

Committee Report

Item No: 7A

Reference: DC/21/06315

Case Officer: Daniel Cameron

Ward: Gislingham.

Ward Member/s: Cllr Rowland Warboys.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Full Planning Application - Change of use of the Six Bells Inn Public House to Veterinary Practice and pet supplies (sui generis). Business proposed to exist on the ground floor level whilst retaining the existing first floor ancillary residential accommodation.

Location

The Six Bells Inn, High Street, Gislingham, Suffolk IP23 8JD

Expiry Date: 18/01/2022

Application Type: FUL - Full Planning Application

Development Type: Change of Use

Applicant: Mr A Whatling

Parish: Gislingham

Site Area: 0.14 hectares

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reasons:

The Head of Economy considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and the extent and planning substance of comments received from third parties.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

CLASSIFICATION: Official

NPPF - National Planning Policy Framework
NPPG-National Planning Policy Guidance

Core Strategy

CS01 - Settlement Hierarchy

CS05 - Mid Suffolk's Environment

Saved Local Plan

HB01 - Protection of historic buildings

H16 - Protecting existing residential amenity

H17 - Keeping residential development away from pollution

T09 - Parking Standards

T10 - Highway Considerations in Development

E06 - Retention of use within existing industrial/commercial areas

E09 - Location of new businesses

RT02 - Loss of existing sports and recreation facilities

Attention is also drawn to the follow supplementary planning guidance on Retention of Shops, Post Offices and Public Houses in Villages (Adopted February 2004).

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Parish Council (Appendix 3)

Gislingham Parish Council

The Parish Council considered and debated the Planning Application (DC/21/06315) for change of use of the Six Bells Inn Public House at a meeting last night with residents in attendance who have themselves previously made comments on the MSDC Planning Portal.

The Parish Council wish to object to the change of use from a Public House to a Veterinary Practice and pet supplies (sui generis) use.

Councillors trust the Planning Department will address The Supplementary Guidance (SPG) on the Retention of Shops, Post Offices and Public Houses adopted by MSDC in 2004 containing the following policy statement:

"The change of use of a village Public House (PH) to an alternative use will not be permitted unless at least one other PH exists within the settlement boundary or within easy walking distance to it (defined as 200-300m from the boundary)."

This is clearly not the case in Gislingham.

A Six Bells Steering Group was formed when the previous owners first put the Public House on the market and were very keen to seek funding to purchase the Pub but as noted on the MSDC Portal (by the Chair, Mr Saunders) the owners were not prepared to supply accounts for the current business, did not allow any photographs to be taken, refused to cooperate with an attempt to have a professional commercial valuation of the business undertaken and stated they would strongly object to an ACV. The Parish Council did apply for an ACV but this was subsequently refused.

The number of comments already made by residents objecting to the application demonstrates overwhelming support for the retention of the pub. At the Parish Council meeting last night residents made the valid point that the previous owners did not cater to the needs of the local community, which is increasingly expanding, but that they would willingly support owners who did.

At the meeting residents expressed their views regarding the previous unsuccessful purchasing of the Six Bells PH as they believe that, contrary to previous claims, the Pub could be a thriving business.

Our District Councillor Rowland Warboys was also in attendance at the meeting last night and advised that he had “called this Planning Application in” and it would now be discussed at a future Development Meeting.

The Parish Council would very much appreciate being advised of the date this application will be considered so that Councillors and residents can attend and speak about the reasons for their objections to the change of use.

Please note our Parish Clerk is in the process of applying for an ACV for the Six Bells Inn Public House.

Cllr Rowland Warboys - Gislingham

No response.

National Consultee (Appendix 4)

CAMRA (Assets of Community Value - Pubs)

No response.

Campaign for Pubs

The Campaign for Pubs objects to this planning application.

As highlighted by many local residents, the Six Bells Inn is a long-standing village pub and was a thriving business for many years. Gislingham is a village with population of over 1,000; the pub has catered for the local community's needs in different ways with a population sufficient to support it. Evidence has been supplied that the previous owners restricted the business to ensure it was unviable as a business. Restricted hours, restricted admittance, restricted service and unwelcoming are comments that have been made.

We note that there is clear support for the pub from the local population evidenced by the 80 objections to change of use with no public commentators supporting.

Our Objection

On behalf of many millions of pub users throughout England, our trust is that Mid-Suffolk District Council also recognises the importance of pubs and that a community needs a beating heart and that part of that heart is a good, wholesome, happy public house. This is reflected in the National Planning Policy Framework (NPPF).

Policies 83 and 92 of NPPF says that councils should seek to plan positively for the provision of pubs and to resist their loss:

Section 83 d) states “the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship”,

Section 92 states “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.

On this basis alone, the Council should reject the planning application as it goes against 'planning positively for the provision of community facilities, including public houses.'

In addition, we would expect the Council to respect guidance from the Mid-Suffolk Local Plan (1998), in particular, Policy RT2:

“Where existing sports and recreation facilities are to be redeveloped or a change of use is proposed, the district planning authority will seek to ensure, usually through a planning obligation under section 106 of the town and country planning act 1990 (as amended), that suitably located replacement facilities are provided, unless the applicant can demonstrate that a shortfall in provision is not created, the contribution that a facility makes to the character of an area by virtue of its appearance or its value for local informal recreation will be material considerations in determining any redevelopment proposal.”

As an established recreational facility in Gislingham, and the only facility of its kind (public house) within 2km, the Six Bells provides a unique facility for informal recreation in the village. The proposed change of use to a veterinary surgery is not proposing to provide suitable replacement facilities and as such is in contravention of this policy.

Pubs play a vital role in small communities. They help establish a community spirit and a source of information and assistance for residents, while also helping to reduce mental health issues related to loneliness and isolation. They provide employment in the community and are often a source of other related activities such as sports clubs which improve the general health and wellbeing of the community. They're also, when run well by a committed and enthusiastic landlord, a lot of fun.

Other pubs in similar situations have proved able to thrive as living proof that a village needs its pub which performs a vital function as a social hub and unique resource.

Conversely, it would be a disaster for the local community if the Six Bells Inn were allowed to go the same way as so many other pubs and rob the local population of its community hub.

Once it is gone, it is gone - and will never return!

County Council Responses (Appendix 5)

SCC - Highways

The proposal is unlikely to have any impact on the highways network in terms of vehicle volumes or highways safety. Therefore, the Highway Authority does not wish to restrict the grant of planning permission.

Internal Consultee Responses (Appendix 6)

Economic Development & Tourism

Colleagues in Economic Development do not object to the principal of development as the building would continue in a commercial use that provides a local service and employment and training opportunities. The importance of the public house as a community amenity is recognised as well as its contribution to the visitor economy and as a provider of flexible employment. Little detail is provided regarding the viability of the use of the building as a public house.

Environmental Health - Noise/Odour/Light/Smoke

No objection is noted, however, Environmental Health colleagues request that planning conditions be applied to any planning permission that may be granted to control noise insulation relating to the proposed kennels and should relate to both mitigation measures and management of the kennels, additionally no detail is provided regarding whether external machinery or plant is required. Again, mitigation and management of external plant or machinery would be required. Any noise assessment would be required to be conducted by a suitably qualified individual and detail would be agreed prior to the first use of the proposed veterinary practice.

Heritage Team

No comments to be provided by the Heritage Team.

N.B The application building is not listed and does not fall within a conservation area. A number of Grade II listed buildings are noted within the vicinity of the application site, impacts on the setting of these buildings are assessed within the report below at Section 7.

B: Representations

At the time of writing this report over 100 letters/emails/online comments have been received. It is the officer opinion that this overwhelmingly represents objections, with no general comments of comments of support noted. A verbal update shall be provided as necessary.

Views are summarised below:

- No requirement for a veterinary practice in the village. A number of alternative practices are noted within a 5-to-10-mile radius of the village.
- Preference to see the building retained in use as a public house. Would be an important social asset within the village.
- The Six Bells is the only public house within the village and could be a valuable community asset.
- Previous owners did not run the business in a competitive manner, a more engaged owner could create a commercially viable business with the site. Previous Landlords did not allow children or dogs within the premises and opening hours were not regular.
- Change of use does not comply with adopted supplementary planning guidance.
- Change of use would conflict with emergent policies within the Joint Local Plan.
- Change of use would conflict with the adopted Development Plan.
- No evidence has been submitted to show that the pub is not commercially viable as a business.
- A public house has been on the current site since 1844.

- While a number of other pubs are noted within a two-to-three-mile radius of the site, these would need to be accessed via private vehicle as routes are along country lanes with no made footpaths or lighting.
- There is a reasonable expectation that the public house use may be resurrected on site. An ACV application is being made and investigation into the purchase of the property as a community pub was previously undertaken. The premises were considered to be in good condition and had sufficient facilities to create a food offer within it. The previous owners of the pub decided not to continue the process.
- Loss of a flexible employment opportunity within the village.
- Villages with smaller populations support public houses (Finningham – pop. 480, Yaxley – pop. 588, Cotton – pop. 510, Thornham Magna – pop. 210, Stoke Ash – pop. 314).
- Potential noise pollution from proposed kennels.
- Existing traffic issues on Broadfield Road during school terms which may be exacerbated by additional traffic and potential on-street parking.
- Lack of parking within the site itself.
- No village or Parish Council support for the change of use.
- Public House only ceased trading at point of sale (required Covid 19 closures aside).
- Case of the Cherry Tree Public House in Debenham is not directly applicable to this application. Circumstances of the application are different.
- Creation of potentially hazardous waste from the veterinary practice and storage of potentially hazardous substances on the premises.
- Existing financial information provided from Savills is scant in detail and records that another bid on the property to run it as public house was received.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: DC/21/06315	Full Planning Application - Change of use of the Six Bells Inn Public House to Veterinary Practice and pet supplies (sui generis). Business proposed to exist on the ground floor level whilst retaining the existing first floor ancillary residential accommodation.	DECISION: PCO
REF: 3651/09	Erection of fence and gates to front boundary	DECISION: GTD 18.01.2010
REF: 2513/08	Erection of extension to existing single storey flat roof side extension to form enlarged toilets and WC accommodation.	DECISION: GTD 20.08.2008
REF: 0095/91/	EXTENSION TO EXISTING LOUNGE BAR.	DECISION: GTD 13.03.1991
REF: 0389/99/	CONVERSION OF EXISTING ROOF SPACE TO FORM 3 NO. ROOMS (WITH ENSUITE FACILITIES) FOR BED AND BREAKFAST ACCOMMODATION	DECISION: GTD 14.07.1999

REF: 0207/06

Siting of recycling bank facilities.

DECISION: GTD
12.04.2006

REF: 0731/04/

BARN CONVERSION TO HOLIDAY LET,
SHARING THE EXISTING ACCESS WITH
THE PUBLIC HOUSE.

DECISION: GTD
28.02.2005

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 The application site is the Six Bells Public House located in the village of Gislingham. It is centrally located within the village on the western side of High Street although given the run of High Street around the property at points is to the south of it.
- 1.2 The building is not listed and does not fall within a conservation area. The site is not part of any landscape designation and not Tree Preservation Orders affect the site. A public right of way connecting High Street to Coldham Lane and part of the wider public right of way network is noted in the adjoining site. It runs diagonally away from the building and then turns west. The route does not run through the application site and would not be affected by the proposed development. The site is located within flood zone 1.
- 1.3 Access to the site is taken from High Street and opens into a surfaced car park with sufficient parking for 12 vehicles. A number of community recycling bins are also located within the car park which are noted to remain should planning permission be granted.
- 1.4 At present, the building dates from the Victorian era and is a pleasant, detached property. Extensions are noted to the east and west of the building. One is a traditionally roofed single storey side extension, while the other, on the other side of the building, is a flat roofed structure. A small, grassed area is noted within the curtilage of the building and operates as a small pub garden.
- 1.5 The building is finished in red brick with the exterior of the original building painted red and slate to the roof with the exception of the flat roofed extension. Existing signage is noted to the building's façade and a traditional pub sign is located within the car park.
- 1.6 The surrounding area is predominantly residential in character. A mix of dwelling types, configurations and facing and roofing materials are evidenced along High Street. A number of Grade II listed buildings are apparent within the surrounding area. Further aerial photographs show the rural character of the surrounding area with field patterns apparent.

2. The Proposal

- 2.1 This application proposes the change of use of the building from a public house with residential accommodation above (sui generis use) to a combination veterinary practice and pet supplies vendor with residential accommodation above (sui generis use). No changes to the external appearance of the building are proposed within this application and any changes to the signage would require a further application for advert consent to be submitted to and approved by the Local Planning Authority.

- 2.2 A sui generis use refers to a use class which does not fall into one of the defined classes set out by the Use Class Order 1987 (as amended) and is regarded as a unique use of its own kind. As such planning permission is required to facilitate the change. The change would only be lawful at the point at which planning permission were granted and the approved use operated from the site. At present the site remains in its sui generis public house and residential accommodation use.
- 2.3 Internally the layout of the building would be altered. This does not require planning permission in and of itself although attention is drawn to the inclusion of a kennel, cattery and surgical theatre within the submitted ground floor layout of the building. These individual aspects of the application will be noted further within the body of this report at Section 9. Some reorganisation is also noted at first floor level, which again, does not require planning permission.
- 2.4 The Planning Statement submitted with the application notes the following:
- Creation of six jobs initially with potential expansion after the first year of operation. Building would remain in a commercial use.
 - Scope of the practice would be limited to small animals only; no farm animals or horses would be treated.
 - Waste storage and collection would be carried out within the site.
 - The first floor would be utilised as manager accommodation retaining an on-site presence.
 - Parking would remain on the site as it is currently provided, no alteration to the existing access is proposed.
- 2.5 Comment is also raised with regards to a similar application in Debenham which saw The Cherry Tree Public House converted for use as a veterinary practice. Further detail on this application is given below at Section 4. Copies of the decision notice and Inspectorate report are provided within supporting material.

3. The Principle of Development

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*
- 3.2 Policy CS1 of the Core Strategy identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages. Gislingham is identified within said policy as a Primary Village capable of limited growth where local need is established. The policy goes on to state that other local needs may include employment, amenity and community facilities. Of further note is Strategy Objective SO5 which seeks to reinforce the vitality and viability of local shops, schools, services, recreation and community facilities in Towns, Key Service Centres and Primary Villages.
- 3.3 The NPPF seeks to support a prosperous local economy. Paragraph 84 states that: *Planning policies and decisions should enable:*
- a) *The sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings...*
 - d) *The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

- 3.4 Further in seeking to promote healthy and safe communities, paragraph 93 of the NPPF states: *To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*
- a) *Plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments...*
 - c) *Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.*
- 3.5 Comment made in response to this application note conflicts with Saved Local Plan policies RT02 as well as E06 and E09.
- 3.6 With regards to RT02 this relates to the loss of existing sports and recreational facilities within the district and requires that any loss of such facilities be compensated through the delivery of replacement facilities. This policy relates to open space and playing fields and does not necessarily extend the same protection to businesses, even when those businesses offer a valued community facility such as a public house.
- 3.7 Where reference is made to policies E06 and E09, these relate to the retention of existing industrial and commercial sites and location of new industrial and commercial premises within the district respectively. These policies generally apply to large scale industrial developments. With regards to E06 it states that employment generating industrial and commercial sites will be protected from falling into non-employment generating uses. This policy is not considered to be relevant to this application as both the existing use and the proposed use of the building would be employment generating as confirmed within the consultation response from Economic Development. E09 deals with proposals for new B1 (office) development. Recently the Use Class Order 1987 (as amended) has removed reference to B1 (office) uses subsuming it into a new class (Class E) of uses appropriate within town centres. As such it is not considered to apply to this application.
- 3.8 The noted Retention of Shops, Post Offices and Public Houses in Villages SPG provides the following policy statement with regards to change of use applications affecting village public houses:
- 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.*
- 3.9 With regards to the principle of development, the NPPF would offer support to both granting or refusing the application for change of use. Utilising the site as a veterinary practice would support a new business and be in accordance with paragraph 84a) of the NPPF, however, it would run contrary to the aims of paragraphs 84d) as well as 93a) and 93c), especially considering the strength of third-party representations received in opposition to the loss of the public house.

- 3.10 Further, attention is drawn to the provisions of the SPG. No other public house exists within Gislingham. The closest public houses are to the application site are:
- The White Horse at Finningham – 1.8 miles away.
 - The Four Horseshoes Inn at Thornham – 2.4 miles away.
 - The White Horse Inn adj. A140 – 3 miles away.

Walking connections each public house would be made along rural roads often without made footpaths or verges and without streetlighting such that making such a journey on foot is unlikely to be reasonably undertaken by most potential customers. It is more likely that such a journey would be undertaken using private motor vehicles. Public transport is unlikely to provide a connection to the surrounding public houses as it would be unlikely to operate during evening hours.

- 3.11 Evidence submitted by the applicants with regards to the economic viability of the public house is limited. Sales information provided by Savills notes that between 14th July 2020 and 8th July 2021 when sale of the building took place to the current owners, 33 enquiries were received with a view to purchase the public house and three viewings were undertaken. Of these, only two offers were received. One by the current applicants and the other at below asking price but which would have continued the use of the building as a public house. That suggests that the asking price for the building may not have been reflective of the market price for the building at the time. No evidence has been prepared to show that the public house would otherwise be unviable. While a public house that relies solely on wet sales (sale of drinks) to justify its income is likely to struggle in the current economic climate, public houses with a food offer are considered to be more secure. Third-party representation given by those involved in the action to bring forward a community pub on the site note kitchens within the building which would allow a stronger business case to be built for the continued operation of the building as a public house.
- 3.12 There is significant support for the continued operation of a public house from the site. Over 100 objections were received in response to the application noting a clear preference for the continued use of the building as a public house. Objections are also noted from Jo Churchill MP as well as the Parish Council who raise similar points with regards the SPG to those outlined within this report. Additionally, a new application to have the Six Bells declared an asset of community value such that it could be bought to operate as a community pub is currently underway.
- 3.13 Based on the above, it is not considered that the change of use of the Six Bells Public House can be supported in principle. It would run contrary to the policy statement set out within the SPG and also to aspects of the NPPF. Paragraph 11 of the NPPF is of use here which requires at section d) that the application of policies within the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

4. Nearby Services

- 4.1 As noted in Section 3.10 of this report a number of public houses are located within a three-mile radius of the application site. A number of veterinary practices are noted within the district and within the neighbouring district to the north, however, travel distances are increased over that for nearby public houses. Within the district veterinary practices can be found at:
- Oakwood Veterinary Surgery, Eye – 5.5 miles away.
 - Debenham Veterinary Practice, Debenham – 10.5 miles away.
 - Cedarwood Veterinary Practice, Stowmarket – 10.7 miles away.

While those located within the neighbouring district to the north can be found at:

- Uplands Way Veterinary Clinic, Bressingham – 7.8 miles away.
- Linden House Veterinary Centre, Diss – 8.2 miles away.

4.2 Within the supporting planning statement reference is made to planning application DC/17/05703 for the change of use of The Cherry Tree Public House in Debenham to a veterinary practice along with creation of two new dwellings. This application was refused by Development Control Committee by notice issued the 26th April 2018. Development was granted on appeal reference APP/W3520/W/18/3206315 on 18th December 2018. With regards to that application, the details differ from that being considered here. Additional public houses were present within Debenham, an extensive marketing exercise had been undertaken with a view to selling the building as a public house and there was a lack of public support for the continued use of the building as a public house. Further, The Cherry Tree itself had been closed for a number of years prior the application for its change of use coming forward.

5. Site Access, Parking and Highway Safety Considerations

- 5.1 The access to the site is to remain unchanged as a result of the change of use and the level of parking onsite would be unaffected. Representations received on the application note existing highways pressure during school term time and concern is raised that the change of use proposed here would exacerbate matters. Additionally, comment is made regarding whether the amount of parking provided on site is sufficient or whether it would lead to demand for on-street parking.
- 5.2 Paragraph 111 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.3 Consultation with the Highway Authority shows no objection to the proposed change of use. The access is already considered to be sufficient for use by a business and adopted parking standards do not give regard to veterinary practices. That being said, comment within the submitted Planning Statement that appointments would be managed by business is noted and considered to be reasonable. Concerns raised regarding additional traffic at school drop off and pick up times are likely to be small and would not increase traffic to such a degree that the Highway Authority consider it to be worth commenting on.

6. Design and Layout

- 6.1 As noted earlier within this report, no external alteration of the property is sought under this application. Any external alteration which requires planning permission would need to be separately submitted and change to the signage of the building would require advert consent to be granted.
- 6.2 Visually there would be no alteration to the building or streetscene as a result of this application.

7. Heritage Issues

- 7.1 Policy HB1 of the Local Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving a listed building, its setting or other architectural or historic features from which it draws significance. In practice, a finding of harm to the historic

fabric of a listed building, its setting or any special features it possesses gives rise to a presumption against the granting of planning permission.

- 7.2 The Council's Heritage Team were consulted on the application and do not consider it necessary to provide comment in this instance. This application would not create any impacts which would alter the setting of any of the Grade II listed buildings present within the vicinity of the application site.

8. Impact on Residential Amenity

- 8.1 Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. Paragraph 130 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 8.2 Comments provided by the Council's Environmental Health Team note concern regarding noise arising from the keeping of dogs in kennels within the site as well as with any external plant that might be utilised at the property to support its use as a veterinary practice. It is considered that noise assessment on both issues, to be completed by a suitably qualified person and to include both mitigation and management information on the control of noise from the building could be secured by planning condition. It is considered that reports would need to be completed prior to the commencement works and mitigation and management processes installed and implemented prior to first use of the building as a veterinary practice.
- 8.3 Comment from a third-party was raised in regards to the storage of hazardous materials on site as well as the need to dispose of waste from the site which would accumulate from the use of the building as a veterinary practice. Control and disposal of hazardous substances from the site is strictly controlled and would be required to be adhered to at all times. This would be undertaken via a separate regime of control to planning and therefore, it is assumed that these regimes will operate correctly and effectively. Paragraph 188 of the NPPF is clear in this respect and requires planning decisions to not duplicate the provisions of those regimes.

PART FOUR – CONCLUSION

9. Planning Balance and Conclusion

- 9.1 The main issue to consider is the proposed change of use of the building from a public house to a veterinary practice. Both the Parish Council and significant levels of third-party representations have been received in opposition to the application. Noise impacts and waste concerns are noted but are considered to be secondary issues which hinge on whether the principle of development can be supported.
- 9.2 Conflict is noted between the application and the provisions of the NPPF, particularly those stated as paragraphs 84d) and 93a) and c). Approval of the application would lead to the loss of the public house, although the building would continue in an employment generating use in accordance with Saved Local Plan policy E06 and paragraph 84a) of the NPPF.
- 9.3 An application in Debenham for a similar development is put forward as an example of a previous planning decision which supported the change of use proposed. However, it is not considered that the facts of this case directly apply to this one. In this instance the public house ceased trading following completion of the sale to the current applicants, further, the application runs

contrary to the provisions put forward in the Retention of Shops, Post Offices and Public Houses in Villages SPG.

- 9.4 No alternative public house is present within the village of Gislingham and the nearest alternative is located 1.8 miles away. While there may be gap in market for a veterinary practice within Gislingham given the distance to any neighbouring practice. This could be provided within the vicinity without necessarily resulting in the loss of the public house.
- 9.5 The marketing of the site did generate interest in the running of the site a public house, however, was under the asking price for the property at the time which potentially indicates that the property was overpriced within the market. Evidence supplied from third parties note the site offers a kitchen such that it could also support a food offer potentially supporting a more viable business model for the site.

RECOMMENDATION

That the application is REFUSED planning permission for the following reason:

Notwithstanding the evidence submitted with the application it is considered that the use of the building as public house would provide a valued local facility which would support the needs of the residents and future residents of the village of Gislingham. It is not considered that the development would meet with policy statement 5.4 set out in the Retention of Shops, Post Offices and Public Houses in Villages SPG. No other public house is located within the village of Gislingham for alternative use by its residents, insufficient marketing has taken place to demonstrate that there is not an opportunity through selling the property to continue its use as a public house and no economic evidence has been submitted to show that the business could not viably operate from the site. Further, there is significant public interest in retaining a public house within the village of Gislingham.

On the basis of the above, it is considered that the proposed change of use would run contrary to the principles of paragraphs 84d) and 93a) and c) of the National Planning Policy Framework and contrary to the provisions of policy statement 5.4 set out in the Retention of Shops, Post Offices and Public Houses in Villages SPG.