling which have been withdrawn or refused
- 1 4 This application seeks planning permission for a change of use of the premises from photocopying place (A2) to residential dwelling (C3) The application does not include and internal or external alterations

2. Application Publicity

- 2 1 The application has been advertised by way of a site notice, press notice and neighbour notification letters The final date for comment was 15th December 2014 46 letters of objection have been received which include the following
- The village of Hook Norton is planned to increase in size with new houses approved and being built Therefore the village will need to maintain its existing services and not loose them Maintaining the public house would provide employment opportunities and be a benefit to the elderly
 - The Bell is a highly valued village asset and has been recognised as an asset of community value Members of the community feel that the quality of

village life will be eroded and lost with the loss of this village asset

- The Bell has been a significant pub in the village for in excess of 100 years

- There has been no evidence submitted with this application or any other application about the viability of the public house. The pub was successful in recent years. The public house could be run successfully if allowed to be purchased by others.

- There is not need for a photocopy service in the village. This is supported by the applicants statement in an earlier application which indicated that the A2 use was only make £30 a week.

- The application contains inaccuracies regarding the length of time the photocopying use has been running. The Local Planning Authority is aware that a break in the photocopy use took place between Sep 2013 and June 2014.

- The recently refurbished Sun is aimed at the higher market and therefore The Bell could provide a less upmarket venue.

- The application proposes the loss of a grade II listed public house and community asset and involves various breaches of planning control. The building has served as a community asset for many years and it would be a loss to the village if it changed to a dwelling.

- Lack of parking – just two car parking spaces are proposed for the proposed dwelling. It is likely that the occupiers of the property may have in excess of two cars leading to further on street parking causing problems within the highway. Also the shop has access for delivery to the side using the driveway showing the proposed parking.

- The application to convert a centuries old pub in the heart of the village to a photocopy and coffee shop is simply an underhanded attempt to skirt round so called loopholes in planning law. Apart from a couple of A4 pieces of paper stuck in the window, with ridiculously short "opening times", no attempt has been made to actually run a proper business from these premises. No formal marketing, advertising or promotion has taken place. The owners are simply doing the bare minimum to try to get this application agreed on the basis that they will then be able to apply for permission to turn the property into residential accommodation. (An application that has already previously been refused.) This is a blatant misuse of planning law and they should not be allowed to get away with this.

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1 letter of support for the application has been received

- Living a few doors down, it was an absolutely blessed relief when the Bell closed. We have been saved midnight screaming matches and foul language of intoxicated and probably high teenagers, puke on the pavements on Saturday and Sunday mornings, noise from Aunt Sally matches during summer afternoons and pressure on parking space in the middle of the village. We understand that when the building was done up the filth was shocking and the place was stiff with evidence of the use of drugs. We also understand that far from being a community asset, the place was heavily frequented by outsiders who knew that police are thin on the ground in and around Hook Norton (there being no main road here). We think that the place would make a very good guesthouse – that would be a very welcome facility in the village. Otherwise we are in support of the change of use.

3. Consultations

3 1 Hook Norton Parish Council: Object

- The Bell Inn is a centuries old valuable village amenity and the oldest pub in the village. It is of particular interest to the Parish Council and villagers alike, being one of the buildings identified by the Parish Council on 13 October 2011 as being of specific interest to the whole village – i.e. one of the village's 'crown jewels'
- The Parish Council objects in principle to the change of use of this historic building and objects to this building being categorised as anything but that of a public house. Use by the applicant as a photocopying shop was/is only nominally used, if at all
- Change of use would set an undesirable precedent
- As the village is now growing, more space is needed for shops and public houses to serve the expanding population
- The Bell Inn passes the CAMRA viability test and there are people who would have bought it to run as a public house had they been given the opportunity to do so when it was sold to the applicant
- As a public house it would meet the needs of differing communities by maintaining a healthy and varied choice for the consumer, ensuring a place of informal social meeting, eating and drinking. It would provide a place of employment for the Landlord and family and possibly for full or part time staff
- The Bell Inn is registered as an asset under the Community Right to Buy Scheme

3 2 Oxfordshire County Council (Highway Authority)

No objections – subject to a condition to ensure access and parking area kept free from obstructions as shown on the submitted plan

3 3 Cherwell District Council Conservation Officer

No comments received

4. Relevant National and Local Policy and Guidance

4 1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

Policy S29	Loss of existing village services
Policy H21	Conversion of buildings to residential within settlements
Policy C30	Adequate Standard of amenity

4 2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Cherwell Local Plan – Submission January 2014

The Submission Local Plan has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation and the examination is set to reconvene in December 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case.

SLE Employment development – change of use of employment site
PSD1 Presumption in favour of sustainable development

5. Appraisal

5.1 The key issues for consideration in this application are

- Relevant planning history
- Principle of a change of use
- Impact on heritage assets
- Neighbouring amenity
- Highway safety

Relevant planning history

5.2 Planning permission and listed building consent were granted in 2013 for various internal and external alterations to the building (13/00100/F and 13/00101/LB)

5.3 Planning permission was refused on the 11th July 2014 for change of use of Former Bell Inn from mixed use within A2/C3 to wholly residential use

5.4 A Certificate of Lawful Use (Existing) was granted on the 28th November 2014 for change of use of the premises from use Class A4 to use Class A2. At the time of application 14/01766/CLUE the Local Planning Authority was satisfied on the balance of probability that there was a material change of use of the property from A4 public house to an A2 photocopying place. Such a change of use has the benefit of a deemed grant of planning permission pursuant to Class C, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

Principle of a change of use

- 5 3 The current lawful use of the premises following the recently granted certificate of lawful use is as a photocopying place within Class A2 (Financial and Professional Services) This application is therefore considering a change of use from Class A2 (Financial and Professional services) to C3 (Residential)
- 5 4 All planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise, therefore the initial consideration for this application is the adopted Local Plan The importance of village services and amenities is set out in Policy S29 of the adopted Cherwell Local Plan 1996 This policy states that *“Proposals that will involve the loss of existing village services which serve the basic needs of the local community will not normally be permitted”*. The supporting text to the policy sets out that in adopting that policy the Council *“recognises the importance of village services, particularly the local shop and pub, to the local community and will seek to resist the loss of such facilities wherever possible However, it is also recognised that it will be difficult to resist the loss of such facilities when they are proven to be no longer financially viable in the long term”*.
- 5 5 One of the core planning principles contained within the NPPF states that both plan making and decision taking should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs
- 5 6 Paragraph 28 of the NPPF also states that planning policies should support economic growth in rural areas and promote the retention and development of local services and community facilities in villages, such as shops, meeting places, sports venues, cultural buildings, public houses and places of worship
- 5 7 The Submission Local Plan also seeks to promote a good quality of life for villages and rural areas through protecting, maintaining and improving local services, wherever possible (para C205 refers)
- 5 8 The applicants assert that the use of the premises as a pub ceased in April 2013, when they implemented permitted development right to change its use to A2 (Professional Services), which came into force in 2005 by virtue of the Town and Country Planning (General Permitted Development) (Amendments) (England) Order 2005 There was a break in the A2 use between September 2013 and June 2014
- 5 9 The recently granted Certificate of Lawful Use (Existing) for change of use from A4 to A2 has established the lawful use of the premises as of the 20th October 2014 as A2 (Professional Services) The public house (A4) use has therefore ceased at the site In considering this application in accordance with the development plan, assessment has to be made as to the importance of the existing service, A2 use, to the village and how it supports the health, social and cultural wellbeing of the community
- 5 10 The existing use of the premises as a photocopying place has offered a service

to the community of Hook Norton. The service has been open between the hours of 09.30 and 12.30 and 14.00 and 16.30, Monday, Tuesday, Thursday and Friday and 09.30 to 12.30 on Wednesday. The service has not been greatly used, with some days no copies carried out.

- 5.11 The application proposes the loss of the photocopying use and a material change of use to a single dwelling within use Class C3. The current photocopying use does not assist in improving health, social and cultural wellbeing of the community and is not an important service which helps the community to meet its local needs. Therefore it is considered that the loss of this service would not adversely affect the ability of the community to meet its local needs and therefore its loss is not contrary to Saved Local Plan Policy S29 nor is it contrary to the planning principles set out in the NPPF.
- 5.12 A number of the representations have raised the issue of employment in Hook Norton. Unfortunately the A4 use has already been lost through the use of permitted development which is outside the control of the Local Planning Authority. The loss of the photocopying use of the premises will result in the loss of employment opportunities within the village of Hook Norton. Currently the use employs 2 part time members of staff. The NPPF promotes a strong rural economy, through the retention and development of local services and community facilities. The loss of two part time members of staff with the loss of the photocopy shop is not considered to be a significant loss to the village and this would not consider to harm the rural economy of the area.
- 5.13 A number of representations have raised the issue of the viability of the pub, stating that there are interested parties who would be happy to take the pub on and could run it successfully. The public house use has ceased at the site with the change of use from public house to photocopying shop and therefore there is no need to consider the viability of the public house use in determining this application.

Impact on heritage assets

- 5.14 As the building is Grade II listed and lies within the Hook Norton Conservation Area, the impact of the proposal on these heritage assets must be considered in determining this application.
- 5.15 The application does not include any internal or external alterations to the building, it purely relates to a change of use. The applicant did confirm during the site visit that the works required to change the use of the building approved under 13/00100/F and 13/00101/LB have now been completed.
- 5.16 No comments have been received from the Council's Conservation Officer. The material change of use would not cause any greater impact on the building or the conservation area than the existing A2 use.
- 5.17 It is considered that the significance of the Conservation Area and Listed building would be sustained, in accordance with the requirements of the NPPF.

Neighbour amenity

5 18 The proposed change of use from A2 (Professional Services) to C3 (Residential) has the potential to be more in keeping with and appropriate in the area, given the predominance of residential properties in close proximity to the site

5 19 The proposal is, therefore, considered to comply with Policy C30 of the adopted Cherwell Local Plan and Guidance in the NPPF

Highway safety

5 20 The Local Highway Authority raises no objection to the proposal, subject to a condition requiring access and parking provision as shown on the submitted plan received on the 5th November by email

5 21 There have been a number of representations referring to the access at the side of the premises and the use of this access by the shop for deliveries. The agent has confirmed that the ownership of The Bell extends up to the side wall of the shop and therefore includes the access and parking arrangement within the control of the applicant. The applicant controls all the land including the access and parking and there is no formal right of access or easement in favour of the shop. Therefore, the proposed car parking to the side of the premises is considered acceptable for the proposed use of the premises and a single dwelling

5 22 It is therefore considered that the proposed change of use would not adversely affect highway safety and would therefore comply with the requirements of the NPPF

Engagement

5 23 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the Local Planning Authority have carried out the assessment of this application in a positive and proactive way by ensuring discussion with the agent/applicant throughout the process. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application

Conclusion

5 24 The proposal is considered to be acceptable in the light of the development plan and all relevant material considerations, the proposal is of a scale, type and use which is acceptable given the character of the context of the development. In addition, the proposal does not harm residential amenity, highway safety or convenience

6. Recommendation

Approval

1 A4 Full Application: Duration Limit

The development to which this permission relates shall be begun not later than the expiration of three years beginning with 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 Section 51 of the Planning and Compulsory Purchase Act 2004

2. A6 Plans Condition

Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents Application forms and drawings titled/numbered Site location plan, Drawing P01 (Existing Ground Floor Plan), Drawing P02 (Existing First Floor Plan), Drawing P03 (Existing Second Floor Plan), Drawing P04 (Cellar Existing Plan), Drawing P05 (Proposed Ground Floor Plan), Drawing P06 (Proposed First Floor Plan), Drawing P07 (Proposed Second Floor Plan) and Plan showing existing parking spaces

Reason For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework

3. H21 Specified Use Only

The building shall be used only for the purpose of a single dwelling house (Class C3) and for no other purpose whatsoever, including any other purpose in Class C3 or Class C4 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005

Reason In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework Furthermore, to ensure no detriment to highway safety from additional on street parking

4. D21 Area to be Kept Free from Obstruction

The access and parking area shown on 'plan showing existing parking' shall be kept free of obstructions at all times and used only for the specified purpose

Reason In the interests of highway safety, to ensure a proper standard of development and to comply with Government guidance contained within the National Planning Policy Framework

Planning Notes

1. PN5 Change of Use: LB consent

This permission authorises and relates to a change of use only, and does not authorise any internal or external alterations to the building that may be necessary as a result of this change of use, for which separate listed building consent will be required from the Local Planning Authority

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report

Signed Case Officer:

Date: 16 12 14 Possible to delegate

Signed SPO/TL

Date: 16/12/14 decision: Y N