CHERWELL DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

Appeal by Mr Geoffrey Richard Noquet against Cherwell District Council's failure to give the requisite notice of its decision in relation to an application for change of use from Class A4 (ACV Listed) to C3 dwellinghouse of The Pheasant Pluckers Inn Burdrop, within the appropriate 8-week determination period.

Appellant	:	Mr Geoffrey Richard Noquet
Appeal Site	:	The Pheasant Pluckers Inn Street Through Burdrop Burdrop
LPA Reference	:	18/01501/F
Planning Inspectorate Reference	:	APP/C3105/W/18/3216818

Contents:

1 THE COUNCIL'S CASE

1.1 The appeal is made on the basis of the Council's non-determination of application 18/01501/F for the change of use from Class A4 (ACV Listed) to C3 dwellinghouse at The Pheasant Pluckers Inn Burdrop. In relation to process, the Council would like to comment on the following key points:

- Although the application documents were received by the Council on the 21/08/2018, the application was not registered as being a valid application until (i) the appropriate planning fee had been made to the Council on the 26/09/2018, and (ii) the Council had sought legal advice as discussed at para. 3.3 of the planning officer's report to planning committee on the 17/01/2019 ("the Committee report") (attached at Appendix (i)).

- The applicant was advised on the 08/10/2018 that the application would be determined by Planning Committee scheduled for the 22/11/2018, following a 'call-in' request by a Local Ward Member. Unfortunately, due to the timing of the planning committee meeting in relation to the application's determination period, this resulted in application going over its 8-week determination target date (21/11/2018) by the time of the planning committee on the 22/11/2018. The planning case officer therefore requested an extension to the determination period; unfortunately, however, there was no agreement by the applicant, who instead resolved to submit an appeal against non-determination on the day of planning committee.

- Whilst a recommendation of refusal had been prepared and report placed in the public domain, the application was withdrawn from the committee meeting on the 22/11/2018, to allow for consideration of implications around the submission of the appeal and to seek confirmation as to whether it was a valid appeal.

- Following receipt on 07/12/2018 of confirmation of the appeal being valid, a decision was taken to present the application to planning committee, to seek a resolution as to what their decision would have been had the Council been in a position to determine the application. An updated recommendation was prepared and the application presented to planning committee on the 17/01/2019. The planning committee subsequently unanimously voted to resolve that it would have refused planning permission, if the decision had rested with the Council, for the following reason:

  'The proposal would result in the loss of a valued village service and Asset of Community Value which, on the basis of the application and the submissions received, it has not been demonstrated to be unviable in the long-term. As such, the loss of the public house would lead to an unacceptable impact on the local community and also on the character and appearance of the conservation area

and would therefore be contrary to saved Policy S29 of the Cherwell Local Plan 1996, Policies ESD 15 and BSC 12 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance and advice on supporting and building a strong, competitive economy and promoting healthy and safe communities contained within the National Planning Policy Framework'.

1.2 The site and its context are set out within the Committee report on the 17/01/2019 (attached at Appendix (i)) and this has not significantly changed since the assessment of the application and preparation of the report. The policy context is also set out in the Committee report and, notwithstanding the 2019 amendments to the National Planning Policy Framework ("the Framework"), this has again not significantly changed in consideration of the proposed scheme, since the preparation of the report. The Committee report has already been sent with the Questionnaire and, whilst it is not considered necessary to repeat these elements within the body of this statement, the Committee report is attached at Appendix (i) for ease of reference.

1.3 The Council considers that the Appellant's Statement of Case (ASoC) raises no new significant issues or presents no significant new evidence above that which was considered during the application and the Council therefore predominantly wishes to rely on the information contained within the Committee report to support its case against the appeal of non-determination of application 18/01501/F for the change of use from Class A4 (ACV Listed) to C3 dwellinghouse at The Pheasant Pluckers Inn Burdrop.

1.4 The Framework explains that the purpose of the planning system is to contribute to the achievement of sustainable development and advises there are three dimensions to sustainable development which should be sought jointly and simultaneously through the planning system. New development should seek positive improvements through meeting the needs of the present without compromising the ability of future generations to meet their own needs, whilst ensuring that both the physical and natural environment are conserved and enhanced.

1.5 Rural pubs are important in terms of the social fabric of the community, providing valued community facilities, a fact recognised by the Framework and the Council's Development Plan policies, and they can also provide economic benefits to rural areas through the attraction of visitors.

1.6 As noted by previous inspectors in reaching their decisions to dismiss appeals – in 2012 (APP/C3105/C/12/2170904 attached at Appendix ii of this appeal statement), 2013

(APP/C3105/A/13/2190714 attached at Appendix iii) and most recently in 2018 (APP/C3105/W/17/3191365 attached at Appendix iv) against previously refused applications at the site, the proposed change of use of the Pheasant Pluckers Inn has been consistently considered contrary to the provisions and aims of saved Policy S29 of the Cherwell Local Plan 1996 and policy guidance within the Framework and, aside from the passage of time and changes in the economic climate, the Council submits that there has been no significant change in the circumstances of the case since these previous decisions.

1.7 No further evidence has been submitted by the Appellant that would demonstrate that the proposed change of use of the public house to a residential dwelling should now be seen in different light in terms of its acceptability against the policies of the development plan.

1.8 The Council remains of the view that there is still a desire within the local community to see the Pheasant Pluckers Inn (formerly Bishop Blaize) retained as a public house and become once again a valuable community asset. This is evidenced in the support by local views of the Parish Council and local residents.

1.9 As has been stated during previous appeals and noted in subsequent inspectors' decisions, The Pheasant Pluckers Inn is clearly not viable whilst it is run under the current business model, with the limited offerings and irregular opening hours that have been experienced over the years. Regrettably the owners appear to have lost the support of the local community. The public house has been closed since the submission of the previous application (18/01501/F).

1.10 The Council would draw the Inspector's attention to the extensive planning history of the site, and in particular that the Appellant has been seeking to change the use of the public house to a dwelling since 2006.

1.11 The Council submits that this is further demonstration of the Appellant's lack of commitment and desire to see the public house return to a viable rural business.

1.12 The Council remains of the view that the public house has been a valued asset in the past – when it operated under a different business model and was successful – and has potential to be an asset in the future if run on a more commercial basis.

1.13 Whilst the Appellant has triggered the community's right to express an interest in bidding on the property through the legislation relating to the ACV status on the building, which

the Appellant contends has not been taken up, notwithstanding the offers from the Bishop Blaize Support Group (BBSG) discussed at para. 9.8 of the Committee report, the Council remains of the view – for reasons set out in the Committee report – that the lack of successful offer on the part of any community interest group is not determinative as to whether there remains a significant community interest in seeing the public house being brought back into an active and viable use

1.14 This also is demonstrated in third party representations both during the previous applications and this current appeal.

1.15 Whilst the public house is not currently trading on a viable basis, which would likely limit its appeal as an on-going investment, the Council submits this is not solely as a result of the economic climate.

1.16 Indeed it appears, the Council would suggest, to be largely as a result of the actions of the Appellant over the years, ranging from the removal of features key to the public house use (including signage and internal bar/servery), changing the premises' name, developing parts of the public house (i.e. bottle store) to alternative holiday let use and, further, a breakdown in relations with the local community. Critically, the opening hours of the facility have been irregular and unpredictable and entirely unconducive to its successful operation.

1.17 Lastly, the property has not been placed on the market with any publically available valuation or marketing details and it is unclear is as to what the Appellant would consider as an acceptable value for the property and business.

2 CONCLUSION

2.1 For the reasons set out in its Committee report and in this statement, the Council submits that there has not been a significant change in the circumstances of the site – in what has been a relatively short period of time since the dismissal of the appeal against the refusal of the previous application (17/01981/F) – to suggest that a different conclusion should now be reached to that of the inspector in his decision of 04/07/2018 as to the acceptability of the proposed change of use of the public house to a residential dwelling.

2.2 Further, notwithstanding the previous inspector's comments, it has not been conclusively demonstrated that the existing facility is not viable in the long-term. The Council would submit that this fact – along with the value placed in the facility by the local community – is key as to whether or not the appeal is allowed. The Council would submit that the onus

should rest with those who are making any such application.

2.3 Notwithstanding the above, there remains a need to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the Framework. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole.

2.4 The Council submits that the limited benefit in replacing the existing ancillary residential accommodation with that of a residential dwelling does not outweigh the harm that would be caused through the loss of the public house as a community facility, and Designated Asset of Community Value, and further impacts on the character of the area as identified within the Committee report.

2.5 Planning law requires development to be determined in accordance with the development plan unless material considerations indicate otherwise. It has been clearly demonstrated that the proposal conflicts policies of the development plan and the Framework's aims of achieving sustainable development, and that in this instance it is considered that the benefits do not outweigh the harm that would be caused. In such instances paragraph 12 of the Framework (as amended) indicates planning permission should be refused. For the reasons set out in the Committee report and in this appeal statement the Inspector is respectfully requested to dismiss the appeal.

3 SUGGESTED CONDITIONS

3.1 Without prejudice to the preceding statement, if the Inspector is minded to allow this appeal the District Council does not consider that there would be the need for any conditions to make the proposals acceptable in planning terms.

Officer: Bob Neville

Dated: June 2019

Appendix (i) - Planning Officer Report to planning committee on 17/01/2018

The Pheasant Pluckers Inn **18/01501/F**
Burdrop
Banbury
OX15 5RQ

Applicant:	Mr Geoffrey Richard Noquet
Proposal:	Change of use from Class A4 (ACV Listed) to Class C3 dwellinghouse
Ward:	Cropredy, Sibfords And Wroxton
Councillors:	Cllr George Reynolds Cllr Douglas Webb Cllr Phil Chapman
Reason for Referral:	Member call-in in light of public interest
Expiry Date:	21 November 2018 **Committee Date:** 17 January 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: WOULD HAVE REFUSED

The applicant has appealed on the grounds of non-determination of the application and therefore the application is only before planning committee to seek confirmation as to what their resolution would have been, had the Council been in a position to determine the application and issue a decision.

Had the determination of the application rested with the Council, Officer's would have recommended that the application be refused.

Proposal
The application sought planning permission for the change of use of an existing Public House (currently known as the Pheasant Pluckers Inn, previously the Bishops Blaize) and associated land to a residential dwelling with associated parking and residential curtilage.

Consultations
The following consultees have raised **objections** to the application:

- Sibford Gower Parish Council, Sibford Gower Parish Council

The following consultees have raised **no objections** to the application:

- OCC Highways

30 letters of **objection** have been received and no letters of support have been received.

Planning Policy and Constraints
In terms of key planning constraints the following are considered relevant:

- The site lies within the Sibford and Burdrop Conservation Area;

- The Public House is identified as a Locally Significant Asset within the 2012 Conservation Area Appraisal document;
- The Public House was designated as an Asset of Community Value (ACV) in February 2016.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the application are:

- Relevant history and whether there has been a material change in circumstances
- Principle of development
- Impact on the character of the area; including impact on Heritage Assets
- Highway Safety
- Residential amenity

The report looks into the key planning issues in detail, and officers conclude that the loss of the public house would lead to an unacceptable impact on the character and appearance of the conservation area and the local community.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to a public house located within Burdrop, a small settlement which forms part of the Sibford Gower/Ferris village cluster. The site is a stone building under a slate roof, on the edge of Burdrop, overlooking the 'Sib Valley' which separates Sibford Gower and Burdrop from Sibford Ferris. The site also includes a former bottle store which is attached to the public house and is now in use as a holiday let ancillary to the public house. Immediately to the east of the site lies an existing vehicle access and associated existing car park.

2. CONSTRAINTS

2.1. In terms of site constraints, the site lies within the designated Sibford and Burdrop Conservation Area, the public house is identified as a Locally Significant Asset within the Conservation Area Appraisal and was designated as an Asset of Community Value (ACV) in February 2016. There are a number of grade II listed buildings within the vicinity of the site with the nearest being Barn Close ~12m east of the site. To the south of the site, beyond the car park and the pub garden, the land drops away into the valley known as the Sibford Gap.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks planning permission for the change of use of an existing Public House (currently known as the Pheasant Pluckers Inn, previously the Bishops Blaize) and associated land to a residential dwelling with associated parking and residential curtilage.

3.2. The application comes following the refusal at planning committee (23/11/2017) of application 17/01981/F for similar proposals; and subsequent dismissal of appeal against the Council's refusal, with the Inspector's decision being issued 4th July 2018.

3.3. As can been seen from the planning history of the site detailed below there have been a number of similar applications made on the same site over the years, and concerns have been previously raised by the local community with regards to the Council continuing to consider such similar applications. Under Section 70A of the Town and Country Planning Act 1990 (as amended) Local Planning Authorities have the power, in their discretion, to refuse to register a repeat planning application where a similar proposal has previously been refused planning permission either by itself or on appeal. Following receipt of the application on the 21/08/2018 legal advice was sought on this matter. Following receipt of Counsel advice it was considered that there had been a material change in the circumstances (discussed further below), and the application was registered as being valid on 26/09/2018 following the receipt of the relevant planning application fee from the applicant.

3.4. As with the previous submission (17/01981/F) the application's site boundary was amended at the outset of the application to omit an area of paddock land which, whilst in the applicant's ownership, was not considered to form part of the curtilage of the public house. The applicant submitted a revised location plan in this respect, prior to the required publicity and consultations being undertaken on the application.

3.5. Further information was requested from the applicant at an early stage in the application and revised planning statements and various supporting documents have been received during the course of the assessment of the application and are available to view via the Council's website.

3.6. Unfortunately, due to the timing of the planning committee in relation to the application's determination period, the application had gone over its 8-week determination target date (21/11/2018) by the time of the planning committee on the 22/11/2018. The applicant was made aware of this issue early on in the application, but unfortunately no agreement was reached with the applicant with regards to formally extending the determination target date and the applicant subsequently appealed non-determination of the application on the day of the November planning. The Council has been notified by the Planning Inspectorate (PINS) that following a short period of invalidity the appeal is now valid and therefore the decision as to whether grant planning permission or not now rests with PINS.

4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
82/00329/N	Change of use of the premises to a single dwelling (The application was withdrawn as a condition of the approval was that the liquor licence had to be surrendered prior to a decision being issued. The licence was not surrendered and the pub was sold as a going concern)	Application withdrawn

85/00698/N	Change of use to a single dwelling (resolution to approve the application but a condition of any approval was that the liquor licence had to be surrendered prior to the decision being issued. The landlord at that time wished to keep the pub open and withdrew the application)	Application withdrawn
99/01783/F	Single storey extensions to bar area and to form a new freezer store and replacement garden store, as amended by plans received 5.11.99.	Application permitted
06/00248/F	Single storey bar extension to provide non-smoking restaurant facility.	Application permitted
06/01697/F	Change of use from licenced premises to dwelling house.	Application refused
07/00630/F	Resubmission of 06/01697/F - Change of use from licenced premises into dwelling house	Application refused
09/01275/F	Alterations and extension to barn to provide 4no en suite letting rooms.	Application withdrawn
09/01557/F	Change of use from closed public house to dwelling	Application withdrawn
12/00011/CLUE	Certificate of Lawful Use Existing - Use as a single dwelling house	Application refused. Appeal against subsequent enforcement notice dismissed at Public Inquiry
12/00678/F	Change of use of a vacant public house to C3 residential (as amended by site location plan received 18/07/12)	Application refused and appeal dismissed
12/00796/CLUE	Certificate of Lawful Use Existing - Use as a single dwelling house	Application refused
13/00116/F	Retrospective - New roof to barn; 3 No rooflights and door installed to the upper floor	Application permitted
13/00743/F	Erection of two new dwellings	Application withdrawn

13/00781/F	Change of use of a redundant barn/store into a 1 bedroom self-contained holiday letting cottage	Undetermined. Non-determination appeal allowed
13/00808/CLUE	Certificate of Lawful Use Existing - Change of use from A4 to A1.	Application refused
13/01511/CLUE	Certificate of lawful use existing - A1 use for the sale of wood burning stoves and fireside accessories	Application returned
14/01383/CLUP	Certificate of Lawful Use Proposed - Change of use from A4 to A1.	Application refused
15/01103/F	Removal of conditions 3 and 4 of planning permission 13/00781/F to allow occupation of holiday let cottage as a separate dwelling	Application refused and appeal dismissed
16/01525/F	Erection of a two storey cottage with 2 en-suite bedrooms, kitchen, dining and lounge facilities. Permission is also required for the siting of a garden shed	Application refused
16/02030/F	Erection of a single storey building providing 3 No en-suite letting rooms - re-submission of 16/01525/F	Application refused and appeal allowed
17/01981/F	Change of use from A4 to C3 (ACV Listed)	Application refused and appeal dismissed

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 01.11.2018, although comments received after this date and before finalising this report have also been taken into account.

6.2. 30 Letters/emails of **objection** have been received during the application. The comments raised by third parties are summarised as follows:

- Nothing has changed since previous applications and appeals have been refused; why are repeat applications being considered?

- The Pheasant Pluckers Inn is ACV listed.
- Offers have previously been made for the pub.
- There are no details of where the pub is for sale or at what price. If it is not advertised it cannot be considered to be up for sale.
- There appears to have been no further attempts by the applicant to open and run the building as a public house, and the applicant is living there in breach of planning regulations and a previous court order.
- The pub could easily be turned into the local amenity it previously was and with the right management and staff would be a very viable proposition.
- The pub signage has gone and no-one can find the pub.
- There are a number of pubs in similar small villages that are running successfully.
- The owner has no intention either of running it as a pub or selling it at a reasonable price and has driven people away.
- The application is driven by financial considerations and the potential profit to be gained through the change of use.
- The population of the Sibfords will increase over the next few years and this Asset of Community Value will be needed and used.
- The Community are well placed to make a bid for this Asset of Community Value.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. SIBFORD FERRIS PARISH COUNCIL (SFPC): **Objects.** Comments further that:

- Nothing had changed in the circumstances of the property or of its owners since they last made a bid to change its use from a pub to a house a year ago and the previous refusal and subsequent appeal dismissed.
- This time they are appealing on the grounds that there has been a failure to respond to the planning inspectors conclusions of the 4th of July 2018.
- There are sound reasons why the community has not responded; including that no serious attempt had been made to sell the property and it has not been advertised, following notification by the applicants to dispose of the property being an ACV.
- SFPC further states that: 'The inspector previously stated that when the Bishops Blaize acquires the right owner the onus will be on the wider community in the

area to respond and confirm the inspectors own conclusion that nothing has been demonstrated in this reapplication that as a Public House the premises cannot be made financially viable in the long term. This is the view that is held widely in the community, we believe'.

- SFPC reiterate their comments on the previous application and indicate their support for the previous refusal of the council to grant planning permission for this repeated attempt to change the pub into a private house.

- SFPC remain of the general view that this Public House, when functioning as such, was a successful and an important community asset and its current category of A4 should be retained.

7.3. SIBFORD GOWER PARISH COUNCIL (SGPC): **Objects.** Comments further that:

- There is no detail in the ACV guidance which requires a bid to be lodged within the Moratorium period and while a conditional offer to purchase the property, dated 15th October 2018, had been published on the CDC website, the Applicant stated that the property was not currently for sale.

- SGPC considers the expert opinion contained in the previously identified Bruton Knowles Report (13/11/17) continues to be current and relevant in respect of long term financial viability.

- It was further noted that the current application is based in two clauses (paras 20 & 21) abstracted from the Appeal Inspector`s Report, date 4th July 2018, taken out of context and ignoring the Report`s conclusion (para 22) with regard to long term financial viability and identified conflict with local and national planning constraints. The Parish Council Committee unanimously concluded that there was no material change in circumstances to the application and recommended it be refused.

STATUTORY CONSULTEES

7.4. LOCAL HIGHWAYS AUTHORITY: **No objections.**

NON-STATUTORY CONSULTEES

7.5. None undertaken.

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031)

- Villages 1: Village categorisation
- SLE 3: Supporting Tourism Growth

- BSC 12: Indoor Sport, Recreation and Community Facilities
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- S29: Loss of existing village services
- H21: Conversion of buildings within settlements
-

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Town and Country (General Permitted Development) (England) Order 2015 (as amended) (GPDO)
- Sibford Ferris, Sibford Gower and Burdrop Conservation Area Appraisal 2012
- Neighbourhood Planning Act 2017
- Localism Act 2011
- Human Rights Act 1998 ("HRA")
- Equalities Act 2010 ("EA")

8.4. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council's Joint Corporate Strategy for 2018-19 sets out the councils' three strategic priorities, which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are "Protected, Green & Clean", are places which support "Thriving Communities & Wellbeing", and are Districts of "Opportunity & Growth". All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Relevant history and whether there has been a material change in circumstances
- Principle of development
- Impact on the character of the area; including impact on Heritage Assets
- Highway Safety

- Residential amenity

Relevant history and whether there has been a material change in circumstances:

9.2. As can been seen from the planning history of the site detailed above there is a long and complex history of applications and appeals at the site, and this is a material consideration in the context of the current application.

9.3. Since the assessment, refusal and subsequent dismissed appeal in relation to the previous application 17/01981/F there has been a change in the national planning policy context with the Government publishing the revised NPPF on the 24/07/2018.

9.4. Following the issuing of the Inspector's decision dismissing the appeal against the previous refusal of application 17/01981/F on the 04/07/2018, the owner/applicant notified CDC of his intention to dispose of the property, as being an ACV on the 05/07/2018. This triggered the start of a six week 'interim moratorium', during which time qualifying community organisations could express an interest in bidding, and this would have the effect of extending the moratorium to six months, to allow for such a bid/offer to be progressed.

9.5. CDC informed Sibford Gower Parish Council (SGPC) of the interim moratorium, and placed a site notice at the property. The ACV register published on CDC's website was amended accordingly.

9.6. Officers note that it is often the case that the vendor of an ACV will publicise their asking price, and will want enquiries and offers to be handled by an agent who is marketing the property. In this case, no asking price was stated and no agent was named. The Council asked the owners for their agent's details on the 17/07/2018, but they declined at this time, advising CDC that it should forward the details of any expression of interest to them (the owners), which they would subsequently forward 'to our representative who will be acting for us in this process'. While an entirely legitimate response, it does not enable the Council as decision maker to verify whether appropriate processes have been followed. The applicant further indicated that he would be willing to disclose agent details to the case officer, but at the time of preparation of this report these details had not been received. Should such details be forth coming prior to the committee meeting they could be reported within any written update to the application.

9.7. No organisation or Community Interest Group (CIG) came forward within the interim moratorium so, when it ended on 15/08/2018, a 'protected period' began. The protected period lasts until 04/01/2020. During this time the owner is free to dispose of the property without complying with the normal ACV restrictions. The notice of the intention to dispose of the ACV does not compel groups to make any bid and if any such bid is received the applicant is under no obligation to accept any such bid.

9.8. The Council has been made aware of two letters of offer being made by Mr Richard Butt on behalf of The Bishop Blaize Support Group (BBSG) dated 25th January 2018 £250,500.00 and again on the 15th of October 2018 £250,501.00 (subject to a survey & contract). However, it is unclear as to whether the applicant has seen these, as Mr Butt indicates that the October letter was attempted to be delivered on the 17/10/2018 but returned undelivered as the "the recipients refused to accept it". The applicant has not commented on this matter in rebuttals against other third party comments.

9.9. The applicant has put the application forward on the basis of paragraphs within the Inspector's decision and the fact that no expressions of interest were received during the 'interim moratorium' period.

9.10. In undertaking the wider planning balance and reaching a conclusion on the appeal against refusal of the previous application 17/01981/F the Inspector states at para. 22 of the decision notice:

> Para. 22: '*As the proposal stands, I conclude that it has not been demonstrated that the public house premises cannot be made financially viable in the long term and that the proposed change of use of the building to a dwellinghouse from its lawful use as a public house would conflict with the provisions of saved policy S29 of the 1996 Local Plan, CLPP1 Policy BSC12 and the national policy in the Framework. This conflict is not outweighed by any other consideration and this indicates that the appeal should not be allowed'.*

However, in the preceding paragraphs he also offers an opinion with regards to the planning balance:

> *Para. 20: 'In bringing this conclusion on the main issue into the wider planning balance, the conflict with the development plan suggests that the appeal should not be allowed. However, I have to say that the balance of considerations in favour of the development plan policy is marginal. I have serious concerns about whether there is enough adult population in 'the Sibfords' to sustain another pub and also that a move towards a 'gastro-pub' may put the appeal site premises in direct competition with the Wykham Arms in Sibford Gower'.*
>
> *Para. 21: 'However, to my mind a critical event in the overall judgement is the designation of the building as an ACV. The appellant recognises that the main purpose of such designation is to allow the community to make a reasonable bid to buy the property if and when it comes onto the market. The representations submitted on the appeal do not suggest to me that that has happened in a clear and positive way. To the contrary, the representations indicate clear local tensions between the appellant and his wife and many others in the local community. The allegation that the premises have been boycotted by the locals in the past will not help secure the reinstatement of the pub. Notwithstanding this, I consider that the onus now lies with the local community to demonstrate that the pub can be viable in the long term and make a considered offer to purchase. Further, the scope for such a solution should not be open-ended and the local community should in my view be able to complete this activity within a reasonably short period'.*

9.11. As can be seen the Inspector considers the planning balance to fall on the side of refusal given the conflict against development plan policy, but that this was finely balanced and there were factors that weighed against the public house becoming again viable in the future, including the tensions that clearly exist between the applicant and the local community. The Inspector's decision is a material consideration in the assessment of the current application.

Principle of development:

9.12. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

9.13. The general thrust of the NPPF is one of supporting the achievement of sustainable development through the planning system, recognising the need to secure gains in the overarching objectives (economic, social and environmental). It is clear from guidance

within the NPPF that sustainability relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy, physical proximity to key services and promoting sustainable healthy and safe communities. These provisions and aims are reflected in the policies of CLP 2031 and saved policies of the CLP 1996.

9.14. Paragraph 12 of the NPPF notes that the development plan is the starting point of decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.

9.15. There has been a relatively short period of time since the Inspector's dismissal of the appeal against the refusal of the previous application 17/01981/F on the July 4th 2018, and the general policy context remains largely the same as during the previous application, with the revisions to the NPPF carrying forward guidance with regard to community facilities and assets. As with previous applications for change of use of the property to a residential dwelling at the site, the principle of development in this case is clearly dependent on two distinct elements: the principle of residential development on the site and the loss of the public house facilities. The principle of residential development on the site shall be dealt with first.

9.16. Cherwell District Council can demonstrate a five year supply of deliverable housing sites, and as such its policies in terms of housing can be considered to be up-to-date and given full weight.

Provision of Housing

9.17. The principle of residential development in Burdrop is assessed against Policy Villages 1 in the CLP 2031. Burdrop is recognised as a Category A village in the Cherwell Local Plan 2011 – 2031 Part 1, by virtue of its close association Sibford Ferris and Sibford Gower. Within Category A villages residential development is restricted to minor development, infilling and conversions.

9.18. Saved Policy H21 of the CLP 1996 states that within settlements the conversion of suitable buildings to dwellings will be favourably considered unless conversion to a residential use would be detrimental to the special character and interest of a building of architectural and historic significance. In all instances proposals will be subject to the other policies in this plan.

9.19. Whilst the site currently contains ancillary residential accommodation associated with the public house, the proposed development would involve the conversion of the entire public house (A4) to a private dwelling house (C3). The Pheasant Pluckers Inn is located within the built up limits of Burdrop and therefore in this respect the proposed development is considered to comply with the housing policies of the development plan (and so is acceptable in this particular regard).

Loss of Public House

9.20. Turning now to the loss of the public house. Within the NPPF the Government demonstrates the need for supporting both existing and new community facilities within rural areas. It advises that polices should look to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development; and that there should be support for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which

respect the character of the countryside. This should also include promotion of the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship (NPPF, Para. 83).

9.21. Further at paragraph 92 of the NPPF that:

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

c) 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;

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

9.22. The Government appears to further acknowledge that the loss of public houses/drinking establishments is a growing issue, with recent amendments to the permitted development regime (The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017) relating to A4 (Drinking Establishments) and permitted changes under the GPDO. The permitted changes from A4 uses are now restricted to A3 (Restaurants and Cafes) or AA (Drinking Establishments with expanded food provision), where previously changes to A1 (Retail) and A2 (Professional and Financial Services) had been considered permitted development, subject to conditions, including that the building was not an ACV.

9.23. Policy BSC12 of the CLP 2031 Part 1 does not specifically refer to public houses, however the policy does cover the provision of community facilities and states that the Council will encourage the provision of community facilities to enhance the sustainability of communities and will seek to protect and enhance existing facilities. Policy SLE 3 further looks to support development which enhances tourism opportunities within the district.

9.24. Saved Policy S29 of the CLP 1996 covers the loss of existing village services. The 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 policy does go on to state, however, that 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.

9.25. There is significant planning history at the site and significant concerns have been raised by the local community with regard to the potential loss of the pub as a community facility both during the current application and with previous applications at the site, and these concerns are again expressed by the Parish Councils and local community in their consultation responses to this application. There is an opinion within the community that

the applicant has deliberately run the public house down with the sole intention of financial gain potentially being made through the change of use of the property to a residential use and subsequent sale. To some extent is borne out by the planning history of the site:

2006 – Application for change of use to dwelling – refused

2009 – Application for change of use to dwelling – withdrawn, pending refusal

2012 – Certificate of Lawfulness for use as a single dwelling – refused – appeal against enforcement notice dismissed at public inquiry

2012 – Application for change of use to dwelling – refused – appeal dismissed

2012 – Certificate of Lawfulness for use as a single dwelling – refused

2013 – Certificate of Lawfulness for use as a single dwelling – refused

2014 – Certificate of Lawfulness for use as a single dwelling – refused

2017 – Application for change of use to dwelling – refused – appeal dismissed

9.26. The Public House was designated an Asset of Community Value (ACV) in February 2016, and as noted in the previous application there is still strong support for the pub to be brought back into regular use; this is again demonstrated by the significant number of objections to the application from the community including both local parish councils. The applicant notes that some of the third party representations come from outside of the Sibford area and that the actual comment from the local residents only represents 1.35% of the adult population. Officers consider that the level of third party interest coupled with that of both the local Parish Councils demonstrates that there still remains significant community interest in the facility.

9.27. The applicant has provided details of pub closures in support of his application. During the previous application it was noted that media reports suggested that there are 21 net pub closures every week. More recent media coverage suggests that there is a continuing trend in the number of pub closures, with the BBC reporting that there were 476 closures in the first six months of the year, 13 more than in the last six months of 2017. This does suggest that public houses do face significant challenges in remaining viable and open for business.

9.28. As with previous applications, comment has been made with regard to the viability of the public house, designated as an Asset of Community Value, given its restricted opening hours and current levels of service it provides.

9.29. Recent opening times for the Pheasant Pluckers Inn are not clear, with local residents claiming that the pub has not been open since the time of the previous application, whilst the applicant has indicated that the pub has been open for up to three days a week (6-10pm Thursday to Saturday inclusive) through July to mid-September.

9.30. Officers have not been able to substantiate such opening times either way. However, during daytime site visits officers noted that there is no evident signage or anything that would suggest that the property was a public house or open for business, and further that there did not appear to be any advertising on social media or online suggesting that the pub has been open for business, as had been the case previously put forward by the applicant during application 17/01981/F. The applicant has indicated that from the middle

of September (16/09/2018) the pub has not been open and is currently 'closed awaiting planning decision'.

9.31. It is self-evident that a public house cannot be viable if it does not have consistent opening times and is not promoted to potential patrons.

9.32. The applicant has not provided any financial information or evidence of recent marketing with the current application. Further, officers have not been able to find any online records of the site being up for sale, which would appear to indicate that the pub is not on the market, and which would further appear to be borne out in the comments of SGPC in which they indicate that: *'the Applicant stated that the property was not currently for sale'*. The property has not been placed on the market within any publically available valuation or details and it is unclear is as to what the applicant would consider as an acceptable value for the property and business.

9.33. Previously the Council commissioned an independent viability assessment which was undertaken by Bruton Knowles (BK), a leading property consultant. The BK report ultimately concluded that the Pheasant Pluckers Inn could still be viable as a public house, but that this would be subject to certain factors and improvements. The BK report is considered to be the most up to date information in terms of viability of the site as an ongoing concern, and conclusions of the BK report further were agreed by the Inspector in the dismissal of the appeal against the refusal of the pervious application 17/01981/F.

9.34. As noted in inspectors' decisions in dismissing appeals (APP/C3105/C/12/2170904 in 2012, APP/C3105/A/13/2190714 in 2013 and most recently APP/C3105/W/17/3191365 in 2018) against previously refused applications at the site, the proposed change of use of the Pheasant Pluckers Inn has consistently been considered contrary to the provisions and aims of saved Policy S29 of the CLP and policy guidance with the NPPF and this remains the case with the current application.

9.35. Notwithstanding the opinion expressed by the Inspector in dismissing the previous recent appeal *'…the onus now lies with the local community to demonstrate that the pub can be viable in the long term…*', as advised within the NPPF, the starting point for any decision must the policies of the Development Plan. As noted above saved Policy S29 and BSC12 seek to resist the loss of important community facilities and these provisions and aims are reflected in Section 8 of the NPPF. The supporting text to Policy S29 indicates that: *'…it is also recognised that it will be difficult to resist the loss of such facilities <u>when they are proven to be no longer financially viable in the long term</u> [officer's emphasis]'*. The applicant has provided no evidence that he has attempted to apply an amended business model that would promote a more active use of the existing public house that could potentially see it becoming more financially viable in the future, e.g. through public and community use and engagement, or that he has made any significant effort to market the business as an on-going concern.

9.36. Given the lack of any fresh information being submitted with the application, and the conclusions reached in the BK report and Inspectors decision, officers cannot reasonably reach any other different conclusion to that reached during the assessment of the previous application 17/01981/F. It remains officers' opinion, notwithstanding that the public house is not currently be run under a viable business model, that the applicant has failed to satisfactorily demonstrate that the Pheasant Pluckers Inn could not be viable in the long-term, contrary to the provision of saved Policy S29 CLP 1996.

9.37. There remains very strong evidence from the community of a wish to see the Pheasant Pluckers Inn (formerly Bishop Blaize) retained as a public house. Officers see no new conclusive evidence to consider that circumstances in this respect have significantly

changed since previous refusals at the site. The Pheasant Pluckers Inn is clearly not viable whilst being run under the current business model.

9.38. As noted in the comments of third parties and the Parish Councils the pub has previously provided a much valued facility and service over the years. It is considered that the periods of closure and reduced operations, initiated by the applicant over the years, has reduced the local community's ability to meet its day-to-day needs. As such the proposals are considered contrary to the identified policies of development plan and Government advice and guidance with regard to protecting and retaining valued community facilities and therefore are considered unacceptable in principle.

Impact on the character of the area; including Heritage Assets:

9.39. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP which looks to promote and support development of a high standard which contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.

9.40. The site is within the Sibford Ferris, Sibford Gower and Burdrop Conservation Area, which was designated as such in 1985. Conservation areas are designated by the Council under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990; with the aim being to manage new development within such areas to ensure that the character or appearance of the Conservation Area, and the special architectural or historic interest which it may possess, is preserved and where possible enhanced.

9.41. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

9.42. As noted above, the site is within the Bloxham Conservation Area, a Designated Heritage Asset. The NPPF (Paras. 184 & 185) advises Local Planning Authorities to positively set out strategies for the conservation and enjoyment of the historic environment, and that they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

9.43. Policy ESD 15 of the CLP is consistent with the advice and guidance within the NPPF with regard to the conservation of the historic environment and looks for development to:

- Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness;

- Conserve, sustain and enhance designated and non-designated Heritage Assets, including their settings, ensuring that new development is sensitively sited and integrated;

- Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.

9.44. The 2012 Sibford Ferris, Sibford Gower and Burdrop Conservation Area Conservation Area Appraisal document identifies the public house as a Locally Significant Asset and is therefore a Non-Designated Heritage Asset within the Conservation Area. The Pheasant Pluckers Inn (Former Bishop Blaize Public House) is described as a significant building within the vernacular tradition of the area. It is also a visually significant building being

located on the lip of the valley. This significance is enhanced by its slight physical separation from the neighbouring buildings.

9.45. Whilst there is no operational development proposed as part of this application, the change in use of the property from a functional public house to a residential property would result in a change in the character and appearance of the site. Some of the impacts of the proposed change of use have already been realised with the loss of the previous public house signage, and as noted in comments made in objection to the application and, as observed by officers during site visit, the property currently has nothing which would identify the property as public house and attract visitors/customers into the building.

9.46. The use of the property for purely residential purpose would have a significantly different appearance to that of active public house, and in this respect the proposed change of use would not sustain the established character and appearance of the conservation area. The NPPF (Para. 196) advises that: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.* The site has been a successful public house and a focal point for community activity in the past. It has not been demonstrated that such a use could not again be viable in the long term. It is considered the public benefit gained would not outweigh the harm that would be caused to the character and appearance of the Designated Heritage Asset of the Sibford Ferris, Sibford Gower and Burdrop Conservation Area nor the Non-Designated Heritage Asset of the Bishop Blaise (Pheasant Pluckers Inn) Public House'; therefore failing to comply with the provisions and aims of Policy ESD 15 of the CLP 2031 and policy guidance within the NPPF.

Highway Safety:

9.47. The Highways Authority has again assessed the proposals and raises no objections, in line with the position taken by them on the previous application 17/01981/F.

9.48. Officers see no reason to disagree with this opinion. The site has an existing car park area associated with the existing public house, which although this area is currently somewhat restricted by storage of various items and materials, there still remains sufficient space for vehicles to enter and leave the site in a forward manner; and further there is additional parking to the front of the property.

9.49. The proposals would not result in any increase in vehicular movements to and from the site and no further parking requirement above the current situation. The proposals would not result in any significant impact on the safety and convenience of other highway users or result in any significant detrimental impact on highway safety, and are therefore considered acceptable in this regard.

Residential Amenity:

9.50. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.

9.51. As with the previous application (17/01981/F), whilst no detailed plans have been submitted with application, officers consider that it is highly likely that the conversion of the public house to a three bedroom would provide levels of both indoor and outdoor amenity

that would allow for a very good standard of living for potential future occupants of the property and therefore could be considered acceptable in this regard.

9.52. Given the context of the site, the relationship with neighbouring properties and the nature of the development (that there would be no operational development) it is considered that the proposed change would not result in any significant impacts on neighbour amenity above those currently experienced and is therefore also acceptable in this regard.

Other Matters:

9.53. Comment has been made with regard to the applicants apparent lack regard to planning regulations and previous enforcement notice requirements with regards to the occupation of the ancillary residential accommodation. The residential accommodation is only ancillary to the use of the public house; therefore the primary use must be current and property operated as a public house to allow for the ancillary residential use. However, it should be noted that this is not considered a material planning consideration in the context of the current application.

9.54. Notwithstanding the above, prior to the application being submitted the Council's Enforcement Team were pursuing enforcement action at the site, in relation to the site being used as a residence not ancillary to the Public House use. Such action is not being progressed until such time as the current planning application has been resolved.

10. PLANNING BALANCE AND CONCLUSION

10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 advises that the three dimensions to sustainable development (economic, social and environmental), which are interdependent; need to be pursued in mutually supportive ways.

10.2. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.

10.3. Given the above assessment in the light of current guiding national and local policy context, whilst a residential use in this location could be considered acceptable in terms of the sustainability of the location and would be acceptable in terms of highway safety and residential amenity, it is considered that a change of use of the public house – a valued community facility designated as both an Asset of Community Value and a Non-Designated Heritage Asset – would result in the loss of a valued village service. The proposal would also detrimentally impact on the character and appearance of the surrounding conservation area through the change of use of the site to residential.

10.4. Whilst the applicant has triggered the community's right to express an interest in bidding on the property through the legislation relating to the ACV status on the building, which has not been taken up, officers do not consider this lack of action of any community interest group to be determinant as to whether there remains a significant community interest in seeing the public house being brought back into an active and viable use, and once again a valued community asset. Whilst the public house is not currently trading on a

viable basis, which would likely limit its appeal as an on-going investment, this is not considered to be solely as a result of the economic climate. Indeed it appears largely to be as a result of actions of the applicant over the years (ranging from changing the premises' name, removal of features key to the public house use (including signage and internal bar/servery) to developing parts of the public house (i.e. bottle store) to alternative holiday let use) and further a breakdown in relations with the local community. The property has not been placed on the market within any publically available valuation or details and it is unclear is as to what the applicant would considered as an acceptable value for the property and business.

10.5. On the basis of the application and the submissions received, it is considered that there has not been a significant change in the circumstances of the site, in what has been a relatively short period of time since the dismissal of the appeal against the refusal of the previous application (17/0981/F), to suggest that a different conclusion should be reached to that of the inspector in his decision of 04/07/2018 as to the acceptability of the proposed change of use of the public house site to a residential use. Further it has not been conclusively demonstrated that the existing facility is not viable in the long-term.

10.6. It is further considered that any potential public benefits of the change of use to residential would not outweigh the harm identified above and the proposals are therefore considered contrary to the above mentioned development plan policies.

10.7. In light of the above, had the application been for determination by the Council it would therefore have been recommended for refusal for the reason set out below.

11. RECOMMENDATION

THAT PERMISSION WOULD HAVE BEEN REFUSED, FOR THE FOLLOWING REASON:

1. The proposal would result in the loss of a valued village service and Asset of Community Value which, on the basis of the application and the submissions received, it has not been demonstrated to be unviable in the long-term. As such, the loss of the public house would lead to an unacceptable impact on the local community and also on the character and appearance of the conservation area and would therefore be contrary to saved Policy S29 of the Cherwell Local Plan 1996, Policies ESD 15 and BSC 12 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance and advice on supporting and building a strong, competitive economy and promoting healthy and safe communities contained within the National Planning Policy Framework.

PLANNING NOTES:

For the avoidance of doubt, the plans and documents considered by the Council in reaching its decision on this application are: Application forms, supporting statement and associated documents submitted with the application, the amended site location plan received 01/10/2018 and further items received in correspondence from the applicant during the application.

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Appendix (ii) - APP/C3105/C/12/2170904 Appeal Decision Notice

Appendix (iii) - APP/C3105/A/13/2190714 Appeal Decision Notice

Appendix (iv) - APP/C3105/W/17/3191365 Appeal Decision Notice