

**JOB: THE ANGEL INN
DEBENHAM**

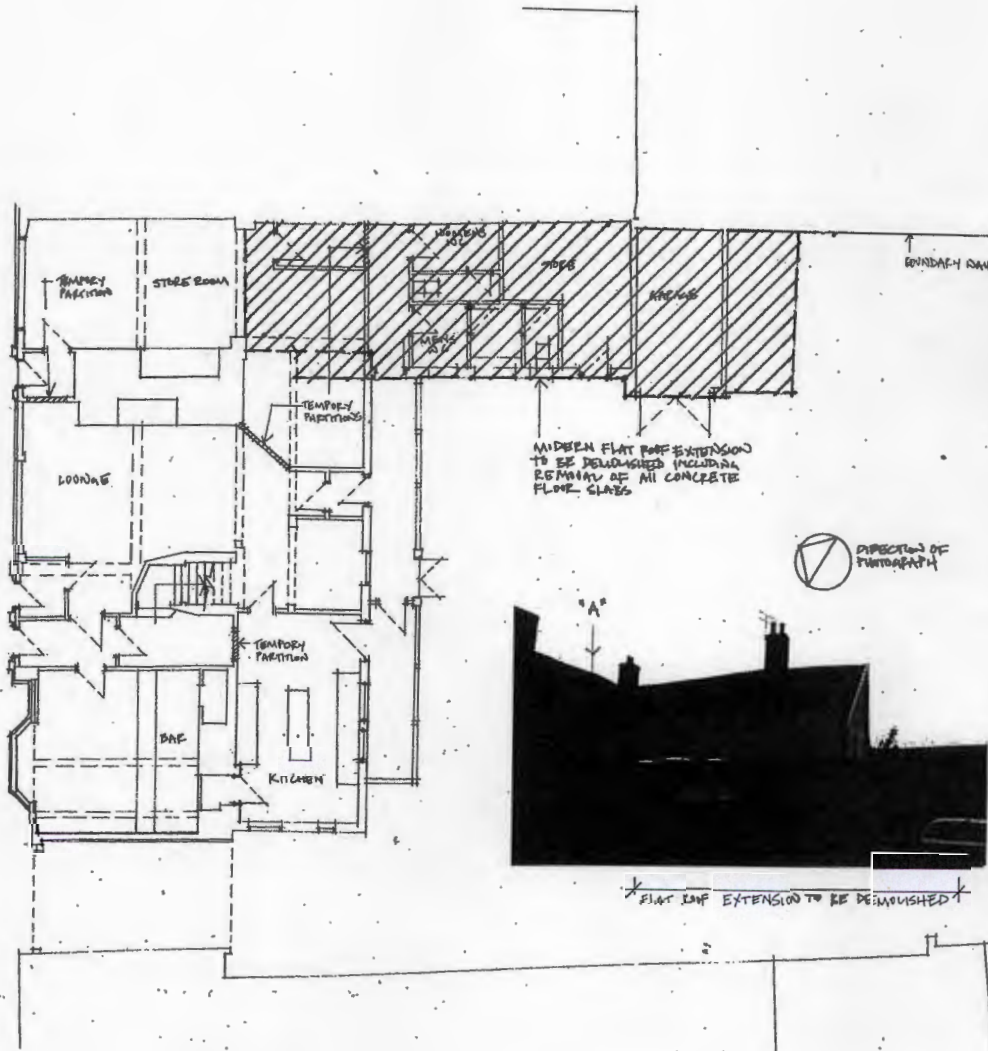
**TITLE: SITE LOCATION PLAN
LISTED BUILDING APP**

SCALE: 1:1250

DATE: NOVEMBER 2015

GORNIAK & McKECHNIE LTD.
ARCHITECTS & DESIGNERS
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 Stowmarket, Suffolk IP14 6RA
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 Fax: 01728 861 130
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 http://www.gorniakandmckechnie.co.uk

JOB No: 1682	DRWG No. 100 LB
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A-A
 SHOWS JOIN OF FRAMES
 LOBBY REAR WING
 OF EXISTING CONCRETE
 DWELING

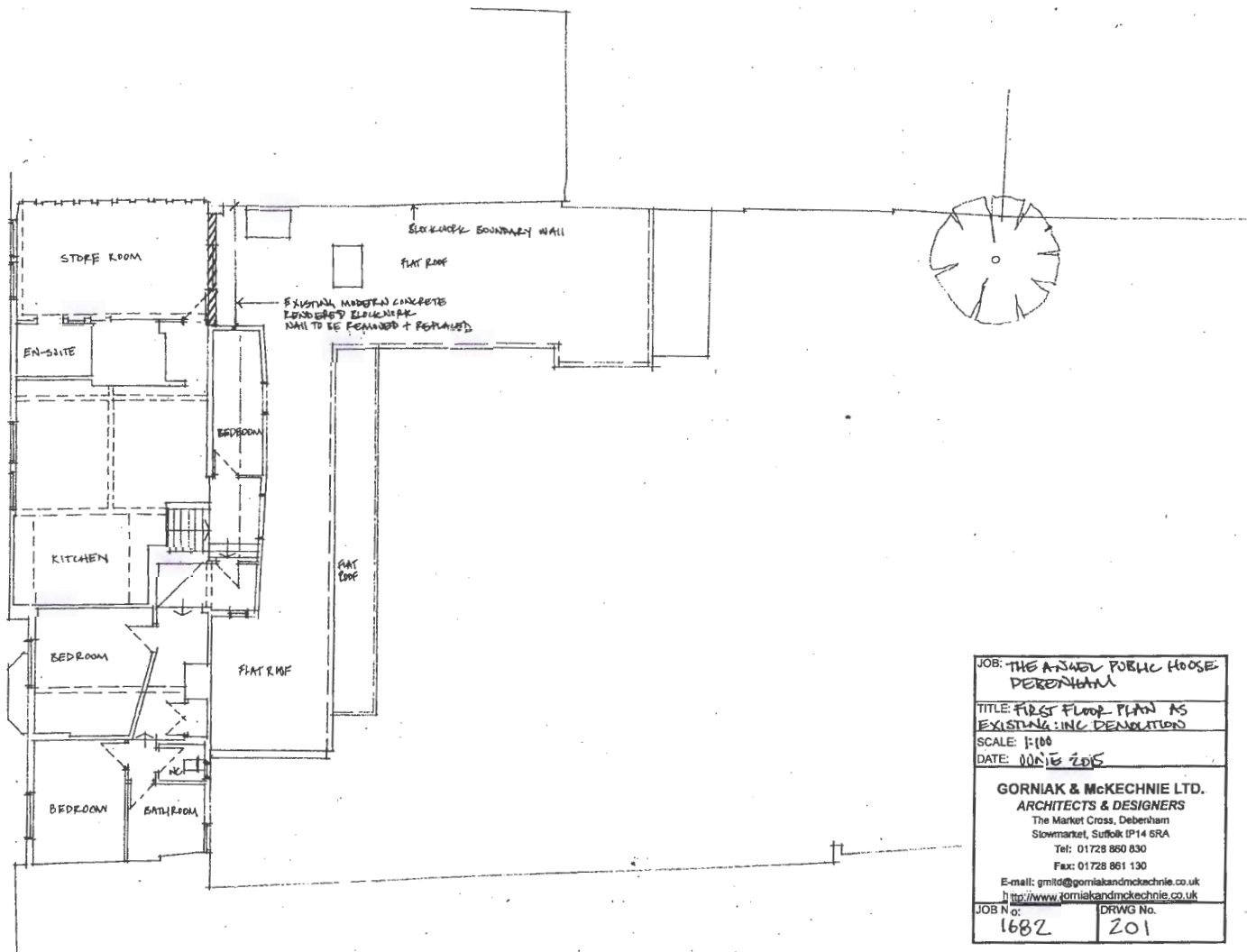


4/24/55

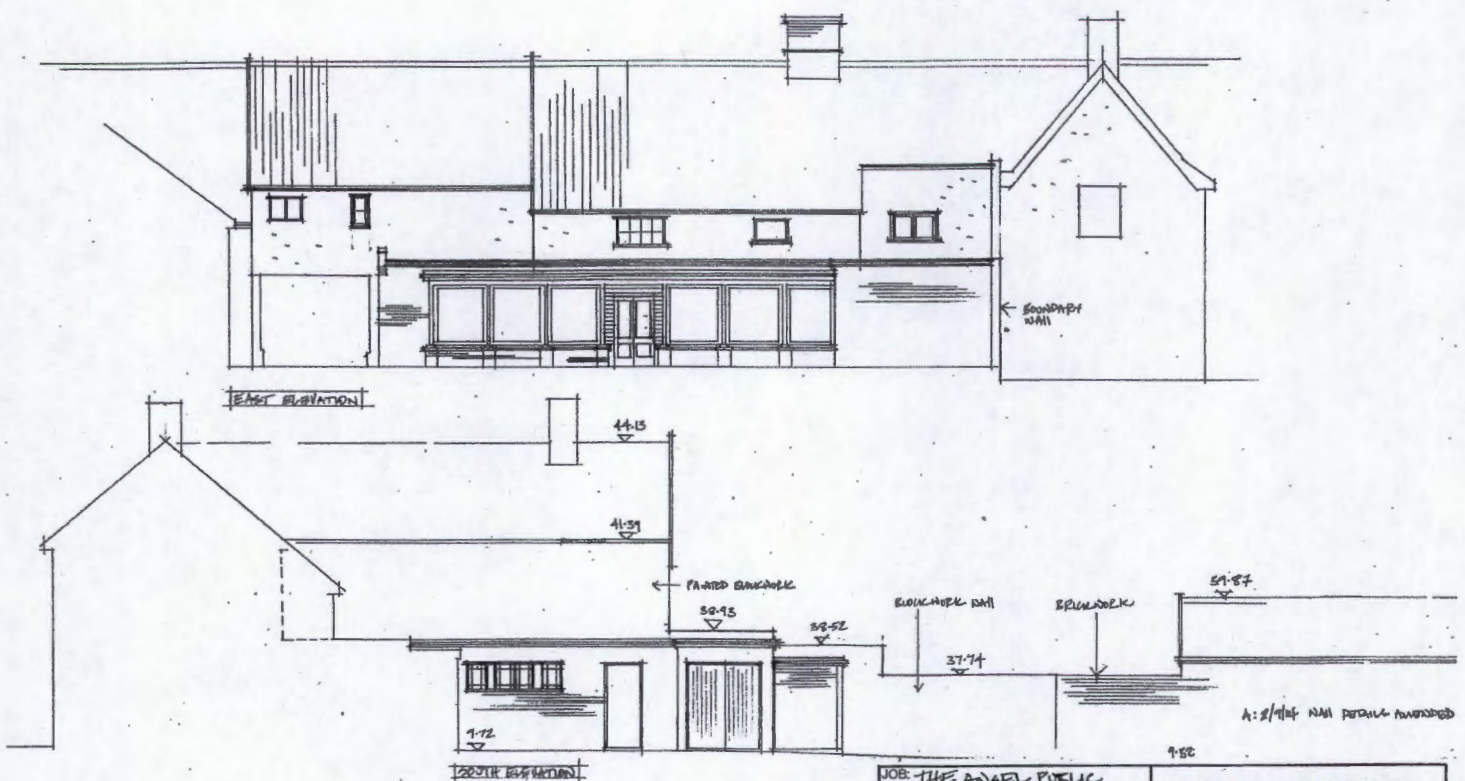


* FLAT INF EXTENSION TO BE DEMOLISHED *

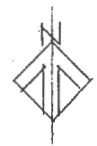
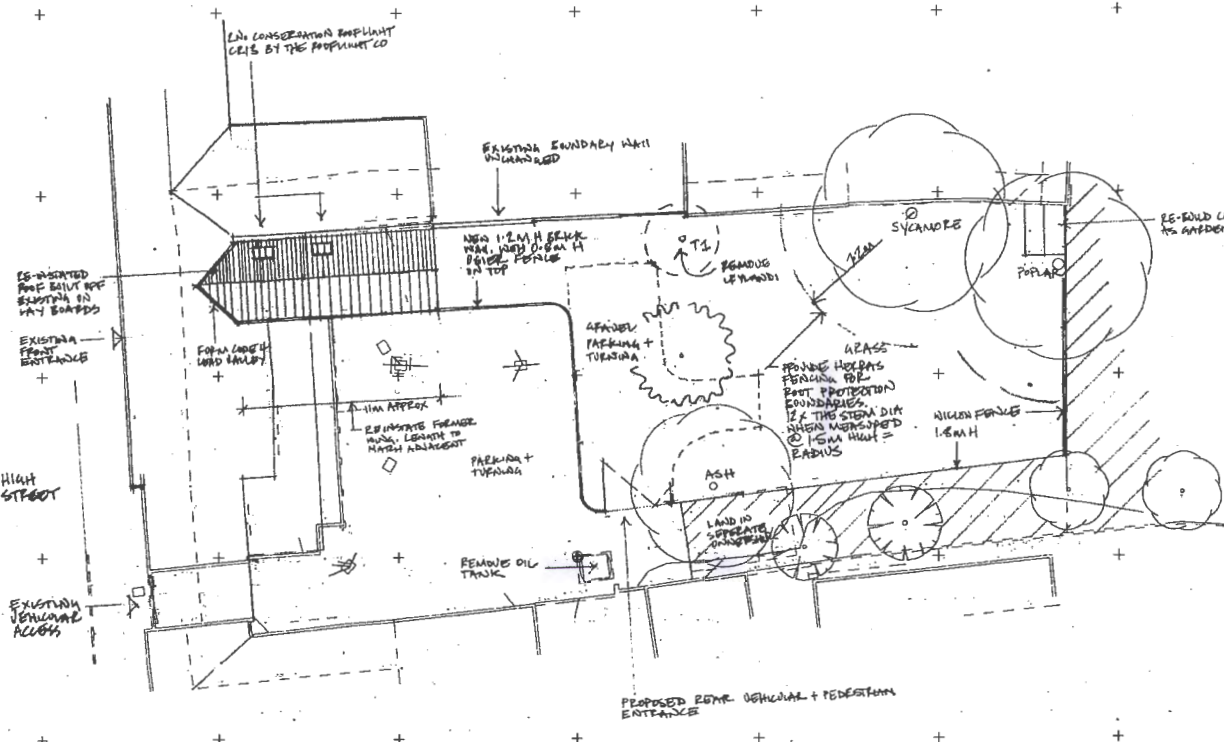
JOB: THE ANDREW PUBLIC HOUSE DORNINGTON	
TITLE: ABOVE FLOOR PLAN AS EXISTING AND DEMOLISHED	
SCALE: 1:100 C.A.S	
DATE: APRIL 2011	
GORNIA & McKECHNIE LTD. ARCHITECTS & DESIGNERS The Exchange Cross, Debenham Slowmarket, Suffolk IP14 6RA Tel: 01728 860 830 Fax: 01728 861 130 E-mail: gmtd@gorniamckechnie.co.uk http://www.gorniamckechnie.co.uk	
JOB No: 1682	DRWG No. 200



JOB: THE ANNEV PUBLIC HOUSE DEBENHAM	
TITLE: FIRST FLOOR PLAN AS EXISTING: INC. DEMOLITION	
SCALE: 1:100	
DATE: 00/10/05	
GORNIAK & McKECHNIE LTD. ARCHITECTS & DESIGNERS The Market Cross, Debenham Suffolk, Suffolk IP14 6RA Tel: 01728 860 830 Fax: 01728 861 130 E-mail: gmitd@gorniakandmckechnie.co.uk http://www.gorniakandmckechnie.co.uk	
JOB No: 1682	DRWG No. 201



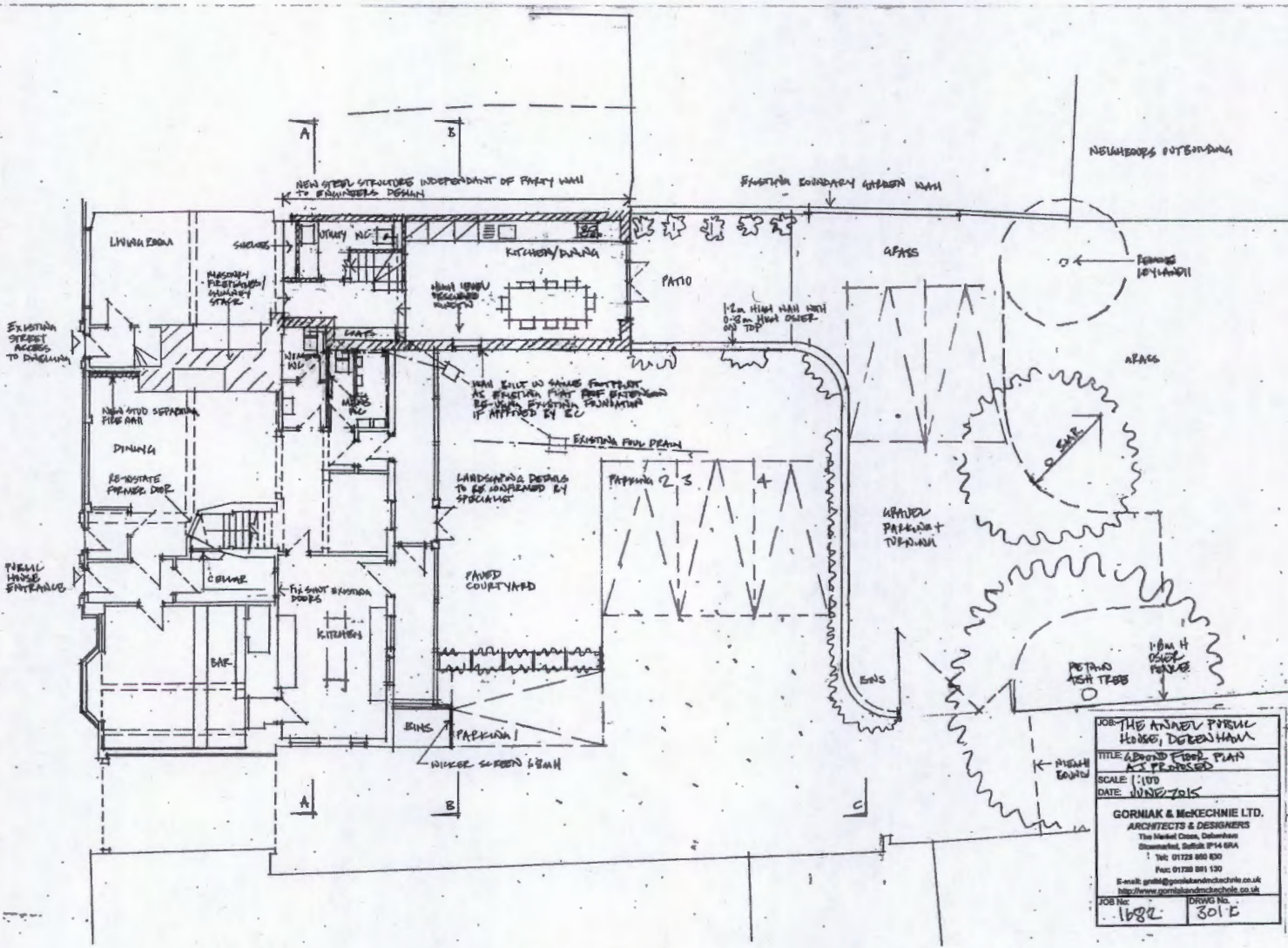
JOB: THE ANAEL PUBLIC HOUSE, DEKENHAM		GORNIK & McKECHNIE LTD. ARCHITECTS & DESIGNERS The Market Cross, Dabeham Stowmarket, Suffolk IP14 6RA Tel: 01728 860 830 Fax: 01728 861 130 E-mail: gmktd@gornikandmckechnie.co.uk http://www.gornikandmckechnie.co.uk
TITLE: EAST + SOUTH ELEVATION AS EXISTING		
SCALE: 1:100	DATE: APRIL 2014	
JOB No: 1682	DRWG No: 202.A	



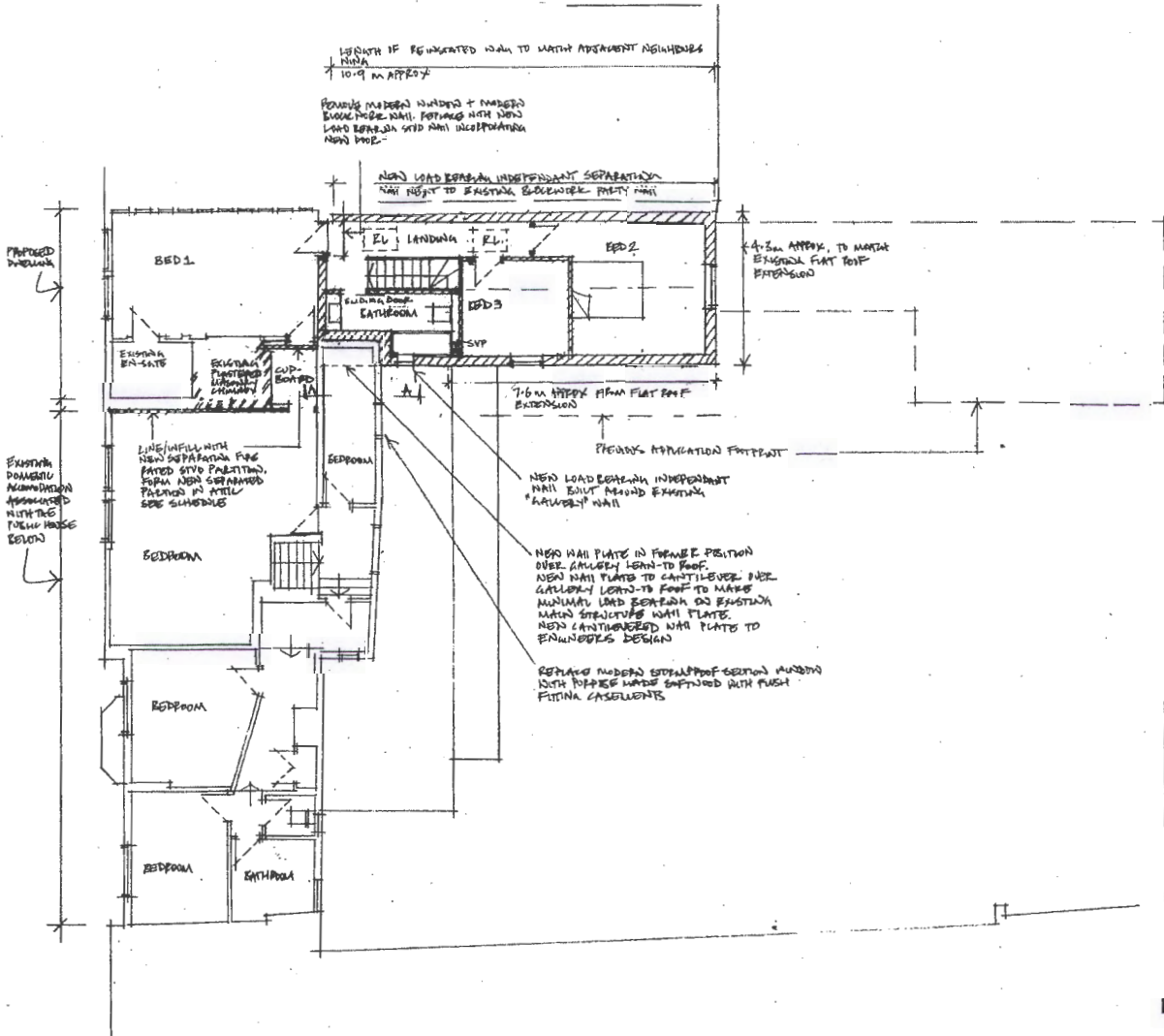
A	25/11/14	BOUNDARY WALL CHANGED TO RAILING PERGOLA
B	4/1/15	EXTERIOR WALL REDUCED
C	12/1/15	EXTERIOR WALL AMENDED

Gorniak and McKechnie Ltd
 Architects & Designers
 The Market Cross, Debenham
 Downmarket, Suffolk IP14 6SA
 Tel 01728 825 830
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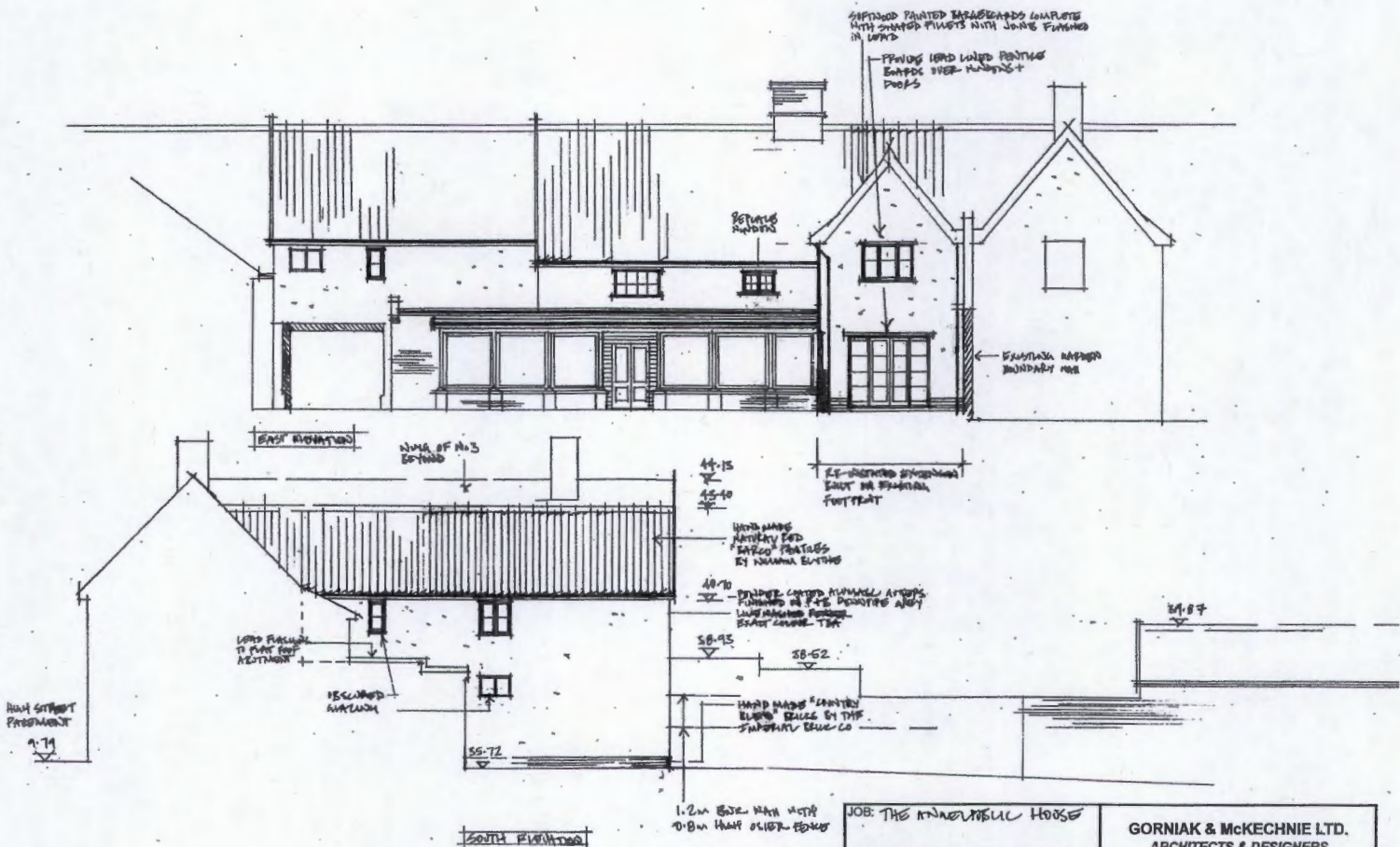
Client: Mr & Mrs Payne
 Job Title: The Angel Pub
 The High Street, Debenham, Suffolk.
 Drawing Name: Proposed Block Plan
 Drawing Status: SURVEY
 Drawn by: SL Date: 28/04/14
 Checked by: Date:
 Drawing Scale: 1:200 @ A3
 Layer No: 1682/S/BLOCK Status: Revision: 102 C



JOB: THE ANNEX PAVIL
 HOUSE, DORSETHAM
 TITLE: ABOVE FLOOR PLAN
 AS PROPOSED
 SCALE: 1:100
 DATE: JUNE 2015
 GORNIAK & McKECHNIE LTD.
 ARCHITECTS & DESIGNERS
 The Market Cross, Dorchester
 Dorset, Dorset, BA1 1DA
 Tel: 01228 800 800
 Fax: 01228 801 130
 E-mail: gorniak@gorniakandmckechnie.co.uk
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 JOB No: 1682 DRAW No: 301E



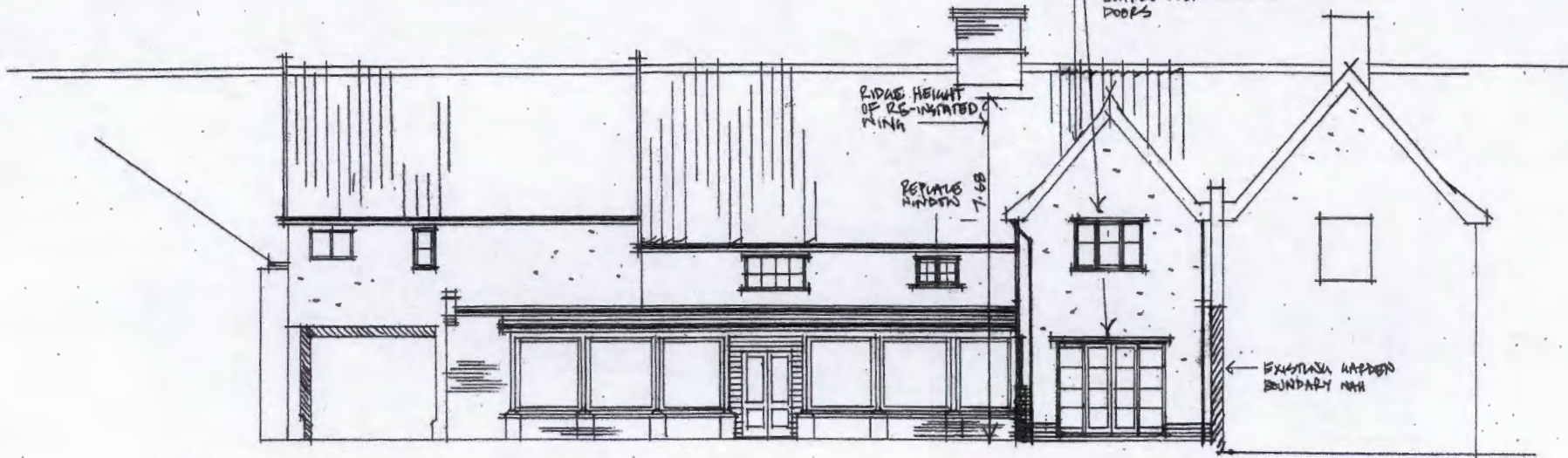
JOB: THE ANNEV PUBLIC HOUSE DEBENHAM	
TITLE: FIRST FLOOR PLAN AS PROPOSED	
SCALE: 1:100	
DATE: JUNE 2015	
GORNIAK & MCKECHNIE LTD. ARCHITECTS & DESIGNERS The Market Cross, Debenham Stowmarket, Suffolk IP14 6RA Tel: 01728 880 830 Fax: 01728 861 130 E-mail: gmttd@gorniakandmckechnie.co.uk http://www.gorniakandmckechnie.co.uk	
JOB No: 16.00. 16.02.	DRWG No: 302E



JOB: THE MAGNIFICENT HOUSE		GORNIAK & McKECHNIE LTD. ARCHITECTS & DESIGNERS The Market Cross, Debenham Stowmarket, Suffolk IP14 6RA Tel: 01728 860 630 Fax: 01728 861 130 E-mail: gmitd@gorniakandmckechnie.co.uk http://www.gorniakandmckechnie.co.uk
TITLE: ELEVATIONS AS PROPOSED		
SCALE: 1:100	DATE: JUNE 2015	
JOB No: 1682	DRWG No: 305D	

23

SOFTWOOD PAINTED BARKBOARDS COMPLETE WITH SHAPED FILLETS WITH JOINTS FINISHED IN WOOD
 PROVIDE LEAD LINED PENTILE BOARDS OVER WINDOWS + DOORS



EAST ELEVATION

WALL OF NO.3 BEHIND

44.13
43.40

4.5M APPROX TO GULLY
RE-INSTATED EXTENSION GULLY ON EXISTING FOOTPRINT

HAND MADE NATURAL FOD "BARCO" PENTILES BY WILKMAN BUILDERS

40.70
FENDER CONTROL ANIMAL WOODS FINISHED IN F&B DESIGNTYPE AKEY
LEAD LINED FENDER EXACT COLOUR T&A

38.95
38.52

HAND MADE "COUNTRY BLEND" BRICKS BY THE IMPERIAL BRICK CO

29.07

LEAD FLASHING TO FLAT ROOF ADJUTMENT

OBSCURED GARDEN

35.72

HIGH STREET PAVEMENT

1.71

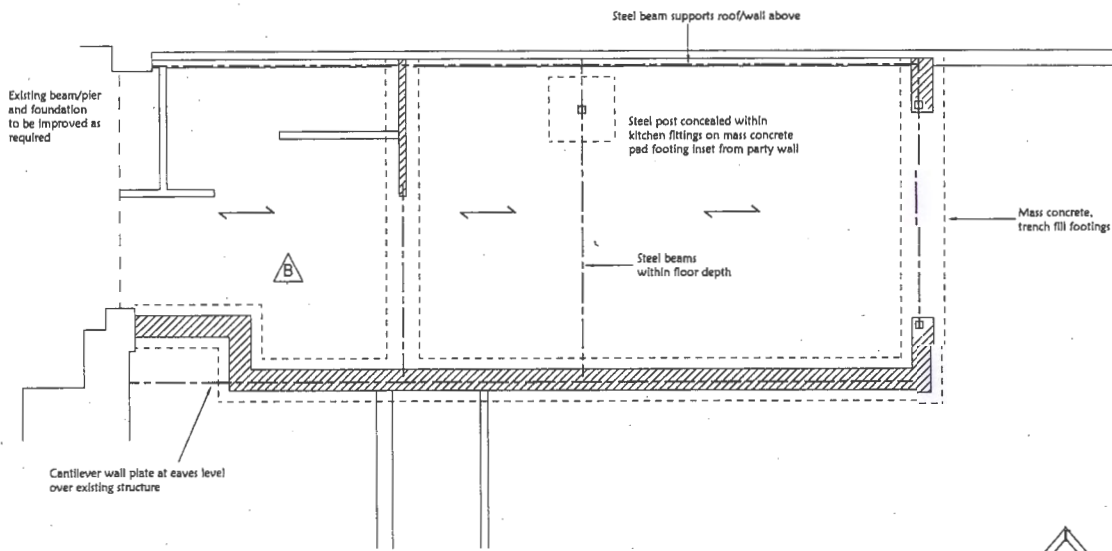
1.2M SIDE WALL WITH 0.8M HIGH OAKEN FENCE

SOUTH ELEVATION

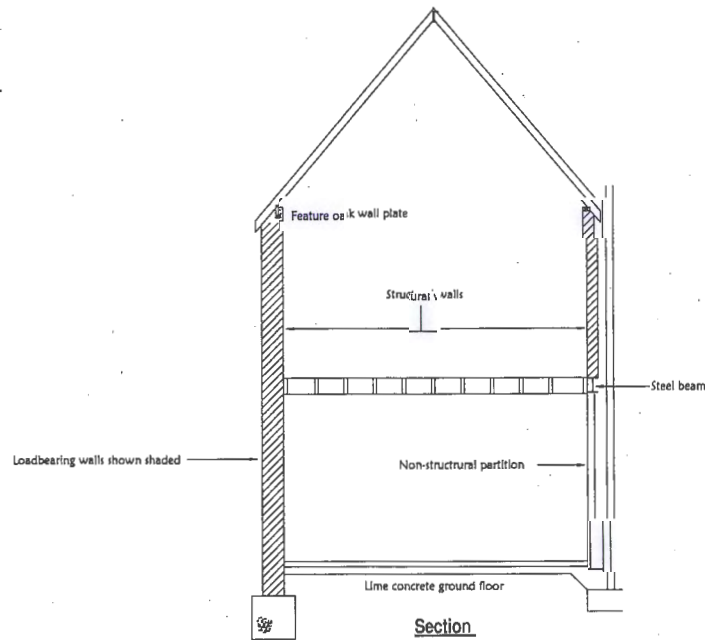
JOB: THE ANAETHETIC HOUSE	
TITLE: ELEVATIONS AS PROPOSED	
SCALE: 1:100	DATE: JUNE 2015
JOB No: 1682	DRWG No: 305E

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CONSTRUCTION NOTES



Plan at Ground Floor Level Showing Foundations & 1st Floor Structure Over



Rev	Date	Details
B	23.11.15	Post moved Ground floor layout updated
A	18.11.15	Oak wall plate added

*In the event of any queries please contact:
Richard Brown BSc CEng MICE MInstStructE*

ADAM POWER ASSOCIATES

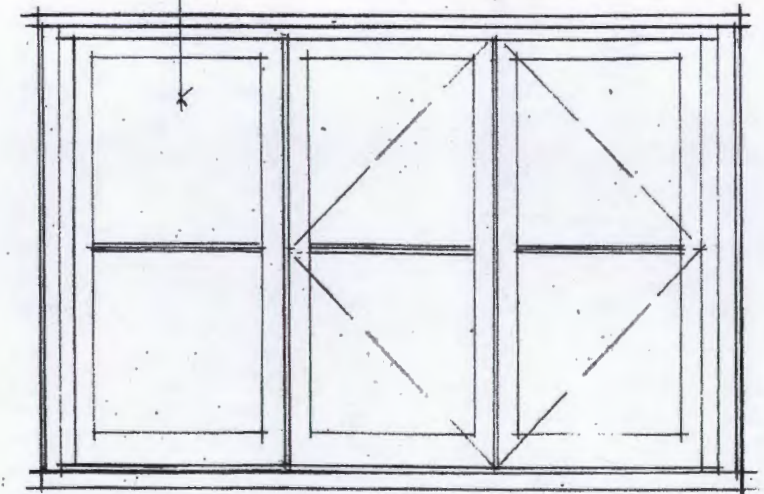
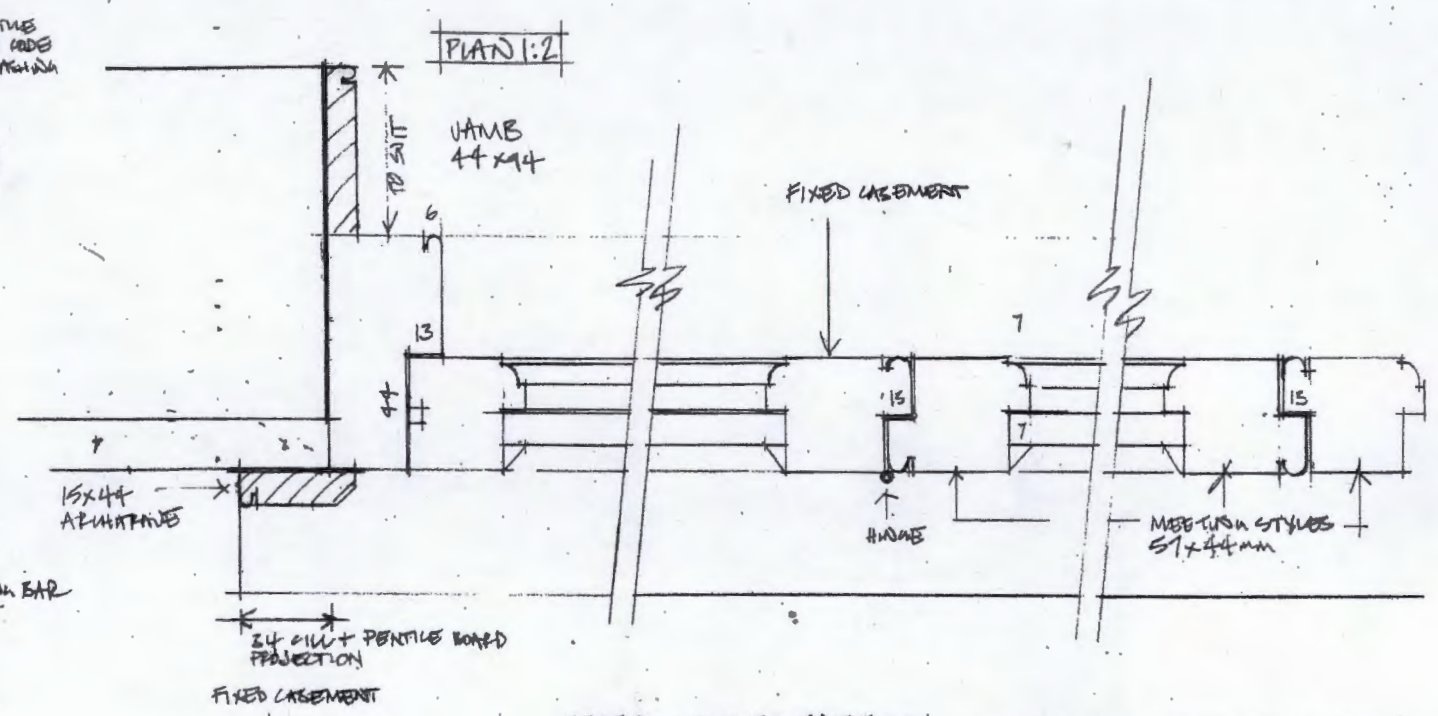
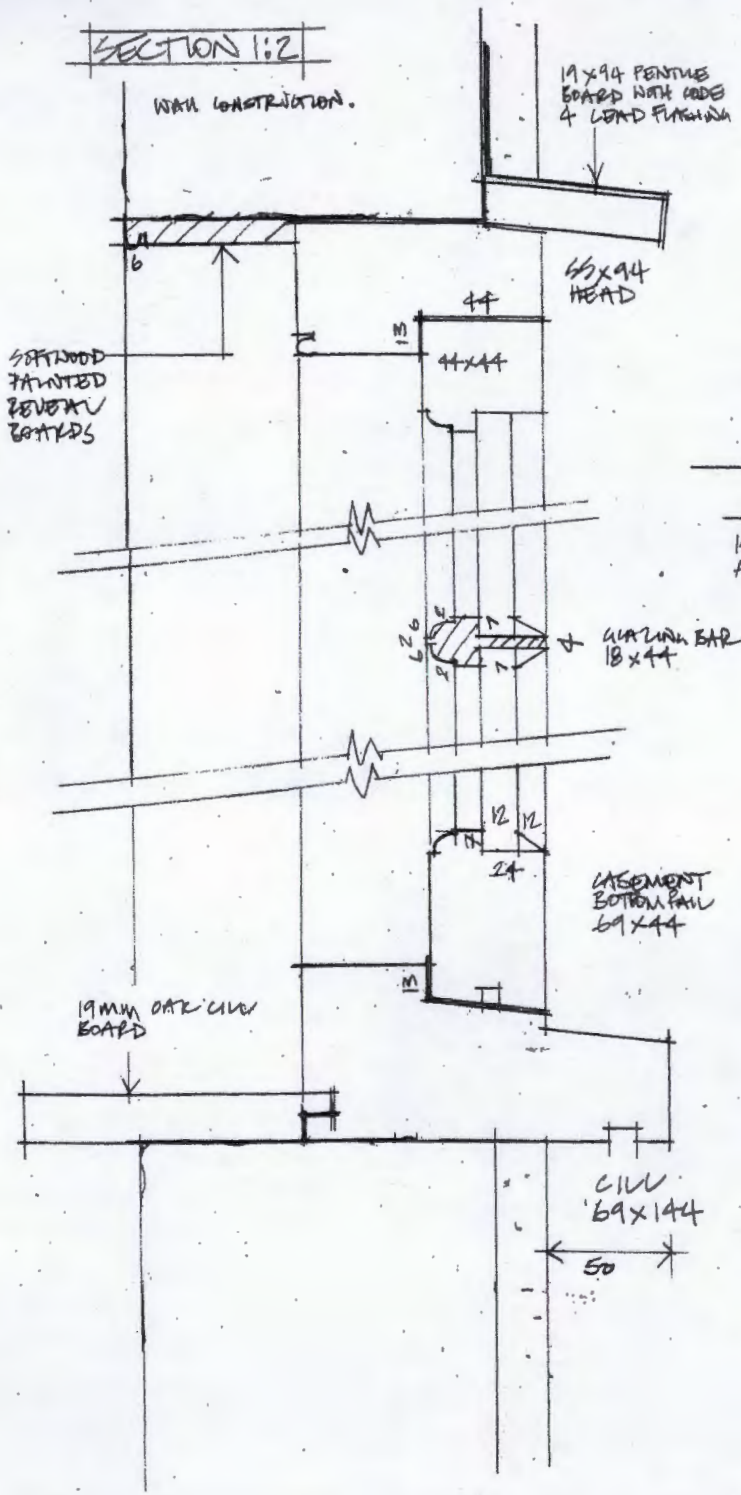
Consulting Civil/Structural Engineers
The Old Chapel, The Street, Rickingham, Suffolk IP22 1BN
Tel 01953 887539 Fax 01379 890705
email: richard@adampower.co.uk

Title Proposed Extension
The Angel Public House
Debenham
Preliminary Sketch Scheme

For The Angel PH Date 15.9.15

Job No.	Dwg No.	CAD Plot Scale	Rev
R/15/203	SK	1:50 @ A2	B

24



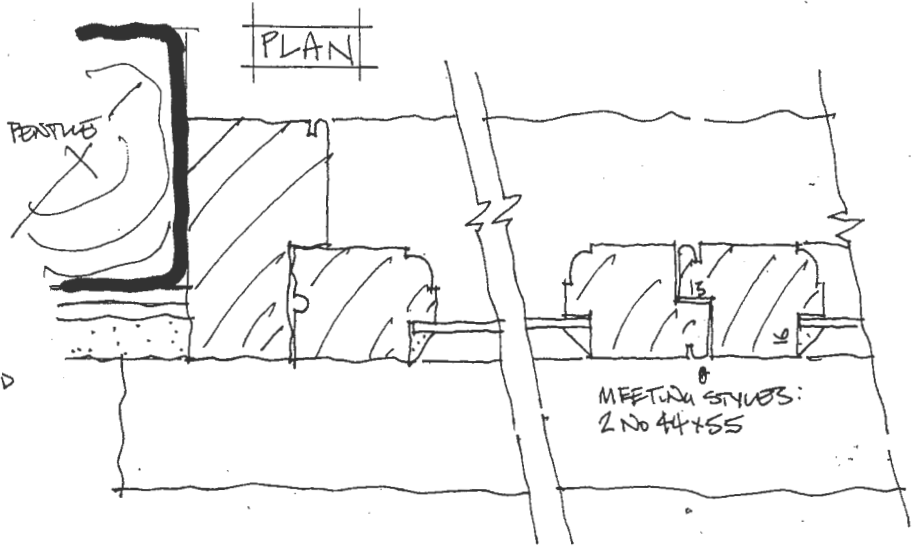
POPPAGE MADE SOFTWOOD WINDOWS WITH HARDWOOD CILLS COMPLETE WITH CHECK GROOVES + WEATHER SEALS, ANION FEL CLEANANCES

GLAZING TO BE 12mm SLIMLINE DOUBLE GLAZING UNITS U-VALUE 1.6 W/M²K. FIXED IN PLACE WITH APPROPRIATE POTTY

23

JOB: THE ANAEL, DEBENHAM	
TITLE: WINDOW DETAILS AS PROPOSED - EXTENSION	
SCALE: 1:2 + 1:10 @ A3	
DATE: DEC 2015	
GORNIAK & McKECHNIE LTD. ARCHITECTS & DESIGNERS The Market Cross, Debenham Stowmarket, Suffolk IP14 6RA Tel: 01728 880 830 Fax: 01728 861 130 E-mail: gmitd@goniakandmckechnie.co.uk http://www.goniakandmckechnie.co.uk	
JOB No: 1682	DRWG No. 1000

PLAN



LEAD FLASHED PENTILE BOARD

HEAD + JAMB:
94 x 55
CASEMENT HEAD
+ SIDE RAIL:
44 x 55

MEETING STYLES:
2 No 44 x 55

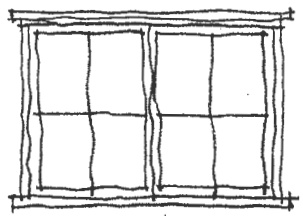
GLAZING BAR:
22 x 44

SINGLE GLAZING BEADED
+ FIXED WOOL PUTTY

CASEMENT BOTTOM
RAIL: 44 x 69

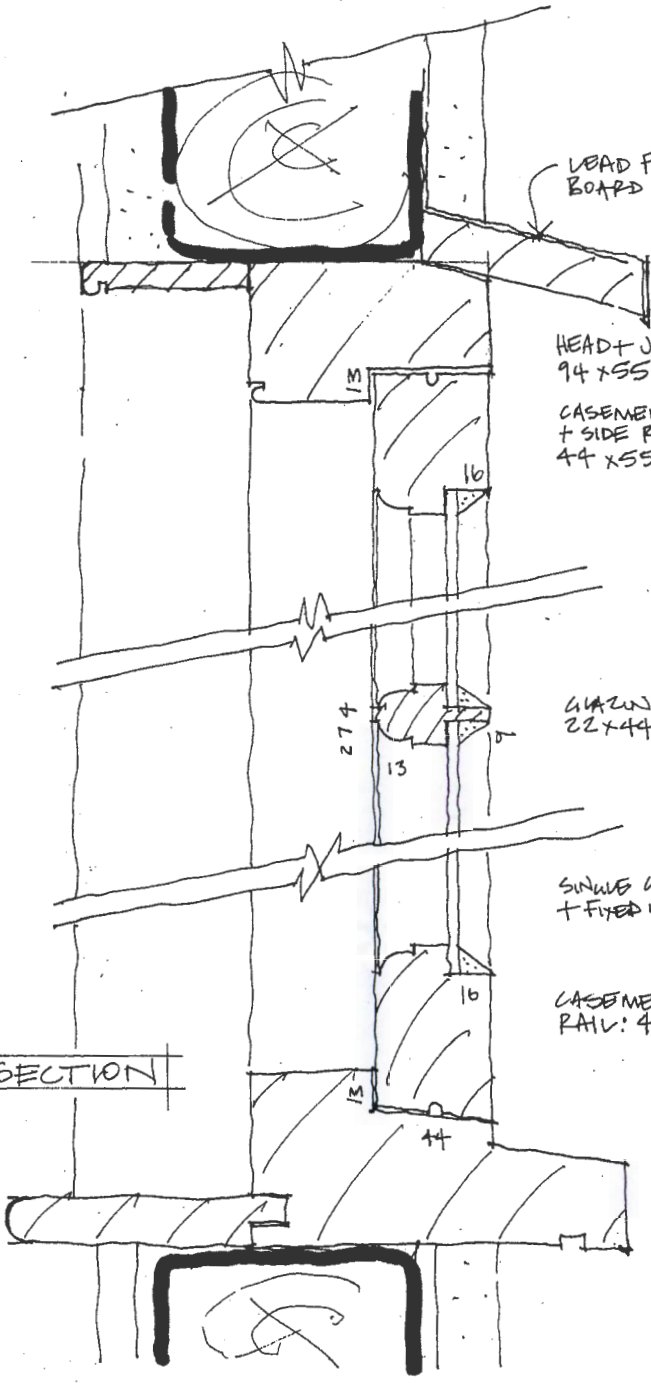
CILL:
44 x 69

WINDOWS:
PURPOSE MADE IN SOFTWOOD WITH
HARDWOOD GLAZ. ALLOW FOR CLEARANCES,
CHECK ADJUSTERS + WEATHER STRIPPING



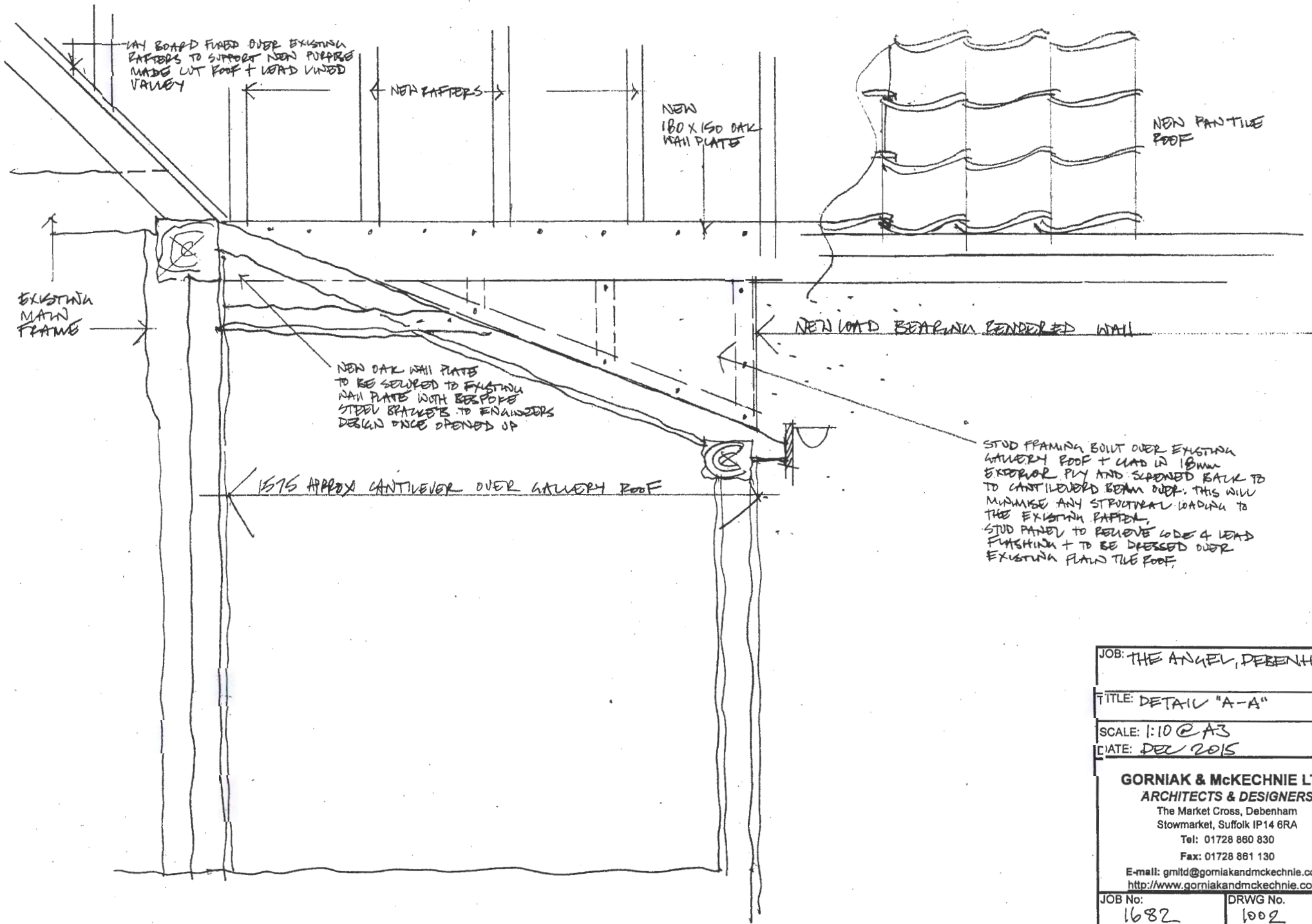
TYPICAL ELEVATION 1:20

SECTION



JOB: THE ANGEL PUBLIC HOUSE	
TITLE: REPLACEMENT WINDOW DETAIL	
SCALE: 1:2 + 1:20	
DATE: DEC 2015	
GORNIAK & McKECHNIE LTD. ARCHITECTS & DESIGNERS The Market Cross, Debenham Stowmarket, Suffolk IP14 6RA Tel: 01728 860 830 Fax: 01728 861 130 E-mail: gmltd@gorniakandmckechnie.co.uk http://www.gorniakandmckechnie.co.uk	
JOB No: 1682	DRWG No. 1001

26



27

JOB: THE ANGEL, DEBENHAM	
TITLE: DETAIL "A-A"	
SCALE: 1:10 @ A3	
DATE: DEC 2015	
GORNIAK & McKECHNIE LTD. ARCHITECTS & DESIGNERS The Market Cross, Debenham Stowmarket, Suffolk IP14 6RA Tel: 01728 860 830 Fax: 01728 861 130 E-mail: gmltd@gorniakandmckechnie.co.uk http://www.gorniakandmckechnie.co.uk	
JOB No: 1682	DRWG No. 1002

C/o: Planning Officer, Lisa Evans, Mid Suffolk District Council Planning.

Applications 4374/15 and 4375/15, The Angel Inn, 5 High Street, Debenham

Debenham Parish Council Comments:

The Parish Council would like to strongly recommend the refusal of the above planning applications. This decision has taken into account the following policies:

4374/15: hb8, hb9, gp1, cor4-cs4, hb1, cor 5, hb4, h18, sb2, t9, cor 1, csfr-fc1, and csfr-fc1.1.,

4375/15: gp1, cor5, hb9, hb8, hb1, hb4, cor1, csfr1-fc1, csfr1.1, and sb2.

Detailed comments are as follows:

1. There are no material differences between these plans and the plans previously submitted and considered, which were strongly recommended for refusal by the Parish Council previously;
2. The Parish Council believes that the wording used in the application is misleading and does not reflect accurate facts; The pub was successful in the past in its larger format, all 3 front of house rooms have been used (including by the applicants), when the applicants closed the pub in 2013 they had no intention of re-opening it quickly as they sold off all the fixtures and fittings and there is no evidence supplied to back up the claim that the "proposal is essential to secure it's future as a community facility" quite the reverse in fact.
3. The unit referred to as a former dwelling should actually make reference to it being a former single storey cart shed;
4. The provision of the proposed four car parking spaces would be inappropriate for the site; One of those spaces could well be lost as the oil tank which has to be re-sited is not shown on the new plans and at least one space will be needed for staff. Additionally it is highly likely that the residents of the new build not always park at the rear but also add to the High Street parking problem.
5. The applications are clearly against Mid Suffolk District Councils' Tourist Policy, particularly when considering the following elements:
 - It does not encourage the retention of local services
 - It does not encourage the retention of an existing facility
 - It does not resist alterations to existing businesses
 - It most probably will result in the loss of local employment potential
 - The creation of a temporary partition wall meant that the gallery is no longer accessible to the public, who have a right to request to view it.
6. With regards to the temporary wall, the area currently blocked off from the public is rapidly deteriorating and is filled with waste materials/excess furniture and other types of unused items, which in itself is a fire and vermin risk. As guardians of the premises, the current owners have a duty of care to maintain the building and this is not being observed in the areas not being used. This is a listed building in the heart of a conservation area and must be protected as a main facility in this Key Service Centre that is Debenham.
7. Due to the erection of the temporary wall, the entrance point to the public house is now a very narrow door, which is also a possible health and safety hazard. It is very congested at

busy times and encourages patrons to either overspill to the eating area or simply to the pavement, which is certainly not ideal and can cause other problems.

8. The Angel was used by families, young people, local residents, residents of nearby villages and tourists. The public house is the only one in the village accessible for People with Disabilities and for families with young children in pushchairs. Having such a local, centralised amenity for all ages ensured that not only were the social/community aspects addressed, but also encouraged patrons to either walk or cycle to the venue, which make parking on the High Street much easier and reduced the carbon footprint of those now having to driving outside of the village, as well as add to further congestion of access routes.
9. The current owners are also responsible for the loss of the only "purposely built" Bed and Breakfast facility in the village, which was used by many tourists and visiting relatives. This automatically resulted in loss of employment and loss of amenity, thus reducing the village's tourism industry intake.

Furthermore, the Parish Council would like to refer to the following points, some also for your consideration when considering the application please.

Supplementary Planning Guidance (SPG)

In order for the planning guidance to work effectively it must state its objectives clearly, present robust information and monitor the effects of its policy implementation. This **SPG** has three objectives;

- To encourage the retention of rural services.
- To ensure that proposals for changes of use are properly justified
- To enable the reopening of a service or facility at a future stage by resisting specific building alterations that would prevent reopening.

The Planning system has policies and stated guidance that can and should play an important role in facilitating social interaction and help to sustain inclusive communities by ensuring the provision and integration of community facilities such as pubs to enhance the sustainability of communities.

The **NPPF** states: "The Governments objective is to create strong, vibrant and healthy communities, by creating a good quality built environment, with accessible local services that reflect community needs" "Planning policies and decisions should safeguard against the unnecessary loss of valued facilities and services".

Planning for people-a social role, planning for prosperity and an economic role.

The **CSFR** comments about: "*enabling communities to be balanced, inclusive and prosperous*" and "*Achieving a stable economy for a sustainable community*".

The Mid Suffolk Core Strategy (CS) identifies Debenham as a Key Service Centre within its settlement hierarchy and a main focus for development. **CS policy CS5** requires all development to maintain and enhance the environment and retain the local distinctiveness of the area

"NPPF regarding Listed buildings in Conservation areas" ***Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.***"

As stated in the SPG -we would also like to ask if as part of the process the following evidence has been supplied by the applicants?

• **Evidence on the viability of the facility:**

All of the following points need to be addressed by the applicant:

- *The property is required to have been advertised for sale for a minimum of 12 months. Information should include selling agent's literature, valuations and offers that have been received on the property.*
- *Information on the annual accounts/turnover of the premises for the most recent trading year should be submitted to the Local Planning Authority. These should take the form as if submitted to HM Inland Revenue and not just a single line 'the losses were...£****'*
- *Evidence needs to be submitted on the opening hours of the premises, and attempts at diversification to sell/provide a wider product range/let rooms during the applicant's tenure as Landlords as well as owners.*
- *Whether an application for financial assistance by an application to the Local Authority for rate relief was made to stave off the 2013 closure by the applicants on the grounds of non-viability.*
- *Whether an application to the Local Authority to accommodate multiple use of the premises has been made.*

We believe The Angel Public House to be essential to the vitality and sustainability of this growing Key Service centre and policy and guidance appear to support this.

Policy FC1 states that the planning authority takes into account any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF

Policy SC5

"maintain and enhance"

Grade II - buildings that are part of the local heritage and warrant every effort being made to preserve them.

POLICY HB3 *Proposals for the conversion of, or alteration to Listed buildings or other buildings of architectural or historic interest will only be permitted in exceptional circumstances.*

POLICY HB1

The District Planning Authority places a HIGH PRIORITY on protecting the character and appearance of all buildings of architectural or historic interest. Particular attention will be given to protecting the settings of Listed Buildings. Although there are more details in this application than previous

applications as to the foundations for the new extension they have still failed to convince Historic England that no damage to the neighbouring Grade II property will result because they have failed to provide the requested Statement of Methodology on how the works will be undertaken. Both demolition of the existing building and erection of the new building pose considerable risks to the adjacent fragile property that has no foundations of its own.*

5.4 Policy statement for village pubs

*The Change of use of a village Public House to an alternative use will not be permitted **UNLESS**:*

- *At least one other public house exists within the settlement boundary or within easy walking distance to it;*

AND

- *It can be demonstrated by the applicant that ALL reasonable efforts have been made to sell or let (without restrictive covenant) the property as a Public House AND that it is not economically viable;*

AND

- *There is **no** evidence of significant support from the community for the retention of the Public House.*

The Debenham Parish Council would like to further recommend that the temporary wall is removed (there does not appear to be a deadline for this to take place by in previous planning permissions) and the public house is returned to its original (full) size. This proposal also carries the weight of significant community support, who have also registered this site as an Asset Of Community Value.

The Parish Council would also like to re-iterate all the concerns raised previously and would like to ask the Planning Officer to go through those in detail so that they are fully aware of the background of planning applications for this site and the general community consensus, which has been in line with the Parish Council comments.

Dina Bedwell

Clerk to the Council



HERITAGE COMMENTS

Application No.: 4375/15

Proposal: Erection of first floor extension to reinstate former 2 storey rear wing and former separate dwelling, internal alterations including relocation of toilet facilities, to retain the public house as a community facility

Address: The Angel Inn, 5 High Street, Debenham IP14 6QL

Date: 28th January 2015

SUMMARY

1. The Heritage Team considers that, although the addition of a two-storey rear extension as proposed will cause no harm to the physical fabric of the "host" building, nor to the character, appearance, setting or significance of the conservation area or any adjacent heritage asset, the principle of sub-division to create a separate dwelling will in itself to cause harm to significance. The level of harm is assessed as less than substantial.
2. The case officer should now weigh this less than substantial harm against the public benefits of the scheme, as set out in NPPF paragraph 134.

DISCUSSION

The Angel Inn was listed on 9th December 1955. It lies on the High Street in Debenham, within the historic core of the village, at the heart of the Debenham conservation area and within the settings of a number of other listed buildings, not least of which is the building next door, 1-3 High Street, which is an unusual and complex multi-period house incorporating some remarkable surviving medieval and Early Modern features which well justifies its listing at grade II*. The heritage issues are the effect of the proposals on the character of the Angel Inn itself and its setting, on the character and appearance of the conservation area, and on the setting and significance of all the other designated heritage assets affected.

A previous application for a similar scheme of sub-division and extension was the subject of an appeal against non-determination by the LPA in 2014/15. This appeal was dismissed in a decision by the planning inspectorate issued on 6th February 2015, and the scheme then presented was held to have had a harmful effect on the historic character and setting of the Angel Inn as a listed building. The extent to which the present scheme has

overcome, or failed to overcome, the reasons for dismissal of that appeal are also a material consideration in this case.

In commenting on the previous (2014) scheme, I identified that it was harmful to the setting of the neighbouring grade II* building, 1-3 High Street. This assessment was based on the inclusion in that scheme of a two-storey element, attached to the main two-storey rear extension to the pub by a single-storey link. The overall height and bulk of this attached two-storey element effectively dominated the outbuilding in the garden of no 3 and because of this, caused harm to the setting and significance of 1-3 High Street. The present scheme now has only the rear two-storey extension attached to the pub itself and omits the harmful element entirely. The rear extension is now of more modest proportions, its design has been revised and it does not extend any further back than the rear wing of the neighbouring property. Concerns were raised by various parties (though not by me, as I considered these properly to be a matter for consideration under party wall arrangements governed by the Party Wall Act) about the possible effect of constructing a new extension very close to it on the foundations and structure of the neighbouring property. These appear to have been addressed in the present scheme by a revised engineering approach. My conclusion is that the present scheme now offers no harm to the setting or significance of the neighbouring listed building.

In terms of the effect on the host building itself, I commented on the previous scheme that it had no effect on a number of the building's most important features. The clear evidence of a former two-storey range on the site of the proposed extension and the absence of historic fabric in the rear wall of the pub where access was to be made at the first and ground floor suggested that adding a two-storey extension here was unlikely to be harmful. In addition, removing the present rear extension, which is a single-storey flat-roofed modern range containing the pub toilets, was seen as an improvement. These positive elements also appear in the present scheme, which if anything seeks to replicate the former rear range more exactly.

In her comments on the previous scheme, the appeal inspector raised specific concerns about internal subdivision of a first-floor room by insertion of a modern partition wall to subdivide an existing window, which she considered would result in an insensitive alteration to the building. She further considered that, due to its overall scale, the development then proposed would have resulted in an unsympathetic addition to the building. In my view, these two specific issues raised by the inspector have been addressed in the present application, which includes a revised first-floor layout and a two-storey rear extension of more modest proportions than that previously proposed.

Nevertheless, there remains the principle of sub-division of the building to create a separate dwelling. In her comments, the appeal inspector held that the proposal then before her would have had a detrimental effect on the layout and plan-form of the building, including on the visual, physical and functional relationship of the first floor rear gallery with the remainder of the building. This seems to be a fundamental criticism of the concept of subdivision itself, irrespective of the details of how this is achieved. In commenting on the previous scheme I pointed out that the principle of permanent subdivision could be held in

itself to cause harm to significance, because the best situation for buildings like this was to continue in one unified ownership, allowing for coherent future management of the asset as whole. I still hold to this view, but in addition, in the light of the appeal inspector's comments, I have to take account of the harmful effect on the significance of the building arising from the act of subdivision itself. In particular, the detrimental effects on the relationship of the first-floor rear gallery with the remainder of the building is still integral to this revised scheme. This must be considered harmful to the building's significance as a designated heritage asset.

In commenting on the previous scheme, I stated that the subdivision then proposed seemed to be the least harmful way of creating a separate property, *if that was deemed absolutely necessary*. Many of the harmful elements identified in the previous scheme have been addressed in the present one, and the physical harm to the application building, and to neighbouring heritage assets, seems to be considerably less in this scheme than with the last one. Nevertheless, the fundamentally harmful concept of subdivision of the property remains at the heart of the present scheme and it is still harmful. The level of harm is assessed as less than substantial.

The case officer should now weigh this harm against the public benefits of the scheme, in particular the likelihood of its securing the pub's optimum viable use. The applicants maintain that the changes proposed are necessary to ensure the continued provision of The Angel as a community facility. Assessment of this claim, however, seems to me to involve an appraisal of the economic viability of the business in various formats, which is well beyond the scope of any heritage assessment.

Name: William Wall
Position: Enabling Officer - Heritage

From: David Harrold
Sent: 15 January 2016 15:47
To: Planning Admin
Cc: Lisa Evans
Subject: Plan Ref 4374/15/FULL The Angel, 5 High Street, Debenham

Thank you for consulting me on the above application.

I note that the proposal is for the reinstatement of part of the Angel back into a two storey residential premises.

Habitable rooms overlook the rear paved courtyard and parking area serving the Public House and this may have an adverse impact on occupiers especially during the night. Without any noise assessment it is difficult for me to advise you further and whether the noise from the pub will have a significantly adverse effect on the dwelling.

In this case, should approval be given to the development, I would recommend the following condition:

The first floor rear bedrooms (Bedroom 2 and 3) shall be constructed so as to provide sound insulation against external noise to achieve internal noise levels not exceeding 30 dB LAeq (night) and 45 dB L_Amax (measured with F time weighting) for bedrooms, with windows shut and other means of ventilation provided.

Construction of these rooms shall not commence until a scheme demonstrating the achievement of these standards has been submitted to the Local Planning Authority and approved in writing.

Reason: To avoid any significant adverse impacts from noise of people using the paved courtyard and car parking areas, especially at night time..

As an informative I would also recommend that the applicant is reminded of the requirements of Part E of the Building Regulations to achieve appropriate sound insulation between the residential and commercial premises.

David Harrold MCIEH

Senior Environmental Health Officer
Babergh and Mid Suffolk Council

01449 724718

From: Nathan Pittam
Sent: 24 December 2015 11:55
To: Planning Admin
Subject: 4374/15/FUL. EH - Land Contamination.

4374/15/FUL. EH - Land Contamination.
The Angel, 5 High Street, Debenham, STOWMARKET, Suffolk, IP14 6QL.
Partial change of use, erection of first floor extension to reinstate former 2 storey rear wing, internal alterations to public house to reinstate former separate dwelling at The Angel whilst ...

Many thanks for your request for comments in relation to the above application. I have viewed the application and can confirm that I have no objections to the proposed development.

Regards

Nathan

Nathan Pittam BSc. (Hons.) PhD
Senior Environmental Management Officer
Babergh and Mid Suffolk District Councils – Working Together
t: 01449 724715 or 01473 826637
w: www.babergh.gov.uk www.midsuffolk.gov.uk

Your Ref: MS/4374/15
 Our Ref: 570\CON\4080\15
 Date: 13/01/2016
 Highways Enquiries to: kyle.porter@suffolk.gov.uk

All planning enquiries should be sent to the Local Planning Authority.

Email: planningadmin@midsuffolk.gov.uk

The Planning Officer
 Mid Suffolk District Council
 Council Offices
 131 High Street
 Ipswich
 Suffolk
 IP6 8DL

For the Attention of: Lisa Evans

TOWN AND COUNTRY PLANNING ACT 1990 - CONSULTATION RETURN MS/4374/15

PROPOSAL: Partial change of use, erection of first floor extension to reinstate former 2 storey rear wing, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house as a community facility (Revised scheme to that submitted under ref. 2494/14 & 2475/14)

LOCATION: The Angel Inn, 5, High Street, Debenham

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

1 AL 8

Condition: Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the carriageway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

2 NOTE 02

Note 2: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council's Central Area Manager must be contacted on Telephone: 01473 341414. Further information go to: www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

Yours sincerely,

Mr Kyle Porter
Development Management Technician
 Strategic Development – Resource Management

From: Richard Hoggett
Sent: 08 February 2016 21:14
To: Planning Admin
Subject: FAO Lisa Evans - 4374/15 - The Angel Inn, Debenham - Archaeology

Dear Lisa,

Many thanks for your letter of 23rd December consulting us on the above application. Please accept my apologies for the delayed response.

We have considered the above application and are satisfied that the submitted Heritage Asset Assessment by Leigh Alston provides a sufficiently record of the building and that no further archaeological recording condition is required for this application.

Yours,

Richard

Dr Richard Hoggett MCIfA
Senior Archaeological Officer
Suffolk County Council Archaeological Service Conservation Team
Resource Management
6 The Churchyard, Shire Hall, Bury St Edmunds, Suffolk, IP33 1RX
Tel.: 01284 741226
Website: <http://www.suffolk.gov.uk/archaeology/>

Search the Suffolk HER online at <http://heritage.suffolk.gov.uk>

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Historic England

EAST OF ENGLAND OFFICE

Ms Lisa Evans
Mid Suffolk District Council
131 High Street
Needham Market
Suffolk
IP6 8DL

Direct Dial: 01223 582738

Our ref: L00492914
P00492915

12 January 2016

Dear Ms Evans

Arrangements for Handling Heritage Applications Direction 2015 & T&CP (Development Management Procedure) (England) Order 2015

**THE ANGEL INN, 5 HIGH STREET, DEBENHAM, IP14 6QL
Application No 4375/15 & 4374/15**

Thank you for your letter of 23 December 2015 notifying Historic England of the above applications.

Summary

The Angel Inn is a timber framed building which dates from the 15th century and which lies adjacent to the grade II* listed Swiss Farm Butchers. The application proposes a partial change of use and first floor extension, in addition to internal alterations to the public house. We previously advised that the proposals would not harm the grade II building or the setting of the grade II* listed Swiss Farm Butchers, however had concerns with potential impact on the structure of the grade II* listed building. The revised scheme has reduced the potential impact and we would not object, subject to clarification of details and method.

Historic England Advice

Historic England have previously commented on similar proposals. We previously advised that the proposals would not harm the grade II building or the setting of the grade II* listed Swiss Farm Butchers, however had concerns with potential impact on the structure of the grade II* listed building. We have previously highlighted the significance of the application site and the adjacent grade II* listed building within our letter of 24th August 2015 (applications 2423/15 and 2424/15, withdrawn). We shall not repeat it here, but would refer to it.

The design has been simplified and now seeks to reinstate the form of a previously removed extension. This includes a continuous ridge, removes a lantern and removes a rooflight from the south elevation. We would note that this simpler form would be more appropriate than the previous schemes and we would not make any comment on



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its design. As before, we do not wish to offer detailed comments on the subdivision of the grade II listed property, as it is not in line with our remit.

The boundary wall has been revised to be independent of the existing wall, constructed of steel to a structural engineers design. Any excavations and foundations would impact the existing wall and therefore a sensitive structural design and carefully thought-out method statement is essential to avoid impact on the fabric of the grade II* listed building. We previously recommended that the prevention of harm to the building in terms of the NPPF should be confirmed by inclusion of a Method Statement and details from a structural engineer. Whilst the proposed arrangement is improved, this is still the case and we suggest that the Council should seek this information prior to determination.

The National Planning Policy Framework states that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance (NPPF; paragraph 128). The Framework states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation (NPPF; paragraph 131). The Framework goes on to state that great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting (NPPF; paragraph 132). The Framework states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (NPPF; paragraph 132). There is therefore a requirement to rigorously test the necessity of any harmful works. Paragraph 134 of the Framework states that where a proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (NPPF; paragraph 134).

We have considered the current proposals in light of this government policy and relevant Historic England guidance.

The proposed extensions to the Angel Inn would be appropriate in siting and scale to the grade II listed host building and surrounding grade II* listed buildings. The proposed scheme has been improved from previous designs, however its success relies on appropriate detailing and use of traditional vernacular materials, and we suggest that the Council secures this by way of condition, if minded to approve. We are concerned that the construction process could lead to damage or affect the structural stability of the grade II* listed Swiss Farm Butchers and recommend that your authority seek a structural design and Method Statement from a structural



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engineer, prior to determination to prevent harm to the listed building in terms of paragraph 132 and 134 of the National Planning Policy Framework (NPPF; paragraph 134).

Recommendation

The Angel Inn lies directly adjacent to a grade II* listed building with associated garden and ancillary buildings which reflect the status of the property. Historic England consider that the proposed two storey wing would not result in harm to the grade II listed building nor the setting of the grade II* listed Swiss Farm Butchers. However, we do have concerns regarding the potential impact that construction could have on the structure of the grade II* listed building. We would not object to the proposals subject to clarification of the boundary wall treatment. To prevent harm to the listed building in terms of paragraph 132 and 134 of the National Planning Policy Framework we recommend that your authority seeks a structural design and Method Statement be secured prior to determination, in order to satisfy paragraph 128 of the NPPF.

Yours sincerely

Matthew Kennington

Inspector of Historic Buildings and Areas

E-mail: matthew.kennington@historicEngland.org.uk



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

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Appeal Decision

Site visit made on 6 January 2015

by **Anne Napier-Derere BA(Hons) MRTPI AIEMA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 February 2015

Appeal A Ref: APP/W3520/A/14/2227486

The Angel, 5 High Street, Debenham, Stowmarket IP14 6QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr & Mrs Paine against Mid Suffolk District Council.
- The application Ref 2494/14, is dated 2 August 2014.
- The development proposed is described as 'partial change of use, re-instatement of former 2-storey rear wing and further extensions to the rear, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house in its current format as a community facility'.

Appeal B Ref: APP/W3520/E/14/2227489

The Angel, 5 High Street, Debenham, Stowmarket IP14 6QL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
- The appeal is made by Mr & Mrs Paine against Mid Suffolk District Council.
- The application Ref 2475/14 is dated 2 August 2014.
- The works proposed are described as 're-instatement of former 2-storey rear wing and further extensions to the rear to re-instate former separate dwelling adjacent to The Angel, internal alterations including re-location of toilet facilities, to retain the public house as a community facility'.

Decisions

1. Appeal A is dismissed and planning permission for the 'partial change of use, re-instatement of former 2-storey rear wing and further extensions to the rear, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house in its current format as a community facility' is refused.
2. Appeal B is dismissed and listed building consent is refused for the 're-instatement of former 2-storey rear wing and further extensions to the rear to re-instate former separate dwelling adjacent to The Angel, internal alterations including re-location of toilet facilities, to retain the public house as a community facility'.

Preliminary Matters

3. The appeals were made against the failure of the Council to give notice of its decision on the applications within the appropriate period. Subsequent to the submission of the appeal, the Council has confirmed that it would have refused

both applications, had it been in a position to do so, and has provided details of its putative reasons for refusal. These are listed below and I intend to consider the appeals on this basis.

Appeal A:

1. The proposal would lead to the diminution of an established village facility, which may prejudice its longer term future as a community and tourism asset and contributor to the rural economy. As such, it conflicts with the aims and requirements of paragraphs 17, 28, 69 and 70 of the National Planning Policy Framework, and Policies FC1 and FC1.1 of the adopted Mid Suffolk Core Strategy Focused Review (2012) and the Council's supplementary planning guidance 'Retention of Shops, Post Offices and Public Houses in Villages' (adopted February 2004), which are consistent with those aims.
2. The proposed subdivision of the applicant listed building at ground and first floor level would cause harm to its historic character and status as a building of architectural and historic interest. The harm to the designated Heritage Asset, is not regarded as substantial, however, the application as submitted fails to demonstrate that this harm is outweighed by the public benefit of securing the longer term financial viability of the public house through a reduction in its operational floorspace. The proposal would therefore conflict with the aims and requirements of paragraphs 17, 131, 132 and 134 of the National Planning Policy Framework, Policy CS5 of the adopted Mid Suffolk Core Strategy (2008), Policy FC1 of the adopted Mid Suffolk Core Strategy Focused Review (2012) and saved Policies SB2 and HB3 of the adopted Mid Suffolk Local Plan (1998), which are consistent with those aims.
3. The proposed easterly section of the two storey rear extension would, by reason of its scale and proximity to the common boundary, adversely affect the setting of the adjacent Grade 2* listed building. The harm to the designated Heritage Asset is not outweighed by public benefit. The proposal would therefore conflict with the aims and requirements of paragraphs 17, 58, 64, 131, 132 and 134 of the National Planning Policy Framework and Policies CS5 of the adopted Mid Suffolk Core Strategy and saved Policies SB2, GP1, HB1 of the Mid Suffolk Local Plan (1998), which are consistent with those aims.
4. The proposed easterly section of the two storey rear extension would, by reason of its scale and proximity to the common boundary, have an oppressive and overbearing effect, detrimental to the level of amenity enjoyed by the residential property adjacent to the north of the application site. The proposal would therefore conflict with the aims and requirements of paragraphs 17 and 58 of the National Planning Policy Framework, and Policies FC1 and FC1.1 of the adopted Mid Suffolk Core Strategy Focused Review (2012) and saved Policies SB2, GP1 and H16 of the adopted Mid Suffolk Local Plan, which are consistent with those aims.

Appeal B:

1. The proposed subdivision of the applicant listed building at ground and first floor level would cause harm to its character and status as a building of architectural and historic interest. The harm to the

designated Heritage Asset is not regarded as substantial, however the application as submitted fails to demonstrate that this harm is outweighed by the public benefit of securing the longer term financial viability of the public house through a reduction in its operational floorspace. The proposal would therefore conflict with the aims and requirements of paragraphs 17, 131, 132 and 134 of the National Planning Policy Framework, Policy CS5 of the adopted Mid Suffolk Core Strategy (2008), Policy FC1 of the adopted Mid Suffolk Core Strategy Focused Review (2012) and saved Policies SB2, HB1 and HB3 of the adopted Mid Suffolk Local Plan (1998) which are consistent with those aims.

4. Amended drawings in respect of the proposal, Ref 102A and 202A, formed part of the appeal submissions. Having regard to the nature of the proposed revisions, I am satisfied that they would not materially change the details proposed. As such, I consider that no material interests will be prejudiced by my consideration of the appeal on the basis of these amended plans.
5. A further revised drawing, Ref 306B, was also submitted, which indicated a lower height for the garden room element of the extension than originally proposed. Although I understand that this revision was sent to English Heritage by the appellants, it appears that it did not form part of the scheme as consulted on or considered by the Council. As such, whilst I have taken note of this drawing, I do not intend to consider it formally as part of these appeals. Nonetheless, had I done so, it would not have altered my decisions in respect of the proposal.

Main Issues

6. The appeal property is a grade II listed building, located within the Debenham Conservation Area and situated adjacent to a grade II* listed building, referred to as No's 1 and 3, High Street, in the listing description. These are designated heritage assets and I am mindful of my statutory duties in these respects.
7. The main issues in these appeals are the effect of the proposal on:
 - The character and appearance of the area, with particular regard to whether or not it would: preserve the listed appeal building, any features of special architectural or historic interest that it possesses, its setting, or the setting of other listed buildings nearby; and preserve or enhance the character or appearance of the Conservation Area;
 - The living conditions of neighbouring occupiers of No 3, High Street, with particular regard to outlook and privacy; and
 - The long term future of the public house.

Reasons

Character and appearance

8. The appeal building is situated within the heart of Debenham and, as one of a number of historic and prominent buildings within the Conservation Area, it makes a strong positive contribution to the streetscene. Although Debenham is largely residential in character, the Conservation Area contains a variety of commercial and retail uses. The use of the appeal building as a public house,

with living accommodation above, reflects its historic use as an inn and adds to the mixed character of this part of the Conservation Area.

9. From the evidence before me, including the listing descriptions, I consider that the significance of the appeal building and its listed neighbour largely derives from their age, use, historic fabric, form and features of special interest. These include the apotropaic symbols on the fireplace and the rare 16th century first floor rear gallery within The Angel, and the richly carved timber framing within No 1-3, High Street. In addition, the setting of these buildings, within the main street and in close proximity to other buildings, with gardens, land and, in the case of No 3, ancillary buildings, stretching back to the rear of the sites, reflects the status of these buildings and makes an important contribution to their significance.
10. Before the submission of the appeal applications, I understand that the appeal building was altered, with temporary partitions installed to the ground floor and the bar and cellar relocated, to reconfigure the public house element of the building. These alterations were in place at the time of my visit. The evidence suggests that, apart from these more recent changes, the configuration and use of the appeal building is likely to have altered over time. The submitted Heritage Asset Assessment and photographic evidence indicates that a rear projecting element and cart shed previously existed, broadly in the location of the proposed extensions, which appears to have been demolished in the 1960's. Evidence also indicates that the northern part of the building was in separate use, linked to the neighbouring shop, in the past.
11. The appeal proposal seeks to permanently subdivide the current building, in part retaining its use as a public house with living accommodation above, but also extending the building to the rear, to enable the provision of a sizeable separate dwelling. Notwithstanding the previous changes undertaken over time, the extent and scale of extensions and alterations as currently proposed would be significant. It is not disputed that the removal of part of the existing modern flat-roof extension to the rear of the building would be a benefit of the scheme. Furthermore, the layout and form of the proposed development would reflect that existing elsewhere within the local area.
12. Nonetheless, notwithstanding the previous development and on the balance of the evidence before me, I consider that extent of alterations proposed would have a detrimental effect on the current layout and plan form of the building, including on the visual, physical and functional relationship of the important first floor rear gallery with the remainder of the building. In addition, the subdivision of a room to create a further bedroom, by the insertion of a modern partition wall to subdivide an existing window, would result in an insensitive alteration to the building. Furthermore, due to its overall scale, the extent of development proposed would result in an unsympathetic addition to the appeal building. As a result, overall, I find that the proposal would have a harmful effect on the historic character and setting of the listed appeal building.
13. In addition, the garden room part of the appeal scheme would result in the development of a sizeable structure in close proximity to No 3, High Street. From within that site, this element would markedly increase the amount of built development along the shared boundary, which would significantly alter the relationship of the high status historic rear projecting wing of the adjoining grade II* listed building with the land and buildings around it. As a result, it

would reduce the visual and physical dominance of that important part of the building, which would detrimentally affect how the building would be experienced from within its own garden and in views from Water Lane. Accordingly, I consider that the scale, design and siting of the garden room element of the scheme would be harmful to the setting of the adjacent property.

14. As such, I conclude that the proposal would have an unacceptable effect on the character and appearance of the area, as it would not preserve the listed appeal building, its features of special interest, its setting or the setting of the adjacent listed building. Furthermore, the adverse effect of the proposal on these buildings would also have a harmful impact on their relationship with their wider surroundings and would diminish their contribution to the quality of the area. Accordingly, for these reasons, I also conclude that the proposal would not preserve the character or appearance of the Conservation Area. Therefore, it would result in material harm to the significance of these heritage assets. It would not accord with the *Mid Suffolk Core Strategy 2008 (CS)* Policy CS5, the *Mid Suffolk Core Strategy Focused Review 2012 (CSFR)* Policies FC1 and FC1.1, and the *Mid Suffolk Local Plan 1998 (LP)* Policies GP1, HB1, HB3, HB8 and SB2, where they seek to protect local character and appearance, including in relation to the historic environment.

Living conditions

15. Due to the overall scale of the garden room element of the proposed extension, its position adjoining the shared boundary and the respective orientation of the two properties, this aspect of the proposed extension would result in a material loss of outlook and light for the neighbouring occupiers at No 3, High Street. Given the current conditions within the garden, which has a high degree of enclosure and a relatively limited outlook, I consider that the effect of this would be unacceptably harmful. Furthermore, having regard to the ground floor windows of the rear projecting wing of No 3, I also consider it very likely that the proposal would materially reduce the light and outlook available within this part of the dwelling, which would add further weight to the harm identified.
16. Amongst a range of other windows, a first floor window is proposed in the east elevation of the main part of the proposed extension. Although it would be possible to overlook part of the neighbouring garden from this window, other windows currently exist at first floor level of No 1, adjoining the site to the north, one of which is clear glazed. Taking this into account, together with the position of the proposed window within the elevation and the distances involved, I consider that the extent of additional overlooking likely to occur from the proposed window would be relatively limited. The submitted details also confirm that it is intended that another window, which could potentially overlook a more sensitive part of the garden closer to the dwelling, would be obscure glazed. This could be secured by an appropriate condition. Accordingly, I find that the impact of these windows would not be materially harmful. Nonetheless, this does not address the other harm identified above.
17. As a result, I conclude that, although the proposal would not lead to an unacceptable loss of privacy for the neighbouring occupiers of No 3, it would have an unacceptably harmful effect on their living conditions, due to loss of outlook and light. As such, it would be contrary to LP Policies H16 and SB2, where they seek to protect the amenity of local residents.

Future of public house

18. It is not a matter of contention that The Angel has experienced numerous changes in management or ownership over recent years. Furthermore, the evidence provided by the appellants indicates that, during this time, a variety of different business models were used but that none has proved viable in the long-term. Strong local concerns have been expressed at the potential impact of the proposal on the successful operation of the public house. However, it is not disputed that the public house has been in operation, with its reconfigured layout, since April 2013. Furthermore, I am advised that the current tenant of the premises is trading successfully and there is nothing before me that would lead me to consider otherwise.
19. At the time of my visit, the bar and cellar were well stocked and the rooms of the public house available for use contained a number of tables and chairs, providing potential customers with a range of options for eating or drinking, with the kitchen apparently fully fitted to a catering standard. Whilst the cellar arrangements appear somewhat unconventional, the brewery has confirmed that they are acceptable. I recognise that my observations took place on one day and the situation may be different at other times. However, there is nothing substantive before me to indicate that this is likely to be the case.
20. As such, whilst recognising that there is strong local support for the retention of a larger licensed premises, I am not satisfied that the evidence demonstrates that the proposal would unacceptably diminish the facility or undermine its contribution to the community or the wider local economy. Moreover, having regard to the comments of the Council's Economic Development Officer, I consider that the changes proposed could potentially enhance its viability. A reduction in the operational floorspace of the public house, to reduce the overheads and outgoings of the business, could contribute to securing its long-term viability and the continued use of the building as a community facility.
21. The Council has expressed concerns that the proposal would not meet the tests within its *Supplementary Planning Guidance on the Retention of Shops, Post Offices and Public Houses in Villages 2004* (SPG). However, these tests relate primarily to proposals that seek to change the use of an entire building, rather than those that seek to retain the use, albeit in a modified form, as part of a mixed use development. As such, in this particular case, I do not regard these tests as directly relevant to the current appeal proposal.
22. Accordingly, for these reasons, I conclude that the reconfiguration of the public house as proposed would not be likely to harm its long-term viability. As such, it would accord with the aims of CSFR Policy FC1 and FC1.1 and would not conflict with the aims of the SPG, where it seeks to encourage the retention of rural services. It would also meet the aims of paragraphs 28, 69 and 70 of the National Planning Policy Framework (the Framework), to promote the retention and development of local services and community facilities and facilitate social interaction.

Overall Balance

23. For the reasons given above, I have found that the proposal would cause harm to the significance of the listed appeal building, the listed neighbouring building and the Conservation Area. I give this considerable importance and weight.

However, the proposal would not lead to the destruction of either building or loss of any particular special features that they possess and the proposal concerns one site within a much larger Conservation Area. As such, whilst material, I consider that the resulting harm would be less than substantial. Paragraph 134 of the Framework requires that, in the case of designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

24. One of the main public benefits resulting from the scheme would be the provision of an additional dwelling in a location that is within easy reach of a range of local services and facilities. This would make some contribution, albeit limited, towards the local housing stock and would be likely to result in some additional support for local services and facilities. It would also support the continued use and retention of the building, in part, as a public house and local community facility, and would therefore have local economic and social benefits in this regard. The proposal would also have some heritage benefits, from its contribution to securing the long-term use of the listed building. However, it has not been demonstrated that this would be the only way to achieve these benefits, nor that another, potentially less harmful, proposal would not be feasible. Having regard to this and the general encouragement within the Framework to such development, I give these benefits moderate weight.
25. Paragraph 132 of the Framework advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance and, as heritage assets are irreplaceable, any harm or loss should require clear or convincing justification. In addition, paragraph 131 of the Framework refers to the desirability of new development making a positive contribution to local character and distinctiveness. For the above reasons, I consider that the development would not make such a contribution and, as such, whilst the use of the site as proposed may be viable, it would not represent its optimum use. For the reasons given, I conclude that, overall, the benefits of the proposal would not be sufficient to outweigh the harm identified to the significance of the heritage assets. The harm identified to neighbouring living conditions adds further weight against the scheme.
26. Paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built and historic environment as well as in people's quality of life'. I have found that the proposal would not meet the aims of paragraph 17 of the Framework, to achieve high quality design, take account of the different roles and character of different areas, conserve heritage assets in a manner appropriate to their significance and achieve a good standard of amenity for all future and existing occupants of land and buildings. The appeal scheme would not, therefore, meet the overarching aims of the Framework to achieve sustainable development.
27. The appellants have suggested, within their appeal submissions, that the garden room element of the proposed extension could be removed from the proposal, or reduced in height. However, I am not satisfied that a limited reduction in height would be sufficient to overcome the concerns identified above. Furthermore, from the details provided and having regard to the proposed incorporation of a new boundary wall within the scheme, it is not

clear to me how this element could be easily removed from the remainder of the appeal proposal, without necessitating further changes to the scheme. As such, whilst I have taken note of these suggested possible amendments, they do not lead me to alter my findings above.

Other Matters

28. The appellants have expressed concerns regarding the content of some of the representations made on the proposal and about the Council's processing of the applications, including the nature and extent of pre-application advice received in light of concerns raised as part of the application processes, and the Council's unwillingness to accept amendments to the formal application proposals. However, whilst I recognise that the outcome of the appeal will be disappointing to the appellants, none of these matters, either individually or cumulatively, leads me to alter my findings above.
29. A completed planning obligation has been submitted, which would make provision for a financial contribution towards open space and social infrastructure, in the event that the appeal is allowed. The national Planning Practice Guidance has recently been revised in respect of such contributions. However, given my findings above, it is not necessary for me to examine this matter or the details of the obligation further.
30. A number of local concerns were raised about various other matters, including a restrictive covenant, the quality of the submitted application details, the structural effect the proposal on the boundary wall and the adjoining property, the removal of a tree, pollution, drainage, landscaping and access for emergency services. However, given my conclusions above, it is not necessary for me to consider these matters further in this case.

Conclusions

31. For the above reasons, and having regard to all other matters raised, I conclude that these appeals should be dismissed and planning permission and listed building consent refused.

Anne Napier-Derere

INSPECTOR



Appeal Decision

Hearing held on 26 February 2015

Site visit made on 26 February 2015

by **S Stevens BSc (Hons) MSc DipTP DMS MCMi MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 March 2015

Appeal Ref: APP/D3505/W/14/3001531

The White Horse Inn, The Street, Hitcham, Ipswich IP7 7NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the failure to give notice of the decision within the appropriate period on an application for permission.
- The appeal is made by Mr and Mrs R Lewis against Babergh District Council.
- The application Ref B/14/01086/FUL, dated 22 August 2014.
- The development proposed is a change of use of premises from public house to dwelling.

Decision <https://acp.planningportal.gov.uk/ViewDocument.aspx?fileid=2615105>

1. The appeal is allowed and planning permission is granted for a change of use of premises from public house to dwelling at The White Horse Inn, The Street, Hitcham, Ipswich IP7 7NQ in accordance with the terms of the application, Ref B/14/01086/FUL, dated 22 August 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan and 1:500 block plan.
 - 3) The building currently used for the provision of bed and breakfast accommodation shall be retained as an residential annexe ancillary to the main property and shall not be occupied as a separate residential unit.

Main Issues

2. The main issue are:
 - the effect of the proposal on the provision of local services and facilities;
 - whether reasonable efforts have, or have not been made to retain the premises as an employment generating use; and
 - whether the public house business is financially viable.

Reasons

Background

3. The public house is located at the edge of Hitcham at the junction of the B1115 and Balls Hill. It is a two storey building which is attached to a residential property, the Old Forge Cottage which is in separate ownership. The appeal site

includes the rear garden which contains a number of outbuildings and a converted stable block that houses 3 bed and breakfast units. To the rear of the site abutting the eastern boundary is a residential property, Bridge Cottage.

4. Prior to the submission of the appeal the Council received a nomination for the public house to be listed as an Asset of Community Value (ACV) under Part 5 Chapter 3 of the Localism Act 2011. Before the Hearing the Council confirmed the premises had been included on the list. However, the appellants have confirmed that they will request a review of that decision to list the property as an ACV and if necessary they will appeal to an independent Tribunal. Therefore at the time of determining the appeal the inclusion of the public house as an ACV has not been confirmed. Nevertheless, I regard the request for listing as an ACV a material consideration that I have taken into account in determining this appeal.

Reasons

5. The village of Hitcham is spread over a considerable distance along the road and it does not appear to have a distinctive centre. It has a village shop/post office and village hall which are located about half a mile from the public house.
6. I am mindful that the listing of a building as an ACV can be an indication of the value that the local community place on a property to further the social wellbeing or social interests of the local community and the Council's development plan includes policies that seek to retain, protect or enhance local services in rural areas. The National Planning Policy Framework (the Framework) also requires planning policies and decisions to plan positively for the provision and use of shared space and community facilities, such as public houses to enhance the sustainability of communities and residential environments 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.
7. During the consideration of the planning application a survey of local residents was undertaken by the Parish Council which indicated that a significant number of those responding wished to see the public house retained. A number of persons also wrote to the Council objecting to the proposed change of use.
8. However, the appeal submissions and the evidence given at the Hearing indicate the public house has played a very limited part in the local community for some time. A record kept by the appellants over the last year showed only 27 villagers had used the public house with any level of frequency. A resident who had lived in the area for 15 years and who had seen the public house run by three previous landlords said most of the customers came from out of the area.
9. I understand the wish of residents to see the village pub retained but the evidence before me and that given during the Hearing indicates very few local persons have actually used the public house and that it has provided a very limited services or facilities to the local community. Little, if any specific evidence has been submitted or presented at the Hearing detailing the contribution the public house has made to the locality or the effect its loss would have on the community's ability to meet its every day needs. Submissions at the Hearing also indicated the village hall was licensed and well used for social, leisure and community events. This would suggest that the village does have another local facility that provides for some of the needs of the community.

10. Details were submitted with the application regarding the actions taken by the appellants to retain the premises as a public house or in some other employment generating use. Saved Policy EM24 of the Babergh Local Plan (Alterations No. 2) (LP) permits a change of use of employment generating premises only where it can be demonstrated that the retention for an employment use has been fully explored. The Council has also referred to the Safeguarding Employment Land Supplementary Planning Document (SPD) which provides guidance to applicants. This sets out two ways to demonstrate that the retention of an employment use has been fully explored by: undertaking an agreed marketing campaign at a realistic price; and that the premises are not viable for all forms of employment related uses.
11. The public house has been marketed over the last three years using a commercial property consultant who specialises in the licensed property sector. The property has been advertised in a variety of media and in specialist licensed trade publications since 2012 and during this period the asking price was reduced. During this time the Council sought further information from the appellant regarding the marketing undertaken, the price being asked for and other business and financial information. Although the marketing failed to attract interest to continue the licensed use the Council have however, confirmed that the appellants have carried out an appropriate marketing exercise in order to try and keep the premises as a public house or some other employment use.
12. From the submissions it is clear the appellants have tried over a significant period of time to sell the public house as a licensed premises. They have sought expert advice from a specialist property consultant and the premises have been widely advertised. Nevertheless this was not successful and it was acknowledged by both the appellant and Council that the specific characteristics of the premises would limit its appeal to prospective purchasers.
13. The submissions and from my observations during my visit show the open area to the front of the public house is within the ownership of the highway authority and which limits the use of this area for outside seating which may often attract passing custom. The premises are also attached to an adjacent residential property and there is only a single skin brick wall between a bar area and the adjacent house. The Council has already advised the appellants that any music events would be likely to cause a statutory noise nuisance and as the public house is a listed building the installation of sound proofing would be likely to harm the character and appearance of the building. In addition there is another dwelling that abuts the garden area to the rear. Consequently, these factors restrict the variety of events that can be provided and limits the appellants' ability to diversify and attract new customers and make the premises a more attractive business proposition.
14. The Council has also confirmed, based on the submissions made to it that the public house is not viable. The business accounts have not been provided as evidence for the appeal but a letter from the appellant's accountant confirms that for the last three years the business is unviable. Evidence given at the Hearing also confirmed that the appellants have been working in the public house without taking a wage and that one of the appellants had also taken another job to provide income. It was also said that there were days when they had only two or less customers all day. The B&B units had a 30 per cent occupancy rate and the income from this part of the business was being used to cross subsidize the

public house. However, even taking this into account the public house was still making a loss.

15. A number of interested parties have indicated their wish for the public house to remain and some have made comments relating to the marketing and viability of the business. They also point out that there is no reason why the public house could not be successful in the future; that it is located in a good position to attract passing trade; that it is of historical value and once permission is given for a residential use the public house will be permanently lost.
16. I have taken account of these points but I have also given weight to the expert advice given to the appellant and Council in respect of these matters. Whilst I am sympathetic to these points and I understand the wishes of the community to retain the village public house as a local community facility the submissions before me lead me to conclude the public house has not provided such a facility for a considerable period of time. The evidence indicates that it has not been supported by local residents, it has not been viable business for some time and that the appellants have made every effort to retain the premises in employment use.
17. I do not consider it is reasonable to expect the appellants' to continue to operate a business that is unviable especially when they have satisfied the Council that they have made every reasonable effort to do so. In the circumstances I conclude the proposal would comply with Policies CS1, CS11 CS15 of the Babergh Local Plan 2011-2031: Core Strategy & Policies adopted February 2014 and LP Policies EM24, CN06 and TP15.

Other matters

18. The public house is a Grade II Listed Building and S66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As the proposal is for a change of use and no alterations to the building are proposed I am satisfied the proposal would preserve the building, its setting and any features of special architectural or historic interest which it possesses.
19. The appellant has raised concerns over the way the planning application was dealt with and comments made regarding the conduct of a Planning Committee. These are not matters for this appeal and they have no bearing on my decision. The Parish Council also state that it is concerned over the lack of time it was given to respond to the proposal. From the documents submitted with the appeal I am satisfied interested parties were notified in accordance with the requirements of the planning legislation. Furthermore, I also have a copy of a letter dated 2 February 2013 that was sent by the appellant to the Parish Council advising it that they were discussing the future of the public house with the Council and if a buyer could not be found then they would explore a change of use to residential.

Conditions

20. I have considered the conditions suggested by the Council and, where appropriate, amended them to ensure they comply with the advice in in the

Planning Practice Guidance. In addition to the standard time limit conditions requiring the development to be carried out in accordance with the approved plans and the bed and breakfast annexe building to be retained as an ancillary annexe are necessary in the interests of proper planning and to ensure satisfactory living conditions for the occupants of the residential accommodation.

Conclusion

21. For the reasons given above I conclude that the appeal should be allowed.

Sarah Stevens

INSPECTOR

APPEARANCES

For the appellant:

Mr Richard Lewis	Appellant
Mrs Ann Lewis	Appellant
Mr Brian Morron	Gotelee Solicitors, Agent
Ms Stephanie Lewis	Appellants' family

For the Local Planning Authority:

Mr Shaun Wells BA (Hons) DipTP MRTPI	Planning Officer, Babergh District Council
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Interested persons:

Mr Colin Widdup
Mr Simon King

DOCUMENTS SUBMITTED AT THE HEARING

None