

Committee Report

Item No: 1

Reference: DC/17/03424
Case Officer: Jack Wilkinson

Description of Development: Change of use of public house to dwelling

Location: The Crown Inn, Tannington Long Road, Brundish, Suffolk IP13 8BE

Parish: Brundish

Ward: Worlingworth

Ward Member/s: Cllr Matthew Hicks

Site Area: 0.21 hectares

Conservation Area: No

Listed Building: No

Received: 27/06/17

Expiry Date: 22/08/17

Application Type: FUL – Full Planning Application

Development Type: Change of Use

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: Mr & Mrs M Balshaw

Agent: Mr Adrian Tricker, Last & Tricker Partnership

DOCUMENTS SUBMITTED FOR CONSIDERATION

List of applications supporting documents and reports

- Planning Application Forms and Certificates;
- Planning Statement prepared by Last & Tricker Partnership, dated 16 June 2017;
- Site Location Plan 5118/1 @ 1:500
- Floor Plans 5118/2 @ 1:50

The application, plans and documents submitted by the Applicant can be viewed online via the following link;

<https://planning.baberghmidsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OSK5ZUSH00K00>.

Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

- The Ward Member has requested that the application be determined by the Development Committee

PART TWO – APPLICATION BACKGROUND

History

2. The planning history relevant to this property is listed below;

0267/98 Erection of conservatory to rear of public house Granted

All Policies Identified As Relevant

3. The local and national policies relevant to the application site are listed below and form part of the consideration of your officers. Detailed assessment of specific policies in relation to the recommendation and specific issues highlighted in this case will be carried out within the assessment:

Summary of Policies

NPPF - National Planning Policy Framework
E6 – Retention of Individual Industrial and Commercial Sites
CS2 – Development in Countryside and Countryside Villages
CS5 – Mid Suffolk’s Environment

SPG – Retention of Shops, Post Offices and Public Houses in Villages (2004)

Details of Previous Committee / Resolutions

4. None

Details of member site visit

5. None

Details of any Pre Application Advice

6. The applicant engaged in pre-application discussions with the Local Planning Authority. Advice was given as to the need to comply with the requirements set out in the Council’s Supplementary

Planning Guidance adopted in 2004 entitled "Retention of Shops, Post Offices and Public Houses in Villages".

List of other relevant legislation

7. Below are details of other legislation relevant to the proposed development.

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

PART THREE – ASSESSMENT OF APPLICATION

Summary of Consultations

8. The responses below relate to the initial consultation carried out on the proposal;

Brundish Parish Council – Objects to the application based on the following points:

- Planning application discrepancies

19. Employment

There are up to four part time staff currently employed, with an advert outside the pub for more staff; for most people the pub is within walking distance of their accommodation. Over the years successive young people been employed part time at the pub it is the one of the only source of part time work in the village.

20. Hours of opening

The pub is opened, Wednesday to Friday 5pm to 11pm.

Saturday 12 to 2.30pm and Sunday 6pm to 11pm.

Sunday 12am to 4pm.

- The Planning Statement:

Brundish Village Hall is available to hire for private functions; it holds a cinema night six times a year, a Harvest supper, wine and soft drinks are available for these functions and a Christmas fair once a year. There is a coffee morning once a month in the winter months. The village hall does not have a bar or regular opening times and very few private functions. It is not a suitable substitute for the village pub.

Over the last few years the population of Brundish has increasingly becoming younger; more family's with children are becoming Crown Corner council houses tenants; it is also becoming much wealthier, with some property's now selling in excess of £1,000,000.

The statement “.... older than the Suffolk average” and “older person’s location” was probably true five years ago but not today.

5.4 Policy Statement for Village Pubs

The Planning Statement includes the sale particulars from Everard Cole, a specialist agency, at a guide price of £325,000. But Everard Cole’s online advert gives a guide price of £325,000 ‘EX VAT’. When asked the agent has implied no VAT payable. There is also some confusion as to what rates are actually payable. There is no proper valuation of the business and premises as required in section 2.4. The advertised price of “offers in the region of £325,000” is the price the owner wants for the pub, which is not necessary, a true communal value.

In 12 months there has been only one inquiry, this would suggest that the asking price is much too high. If the selling price has been set artificially high (5.4) the Applicants cannot “demonstrate that all reasonable effort have been made to sell” the Brundish Crown as a pub. An independent valuation would clarify this issue.

The opening hours are limited (see 20) more suited to a restaurant than a village pub.

To survive, rural pubs need a business model of which food is a major component, sadly in the case of the Brundish Crown it is perceived to be at the expense of the traditional pub users; for example, darts and pool are no longer available. The pubs catchment area goes well beyond the parish boundary, the lack of customers is more to do with the breakdown of relations between landlord and customer than the size of the population.

There are a number of B&Bs and self-catering barns in Brundish. The population increases with visitors during weekend and holidays, most are located within easy walking distance to the pub.

Brundish is a countryside village with a diverse population, many residents do not come in contact with each other. The crown has a vital role in fostering social cohesion amongst the different social and income groups.

Wilby Parish Council – unanimously opposed the planning application on the following grounds:

Public Opposition

- a. There was clear public opposition to the proposed change of use evident by the views expressed by the 18 members of the public attending the meeting, most of whom were or had been regular users of the pub. This mirrored the experience of Brundish Parish Council. The large number of public comments lodged with the planning authority similarly, without exception, oppose the application.

Planning Policies

- b. The application was deemed to be inconsistent with or at variance with published planning policies namely:
 - i. The application did not satisfy the criteria set out in the Supplementary Planning Guidance – Retention of Shops, Post Offices and Public Houses in Villages to approve a change of use application, particularly since alternative facilities are not available either within a close to the settlement. Whilst Brundish does not have a settlement boundary, the premises are within easy walking distance of the settlement and Wilby too.
 - ii. Regarding local employment opportunities, as envisaged in Policy E6 of the Local Plan, closure of the pub would clearly militate against any such economic benefit. In practice a number of local part time staff have been engaged, usually youngsters between school

and university or during non-term time, which has clearly been of benefit to the local community.

- iii. There would be no significant benefit to residential amenity or traffic safety should the proposal be approved.
- iv. Regarding the policies set out in Paragraphs 28,69 and 70 of the NPPF relative to the support of rural economies, consent for this application would be detrimental to tourism and leisure in the area and would condone what would be the loss of an important community facility. The village pub has for many years given people the opportunity to meet other members of the community and those who are visiting. It is known that there are a number of customers who visit on their own. The public response to the proposed change of use, evidenced by very well attended meetings in Brundish and Wilby and the submission of public comments, is testament to the fact that village pub is a valued and important facility.

Planning Statement

- c. The Applicant's Planning Statement contains a number of omissions and statements that are challengeable i.e:
 - i. No valuation has been submitted. It is considered that the asking price is high compared with other premises offered in recent times. (para 2.4)
 - ii. The applicants would have been aware of the condition of the property and its facilities when it was purchased and the price paid would, or should have, reflected any works that would be required. (para 3.1)
 - iii. No significant work has been carried out to the car park or gardens. (para 3.1)
 - iv. Regular customers have not been made aware of any food offers, opening times have been reduced rather than extended and there has been no music in recent times. (paras 6.1 and 6.4)
 - v. It is questionable how much older the Brundish population is than national average or indeed the Suffolk average. There are a lot of younger people in the village and surrounding area.

Application Form

The opening hours stated in the Application Form are incorrect and very different from the actual opening hours and also those given in a regular advertisement placed in the Parish Newsletter.

BMSDC Economic Development Officer – Objects to this change of use. A village pub offers a valuable source of employment to local people, especially important in our rural district as local employment offer can be limited, and enhances any village as destination for both local people and visitors to the area. Additionally, they can offer a significant contribution to the sustainability of our villages and local communities.

Whist extremely regrettable that the current owners have been unable to achieve the level of success they would expect, the agents marketing states that the “established business has consistently good levels of turnover”. Which would suggest that there is potential for an improved business model given that the opening hours for the business are seemingly quite restrictive and there appears to be little marketing and promotion of the business readily available.

Whilst the property has been marketed I would like to see a revised campaign, potentially at a lower amount and alternative tenure to fully explore potential interest in this as a viable business rather than losing it to residential.

Representations

9. 49 representations have been received making the following comments (summarised);
- The Crown Public House has always been the pub of the village, used by all people of ages and nomination.
 - It would be very sad if Brundish was denied this pub, and feel someone could make it popular again with the right attitude.
 - In the last five years, in every case, incoming property buyers have been considerably younger than outgoing sellers and a number of new families have been attracted to the two villages.
 - Brundish is five miles from Framlingham which has hundreds of new houses under construction and there is no doubt that the owners of these properties will support the Crown, as they will other establishments in their leisure time.
 - Policy CS1 does not identify Brundish as a town. None of the population has access to a regular bus service.
 - The nearest village shop/Post Office is 3.5 miles away. There is a strong, integrated and supportive community, which cannot be described in any policy, unpinning the village of Brundish, perhaps rare today that has, until 2011, congregated around the pub, as one of the principal hubs of the village.
 - Until the current owners acquired the pub in 2011, the Brundish Crown was a very well supported business with a strong, local wet trade, typical of other local village pubs that continue to be well supported, e.g. the Royal Oak, Laxfield.
 - The pub is the only part time employer in Brundish, mainly young people, at the moment there are about four part timers. They are advertising for more staff.
 - The full extent of the profit and loss account is not known, more could be done to adapt, with effort, to make the pub a thriving business.
 - The village hall does not have a bar. The hall is not an alternative venue to the village pub.
 - The opening hours are insufficient to make the pub a viable business. Opening hours are more in line with a restaurant.
 - The Brundish Crown has been identified on historic censuses as a Public House since 1844 with anecdotal references as a drinking house since 1600s.
 - The social benefits are enormous to the community and I am sure that everyone would wish to work with the owners to support and develop their business.
 - Not all options have been exploited.
 - This sadly appears to be a planned strategy to capitalise on the current value of land and relaxed planning policy.
 - Surrounding villages including neighbour Wilby has new housing and Brundish has properties that have in the last few months been granted planning permission to create five new homes. The area is growing not declining.
 - It is the only pub in the village and the only pub within a radius of 3 miles.
 - There is no way of verifying that the pub has been for sale for (at least) 12 months as, unlike the change of use notice, which often has to be displayed, there have been no advertising boards on display to indicate the current owners were actively selling the pub.
 - Up to 2011, the Brundish Crown was a well supported business with a local wet trade of regular customers of around 20 people who could be found in the pub several nights a week, these people still frequent public houses, just not the Crown. This statement reflects clearly the owners intent to sensibly widen their customer base but to the detriment of their already committed local trade.

- The owners of the pub produced a menu with meals costing £20.00 or more which is not viable. The menu was then replaced with a new menu; this has not changed significantly at any time. There has been an introduction of fish and chips served on Friday evenings before 6.45pm. They have stopped this service in the last few weeks.
- The pool table was removed to make way for more covers, discouraging those customers who would have previously enjoyed playing the game. Many of which were young lads from the 2 villages.
- Under the current owner's tenure there have been more staff than at any time in the last 50 years. There has been recruitment sign for more staff outside the pub for entire month of June, when this application was submitted.
- It is clearly in the interests of the owners to portray an economical disaster.
- It came as a complete surprise to many that the pub was actually on the market, so we question the effort that has been made to sell. Investigating the five websites mentioned in the agent's letter to the current owners, 23rd May, the pub is not advertised on any of these sites. Furthermore, it is not advertised on Rightmove as promised by the agent either.
- If the pub is for sale with VAT added, there is simply no basis for a 31% premium compared with national house prices, which have only risen by c19% in the same period. The Queen's Head, Stradbroke, a comparable pub, with a larger local catchment, was sold in the last couple of years for c. £185,000 plus VAT.
- Out of a possible 14 opening sessions they are open for just 6 sessions. Recently this has dropped further. This greatly reduces their chances of increasing their turnover and profit.
- The pub does not have a website, dartboard or team. The once a month music night which was well attended has not been continued by the present owners.
- The pub is not isolated but is in fact on a main road and surrounded by houses. The road is reasonably busy and a main route to Diss, Stradbroke and Eye.
- The owners of the pub have not involved villagers in any formal manner on how to improve the services of the pub to increase use. The Chair of the village hall has not been approached or the Chair of the parish council.
- The Village Hall is a well-supported building with successful commercial activities, demonstrating that rural facilities do work.
- The percentage of people in Brundish aged 65+ is 16.7% which is exceptionally close to the national average of 16.3% and the proportion of working age adults is also less than 1% below the national average. This is a very small differential and I therefore dispute this claim and the implication throughout this Planning Statement that the demographics of Brundish renders the viability of a local pub impossible.
- The community of Brundish may be small but it is extremely active. Local people have managed to fund raise and organise the retention of the Village Hall, the creation of a village green and the erection of a village sign opposite the Crown Inn and have even funded a new church organ from donations of over £9,000. Any decline in visitors to the Crown is not due to an unenthusiastic or inert population.
- Loss of amenity to the area. There are no pubs in the surrounding villages of Worlingworth, Tannington or Wilby and as other objectors have stated, the remaining pub in Dennington, The Queen's Head, is now a restaurant. The loss of this remaining village pub will have a devastating impact on the village cohesion and quality of life both in Brundish and these surrounding communities for generations to come.
- The Crown is situated at the very heart of the village and not just figuratively. About 10 years ago, when the location of the new village green and sign were discussed, the centre of the village was deemed to be directly opposite The Crown establishing a defining focal point. A village green and well-equipped playground were established across the road and these facilities could be capitalised on by the pub to attract family and holiday trade.
- Section 1.9 of the Planning Statement argues that the Crown Inn is neither listed nor situated in a Conservation Area. Whilst this is technically correct, this central and prominent position in the village is key to our local geography and The Crown is marked out by CAMRA as having

notable architectural features for a pub including "a splendid barrel shaped lathe and plaster ceiling" and a "coffin hatch." <http://www.suffolkcamra.co.uk/pubs/pub/102>

- A pub which closes at 4pm on Sunday (last orders for Sunday lunch are strictly enforced at 2pm) and does not reopen until 6pm on Wednesday evening, with lunch available on the weekends only cannot claim to have exhausted all options. Any special food offers have not been advertised and although a traditional folk band visited around six years ago on Sundays, it quickly became apparent that such music wasn't popular with the local population. No other types of bands or alternative times were tried.
- As cited in the Supplementary Planning and Guidance for the Retention of Shops and Post Offices and Public Houses in Villages and as quoted in the applicant's Planning Statement "Pubs changing to residential can increase the value of the property as much as 50%; this fuels the drive for change of use. The pressure for change to residential use is particularly strong where pubs enjoy large gardens that can also be developed". In an open letter that was written by the current owners to a meeting about the pub closure, it was stated that the owners wished to retire in a couple of years and the conversion rights to residential would make the property more attractive and allow them to do this. It is understandable that people wish to be comfortable in their retirement, but any increased price due to a conversion to residential, whilst beneficial in the short term to the owners, would come at an extreme and irreversible cost to our community which would be felt for years to come. If all pubs were allowed to close for this reason, the nation's pubs could all close within one generation! Its closure in these circumstances would be in violation of section 70 of the National Planning Policy Framework as well as policy E6 of the Local Plan and Policy CS1 of the Mid Suffolk Core Strategy
- The Crown Inn is the only licensed meeting place in a village of approx 300 persons.
- There are several holiday letting properties within the area which the pub should attract custom from.
- There has not been any improvement to the beer garden to attract families to the pub and the side gate is kept locked which discourages people.
- In recent times many Suffolk pubs such as Badingham White Horse, Sweffling White Horse, Blaxhall Ship, Great Glemham Crown, Little Glemham Lion, and others, have been declared to be unviable in order to gain the considerable financial benefit of a change to residential status, yet all are now thriving businesses employing local people and providing a valued and essential community asset and social hub.
- If the Crown is permitted to close, there will be no prospect of any replacement and that a much valued and irreplaceable asset will be permanently lost - to the benefit of the current owners but to the detriment of the rest of our community. I therefore strongly appeal to the planning committee to refuse this application in the interests of supporting both the local community and the rural economy.
- The Brundish Crown has become a central meeting place for numerous groups, from the local church choir, ramblers and walkers, cycling and motor cycling groups and even Hill Farm Racing holds all its meetings there every Wednesday, spending close to £200.00 every week. With a more motivated landlord Brundish Crown would once more be a viable business.
- It is also feared that the next step after change of use will be that Planning permission is granted for housing on the 0.7 acre site.

The Site and Surroundings

10. The Crown is a detached two-storey property of brick construction and which sits under a tiled roof. The footprint of the building measures approximately 203 square metres.
11. The ground-floor is laid out to a public house use, with a dedicated restaurant area, traditional bar areas and a central servery. A conservatory lies to the rear and acts as a snug providing access to the grassed external trade area, and the ground-floor also contains WCs and a trade kitchen.

12. A first floor, the accommodation includes 3 bedrooms (2 x double, 1 x single, lounge, shower room and WC and substantial loft storage).
13. Externally the property provides a shingle car park to the side with space for 10-12 cars along with the private and trade gardens, storage areas and service yard.
14. The premises are located close to the junction of the B1118 and Tannington Long Road in a small cluster of properties, some distance (approximately 1 mile) remote from the village hall and church.
15. Brundish lies approximately 3.6 miles to the south-east of Stradbroke and 1.75 miles north of Dennington, which lies in the administrative area of Suffolk Coastal DC.

The Proposal

16. The proposal seeks a change of use of the public house to a dwelling. This would consist of the use of the ground-floor becoming part of the existing first-floor use. There would be no changes to the layout of the building or the site.
17. The supporting documents with the application include a Planning Statement, which sets out the marketing of the property, the recent accounting position and the attempts made by the applicants to retain a viable public house use.

Main Considerations

18. The following are identified as the main considerations in assessing this application.

The Principle of Development

19. The application was deferred at Planning Committee on 11th April 2018 by reason of; *'Deferred for policy view on SPG given position outside any settlement boundary and beyond easy walking distance. Survey information and any alternative use exploration to be checked further prior to return'*. The SPG position has been clarified, as discussed below.
20. This application relates to a proposed change of use of an existing public house to a residential dwelling. Over many years, a significant number of rural public houses have come under increasing economic pressure and have closed. Their futures, in those cases, normally take one of two paths; a proposal to change the use to a residential dwelling, or their re-opening through a differing landlord with a revised approach to securing the viability of the premises. In the latter case, this normally takes the form of a retail offer based primarily on food and/or through alternative uses to support viability (such as community use, supporting holiday lets/B&B etc).
21. Therefore, whilst it is understood that there are significant pressures on these establishments, change of use to residential is not the only viable solution in certain cases. Planning policy recognises this and focusses on the desirability of retaining such facilities wherever possible, acknowledging that once they are lost to the community they are unlikely to be returned to such use.
22. The principle of this use is, therefore, the key issue for consideration in the determination of this proposal.
23. Paragraph 28 of the National Planning Policy Framework (NPPF) makes clear that, in order to support a prosperous rural economy, local planning authorities should, amongst other things, promote 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.

24. In addition, paragraph 70 of the Framework states that planning policies and decisions should plan positively for the provision and use of shared space and community facilities, such as public houses to enhance the sustainability of communities and to 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.
25. Policy CS2 of the Mid-Suffolk Core Strategy (CS) (2008) states that in the countryside development will be restricted to defined categories in accordance with other policies. These include the re-use and adaptation of buildings for appropriate purposes, community services and facilities to meet a proven local need and employment generating uses. Policy E6 of the Local Plan (Local Plan) 1998 (Saved Policies) seeks to protect existing employment generating uses unless there is significant public benefit arising from its conversion to non-employment generating uses.
26. The Supplementary Planning Guidance (SPG) "*Retention of Shops, Post Offices and Public Houses in Villages (2004)*" sets out the Council's position with specific regard to the conversion of pubs to dwellings. The SPG is not a formal planning document and cannot, therefore, be given the same weight as a Development Plan Document. However, in recent appeals (including that at The Cross Keys, Henley) it was agreed that the SPG is consistent with the NPPF and is therefore relevant in the consideration of this proposal.
27. Furthermore, The Campaign for Real Ale (CAMRA) introduced the Public House Viability Test in 2000 in response to a perceived lack of, or weaknesses in, viability testing around public houses that were being lost to residential conversion. It identifies that the test provides a "*standard, objective test which will assist planning decision makers to make fair, open and informed judgements on the question of viability*". This report will consider the principles of this test and how the proposal responds to the questions that it raises. However, as it is only supporting guidance, it does not have the weight of adopted policy and must be construed accordingly.
28. The SPG states that there will be support for the retention of facilities where they can be shown to be viable. The change of use of a village public house to an alternative use will not be permitted unless a number of criteria are met including that at least one other public house exists within the settlement boundary or within easy walking distance to it. The village has a population of approximately 287 and is classified as a 'countryside village'. There is no public house within the village of Brundish or its immediate surroundings other than The Crown Inn. The proposal therefore conflicts with the SPG in this respect.
29. However, in consideration of the proposal, the 'spirit' of the SPG applies in the determination process. Whilst Officers acknowledge the SPG does apply to villages, this is not strictly confined and can be applied 'in spirit' to hamlets, and indeed towns. The precedent set in The Cross Keys, Henley in terms of SPG consistency with the NPPF solidifies the position that the SPG can be applied as a policy consideration.
30. As some of the key issues relates to the viability of the public house, the attempts to market it and whether the applicant has sought to fully consider alternative uses, Officers requested that the case made by the applicant be considered by an independent chartered surveyor who specialises in valuations, commercial property sales and lettings and who was suitably qualified to consider the business case. As such, Jonathan Reubin was instructed to carry out such an assessment on behalf of the LPA.

31. Mr Reubin visited the premises and provided his response on 12th February 2018. In respect of the existing business he found that;

“This public house was probably developed as a beer house in the C17 or C18 and located on what was once a drovers’ road when the main farming activity was sheep and other livestock. The change in the rural economy and the much reduced rural population has meant the pub has had to rely on car borne custom or heavy use by the remaining residents. The drink drive laws and the non-smoking rules have made rural pubs less attractive destinations for drinkers and this public house being so isolated has a declining drinks trade. The owners do have a food offer and a surprisingly extensive menu was on show at the time of inspection. This now accounts for around 60% of the turnover. Food is produced from a smallish kitchen which has been extensively upgraded since the current owners purchased the pub and it now boasts a 5 rating.*

Because of the decline in beer consumption and subsequent wastage the pub has now ceased purchasing in full barrels to be stored in the cellar and now buys beer in polypins which are kept under the bar. Lager is still sold as this is in kegs and has a longer shelf life.

However from the annual accounts presented with the application and the weekly expense and takings sheets shown to me at the time of inspection I do beg the question as to how the owners are surviving financially. They informed me they top up their personal income from a private income source to reduce drawings from the business without which the business would not have survived to date”.

32. As can be seen from these initial findings, there are significant shortfalls in the viability of the business and a declining trade based on a number of factors. These findings appear logical given what is known about many other rural public houses which have reported similar circumstances as the reasons for their decline in trade. Put simply, the attraction of rural public houses as drinking establishments has declined, and this is perhaps unsurprising given the reduction in rural public transport services which exist, the changes in the way in which people choose to drink (in terms of the ready availability of alcohol in supermarkets and other establishments which has reduced the need/desire for social drinking and facilitated more consumption at home), the increased costs and the changes which Mr Reubin refers to of the drink driving and smoking laws.

33. Whilst this position sets out the existing situation, it does not consider the potential for the business to alter its ‘offer’ such as to make the premises more attractive to a differing clientele, or to look at alternative uses. This was also part of the brief issued to Mr Reubin, who considered the prospects of the business moving forward and found;

“The current owners, who are experienced in the trade, have done what they can to improve the business. They have increased and varied the food offer and provide community interaction and have even allowed recycling bins to be located on their land. The problem is the very nature of it being in a small village which has no heart and within easy reach of at least 5 other public houses located in more compact attractive villages. In my opinion if these experienced current owners cannot make this pub location work then probably nobody can or if they do take it on then they must be prepared to run it without a reasonable living to be made or continually invest from other sources to avoid financial failure.

I have looked at the margins and they are about average for the trade. I have also looked at the objections to the application but I cannot see that policy can be relied upon to save this public house. The bald fact is that if any couple is to make a joint income to cover their time (77 hours per week) and efforts to achieve a reasonable profit or livelihood of £45,000 per annum the pub would have to have a turnover of around £300,000 but with only limited space I estimate that 80% of that enhanced turnover would have to come from equivalent beer sales. As the population of the village is only around 300 they would have to consume over 4.5 equivalent pints of beer per

week for each counted person though a proportion of the population will be under 18yrs of age, infirm or non-drinkers or barred by religious or personal belief from entering licensed premises. If those people are excluded then the turnover would have to be made up from people within an easy drive which means pubs in nearby villages would suffer from loss of trade.

There are of course the health recommendations coming from central Government encouraging reduction in alcohol consumption. Drinking by all classes in local public houses has been in decline due to an increase in home consumption which has been made easier and cheaper with on line ordering and delivery by supermarkets. In addition the discount supermarkets are nationally offering branded bottled conditioned beers at about £1.20/pint.

Diversification by adding a retail unit has been suggested but I cannot see how that could work. In such a small community it would have to be a 'community' enterprise run by voluntary staff and would only make tiny profits. If the public house was to do so it would only add to the losses as they would have to employ somebody to run it. If the community staffed it then what benefit would there be to the pub? Who would be the named responsible person on site during all opening hours and who would deal with hygiene issues in the kitchen?

Mention has been made of wider marketing of the pub as a destination for diners and drinkers. The issue with this is where would these customers come from? Would they be local say within 10 miles? If so, then they are likely to be customers that use other establishments in the locale and not new business so other public houses would lose custom and their viability would be put in jeopardy. Any marketing has to be aimed at getting new business from outside a 10 mile or so radius which in my opinion bearing in mind the route to the village is very debatable any trade gained would certainly not be regular.

I conclude that the prospects for this public house are very poor and the small population within easy reach is insufficient for it to make a reasonable living for an owner. The population of Brundish is unlikely to increase to a level which sufficiently increases turnover to support this public house and there would in any event be local objections to development of a scale that would introduce a further 400 or so regular drinkers needed for this local. A perusal of the planning authority website shows that over the last 5 years there have been very few consents granted to significantly increase the local population and I have been unable to find any evidence of sufficiently large developments under construction”.

34. In this regard, it is clear that the premises cannot sustain a viable use for these purposes and there is no real prospect of this changing. There is evidence that the landlords are experienced and have made real attempts to find an alternative way of running the business that would enable it to survive, although a number of representations attempt to contradict this position. Officers have considered these points and have reached a conclusion that the concerns raised by residents, in some instances, fail to recognise the realisms of running a business such as this. For example, where the landlords have sought to amend their offer by removing the pool table to produce more food covers, residents raise this as the landlords reducing the attractiveness of the facility for drinkers. A number comment on the viability of the business back in 2011, some 7 years ago, but also recognise that there has been a reasonable turnover of people in the village, seeing this as being likely to increase trade when actually it may well have had the opposite effect. These comments are not made to undermine the concerns of residents, simply to add some context to them. In reaching a decision on this proposal, Members will need to balance these views and reach a conclusion based on the evidence that is presented from all parties, giving weight to the relevant factors as they judge appropriate. In cases such as this, there will be an understandable concern over the loss of such a facility, which will have been a part of many people's lives to varying degrees over many years. However, this needs to be balanced in the context of whether there is defensible evidence that the facility can continue to operate in any viable capacity going forward.

35. Mr Reubin was also asked to consider the marketing of the premises. His response finds;

"I have looked at the attempt to sell the business and see that it has been for sale now for almost 2 years. It has been advertised in the property and trade press. I have spoken to the agents and they have confirmed the asking price but after only 6 recorded viewings no offers have been made. The pub has been extensively marketed and if a potential buyer wanted a rural pub in a very small village then at least an offer, no matter how low, would have been made. A potential buyer would look at the building, the business and also the location and population that gives a pub its regular almost guaranteed income. In the case of Brundish it is just not there. The current owners' accounts show that the surrounding population cannot or are not prepared to eat or drink out often enough to support this enterprise.

Nationally this situation is not uncommon and whilst one can sympathise with the community of any village faced with the loss of its public house it has to be stated in each case it is a matter of use it or lose it so any member of the community that buys his or her alcoholic or even soft drinks at discounted supermarket prices to consume at home and only use their local occasionally on a high day or holiday have only themselves to blame for its loss. Even if the local population did decide to frequent The Crown more often I am of the opinion it would not be sufficient to produce a viable business".

36. Whilst the latter part of this response could be considered to be overly critical of the local community, it is the principle that is relevant here. Put simply, the need for local people to use a pub such as this, where the numbers of local residents are limited in number in any event, is multiplied. In the absence of the majority of the community using the facility it is simply unlikely to be viable.

37. Criticisms have been made by local residents in response to consultations on the application that the property has not been marketed properly, but research carried out by your Officers found the premises on Rightmove, on www.businessesforsale.com and on Everard Cole's own website. Your Officers have some sympathy with the fact that it does not appear that a for sale board has been erected on the premises itself, but this is tempered by the fact that this can often give the impression of a failing business and one which may well turn some potential clients off from using the facility.

38. The matter of alternative uses of the premises is one which also requires further address. It is abundantly clear that the pub has played a significant part as a community hub in the past, but that the village hall, which the community helped to deliver, seems to have taken over that role in the more recent future. This is not a criticism of that facility, as it is to be commended that this community supports such a facility and that it is thriving where many others are not but does need to be balanced into the consideration of this application. Evidence from local residents would suggest that this facility is not competition for the public house as a drinking/food establishment and Officers consider this to be an appropriate assessment. However, in terms of seeking to find alternative uses for the public house, it is highly likely to be the case that there would be little, if any, need for the premises as some alternative community facility. It is considered, therefore, that this does reduce significantly the likelihood of an alternative use being found for the premises other than its existing use or as a residential dwelling.

39. As such, and for all of the reasons already given, Officers concur with the conclusions reached by Mr Reubin where he states;

"My final conclusion is that this small public house in an isolated dispersed community is non-viable and that an exception to the Council's planning policy should be seriously considered in this case".

Sustainability

40. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:
- *"an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:*
 - *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
 - *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."*
41. The proposal would result in a new dwelling in the countryside, where the provision paragraph 55 of the NPPF sets out that local planning authorities should avoid isolated homes. The site is not considered to be 'isolated' within the meaning of this term as it is adjacent to existing residential dwellings and thereby would not be isolated in the normal understanding of the term. Therefore, paragraph 55 of the NPPF is not engaged in this case.
42. The proposal would offer little economic benefit in terms of the creation of the dwelling, simply requiring some alteration to the building to allow it to be used for the new purpose. There would be some investment in the local economy from the permanent occupation of the building, though there is already occupancy of the first-floor for residential purposes and so the impact on the economy would be negligible at best in terms of the resultant benefits. However, the loss of the facility would result in the loss of employment and therefore Officers consider overall that the scheme would result in negative economic effects.
43. Socially, the loss of the facility would also result in the loss of the community facility which, in itself, would be a negative effect in terms of the social dimension of sustainability. However, this is counteracted by the delivery of a new dwelling to the market in an area where the authority does not have a five year land supply. The delivery of a dwelling would, therefore, have modest social benefits in terms of the aims of the NPPF when taken as a whole.
44. In environmental terms, there is little to suggest that the existing business gives rise to any particular amenity issues notwithstanding its proximity to existing residential dwellings. These residences have coexisted with the business for many years without any apparent issues. The use of the facility solely as a dwelling would not result in any detriment to the environment, the business already providing such facility at first-floor level. Further, this needs to be balanced against the position that, if a public house is to be sustained here, there is simply not sufficient local trade (within walking distance) to sustain it. There would, therefore, be a need to attract people to travel from further afield and, therefore, a significant environmental benefit would accrue from the reduction in vehicle movements made from the site if it is to be used solely as a dwelling. The proposal makes reuse of an existing rural building which in itself is inherently sustainable and is more preferable to allowing the building to be the subject of poor levels of maintenance whilst

trying to sustain an unviable business. In this regard, the proposal is considered to be environmentally sustainable.

45. The overall balancing of these issues is set out in the Planning Balance section of this report.

Other Matters

46. The proposal would not give rise to any highways issues, nor would it raise concerns with regards to land contamination or biodiversity.

47. As such, it is not considered that there are other matters which would weigh against the development.

Crime and Disorder

48. Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

49. Granting this development will result in the following financial benefits:

- New Homes Bonus
- Council Tax
- CIL

These are not material to the planning decision.

PART FOUR – CONCLUSION

Planning Balance

50. This proposal brings about a number of issues which require sensitive balancing in reaching a conclusion on this change of use.

51. The Crown is the only pub in this village and has clearly played a significant role in this community so there is understandable concern about the loss of this village facility. Local residents have shown their concerns in both the numbers of objections received and the logical and well-presented reasoning displayed as to those objections. There can be little doubt that this community does not wish to lose its public house as a matter of principle.

52. The proposal does not comply with the Council's SPG, and would result in a negative economic position given the loss of employment that would result from this proposal. These matters, along with the weight of local objection, weigh against the development, and Members should give these matters due weight in reaching their decision. However, conflict with the SPG must be taken in the context of whether a viable use of the public house could/will exist, as clearly there is no benefit to be taken from the current business failing and the building sitting unoccupied.

53. The Council have had the evidence provided by the applicant independently assessed, and the findings of that assessment are that the use is not viable and is unlikely to be made so unless there is a significant influx of people into the village. This is highly unlikely. The premises have also been marketed and a buyer has not been found.

54. Furthermore, alternative uses of the building for other community purposes have been considered, and these are also considered to be highly unlikely given the role played in this community by the village hall. Whilst the village hall does not compete specifically in terms of the sale of food and drink, it would provide very real competition for alternative community uses of The Crown such that those types of uses are considered to be highly unlikely.
55. Therefore, the proposed use is considered to be the most viable use for the building. This decision therefore comes down to a balancing of the conflict with the SPG, the community objection, the non-viability of the existing use, the absence of realistic alternative uses and the delivery of a dwelling that would make a modest contribution to the Council's housing supply.
56. It is your Officers opinion that the reasons set out by Mr Reubin in his assessment of the existing use demonstrate that the use is not viable and, therefore, there is a realistic prospect that this building could shortly not be functioning for its current purpose. The proposed change of use is the most viable option for the building, putting the building to a use that will ensure its upkeep, longevity and maintenance. The property sits amongst other residential dwellings and would not be out of keeping with the character of the locality. Whilst the proposal would result in negative economic impacts, it results in some social benefits through the delivery of housing and some environmental benefits. As such, the proposal is considered to be sustainable development, in accordance with the the NPPF, and a recommendation of approval is therefore made. Whilst such a decision would not be in accordance with the development plan, viewed as a whole, it is considered there are material considerations which justify a positive decision being taken.

Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

57. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this instance the applicant has worked to address problems and has sought to resolve these wherever possible.

Identification of any Legal Implications of the decision

58. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998
 - The Equalities Act 2010
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

That the Corporate Manager – Growth and Sustainable Planning be authorised to grant planning permission subject to conditions including as set out below:

- 1) Standard Time Limit Condition.
- 2) Approved Plans