

## GISLINGHAM PARISH COUNCIL RESPONSE DC/21/06315

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**

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.**



# Campaign for Pubs

Promote, Support and Protect Pubs

Mid-Suffolk District Council  
Endeavour House,  
8 Russell Road,  
Ipswich  
IP1 2BX

16 December 2021

Sent to [planning@baberghmidsuffolk.gov.uk](mailto:planning@baberghmidsuffolk.gov.uk) (Daniel Cameron - Case Officer)

## **Mid-Suffolk District Council - Planning Application DC/21/06315**

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.

### The Campaign for Pubs

The Campaign for Pubs exists to provide a real voice for pubs, bringing together publicans, customers and brewers and all who value our pub culture. The Campaign for Pubs has been formed precisely due to the lack of a real voice for pubs and publicans and to campaign for the needs of pubs and publicans, not the large property companies, big brewers and pub chains. The Campaign for Pubs campaigns for a better, freer and fairer, more sustainable pub sector. The Campaign for Pubs is a member organisation of the British Pub Confederation (the Confederation of independent organisations representing pubs and pub campaigners) and the Campaign for Pubs will administer and support the ongoing work of the Confederation to further strengthen representation for pubs and publicans.

Martin Bate is the Regional representative for east Anglia, which includes Gislingham.

### Our objection

On behalf of many millions of pub users throughout England, our trust is that Mid-Suffolk District Council also recognises in 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

**Campaign for Pubs**, The Volunteer Arms, 5 Watson Street, Holgate, York YO24 4BH

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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!

As with many other attempts to change the use of a valued public house, much is made of the pub being unviable. There are numerous examples around the country of pubs which can thrive with effective business planning and management. There is no reason why this may not also be the case for the Six Bells.

The loss of a vital community facility which could, with the right intervention, become a thriving and important public resource is surely against the principles of any Council.

We are trusting that common sense will prevail and, in making a decision, the Council will see that the case has simply not been made that planning permission should be granted to destroy this historic pub and furthermore that Gislingham needs this public house.

Yours sincerely,



Martin Bate  
Regional Representative for East Anglia  
Campaign for Pubs  
[martin.bate@campaignforpubs.org.uk](mailto:martin.bate@campaignforpubs.org.uk)



Greg Mulholland  
Campaign Director  
Campaign for Pubs  
[campaign@campaignforpubs.org.uk](mailto:campaign@campaignforpubs.org.uk)

Your Ref: DC/21/06315  
Our Ref: SCC/CON/5334/21  
Date: 13 December 2021  
Highways Enquiries to: Highways.DevelopmentControl@suffolk.gov.uk



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

Email: [planning@babberghmidsuffolk.gov.uk](mailto:planning@babberghmidsuffolk.gov.uk)

The Planning Department  
MidSuffolk District Council  
Planning Section  
1st Floor, Endeavour House  
8 Russell Road  
Ipswich  
Suffolk  
IP1 2BX

For the attention of: Daniel Cameron - MSDC

Dear Daniel Cameron - MSDC

**TOWN AND COUNTRY PLANNING ACT 1990 CONSULTATION RETURN: DC/21/06315**

**PROPOSAL:** 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 accomodation.

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

Notice is hereby given that the County Council as Highway Authority make the following comments:

This proposal is unlikely to have any impact on the highway network in terms of vehicle volume or highway safety. Therefore, Suffolk County Council as a Highway Authority does not wish to restrict the grant of permission.

Yours sincerely,

**Louis Majewski**  
**Apprentice Civil Engineering Technician**  
Growth, Highways and Infrastructure

**From:** Andy Rutson-Edwards  
**Sent:** 26 November 2021 10:32  
**Subject:** DC/21/06315

Environmental Health -  
Noise/Odour/Light/Smoke

**APPLICATION FOR PLANNING PERMISSION - DC/21/06315**

**Proposal:** 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

Thank you for the opportunity to comment on this application. I have the following comments to make:

- I am unable to see any noise assessment for the kennel area.

Environmental Protection shall require a noise assessment to be carried out by a competent person. Dog barking is amongst the most common complaints we receive and mainly an issue of impact on daytime amenity (external garden space). Any Noise Impact Assessment should consider these aspects and not simply the internal noise level for noise sensitive receptors (NSRs).

Measuring the noise from the loudest adult dogs and the impact of LA<sub>max</sub> on the boundary of the NSRs would be appropriate.

I would suggest that you have regard also to the maximum number of dogs as they do tend to follow pack mentality and when one barks the rest join in and increase the volume accordingly. I suggest that a worst case scenario is used as this would provide more confidence and certainty because dog bark volume tends to vary between breeds/size/age.

Mitigation measures should also be considered in terms of noise barriers and management. (*For example the dogs shall be attended at all times, both inside and outside(if the adjoining area is to be used ). The maximum number of dogs outside at one time should be limited in accordance with the noise impact assessment findings*).

Confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

- It is not clear whether there will be any external mechanical plant necessary for the surgical theatre or treatments rooms.

I shall require a noise assessment to be undertaken for any proposed mechanical plant to be installed or the existing to be replaced. If the applicant confirms that any mechanical plant is to be installed/replaced then I would ask that the following is considered:

The application shall not be determined/ the development shall not commence until full and details of all plant to be installed including precise acoustic specification, as well as a noise assessment, to include details of the current existing background level, to be based on

methodology as given in British Standard BS4142:2014 have been submitted to an approved by the LPA, in order to allow the likelihood of loss of amenity to be determined.  
*Reason: to minimise detriment to nearby residential amenity*

*Andy*

**Andy Rutson-Edwards, MCIEH AMIOA**

Senior Environmental Protection Officer

**Babergh and Mid Suffolk District Council - Working Together**

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[www.babergh.gov.uk](http://www.babergh.gov.uk) [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)

## **Committee Report**

**Item No: 4**

**Reference:** DC/17/05702/FUL &  
DC/17/05703/LBC  
**Case Officer:** Alex Scott

**Ward:** Debenham

**Ward Member/s:** Cllr Kathie Guthrie

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### **Description of Development**

Full Planning Application - Change of use of existing public house to veterinary practice and change of use of existing ancillary building to A1 commercial and 2 no. dwellings.

and

Application for Listed Building - Internal alterations to buildings to facilitate change of use of existing public house to veterinary practice and change of use of existing ancillary building to A1 commercial and 2 no. dwellings.

### **Location**

Cherry Tree Inn, 1 Cherry Tree Lane, Debenham, IP14 6QT

**Parish:** Debenham

**Site Area:** 0.275 ha

**Conservation Area:** No

**Listed Building:** Yes

**Received:** 14/11/2017

**Expiry Date:** 27/02/2018

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**Application Type:** FUL - Full Planning Application; and LBC – Application for Listed Building Consent

**Development Type:** Change of Use; and Alterations to a Listed Building

**Environmental Impact Assessment:** N/A

**Applicant:** Ms J Martin

**Agent:** Hollins Architects & Surveyors

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## **DOCUMENTS SUBMITTED FOR CONSIDERATION**

This application refers to the Site Location Plan drawing number 17-204-001 (received 14/11/2017) as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of assessment.



The plans and documents recorded below are those upon which this decision has been reached:

Planning Application Form – Received 14/11/2017  
Planning / Design and Access Statement – Received 14/11/2017  
Marketing Statements – Received 14/11/2017  
Flood Risk and Drainage Assessment – Received 29/11/2017  
Site Location Plan – drawing no. 17-204-001 – Received 14/11/2017  
Existing Block Plan – drawing no. 17-204-002 – Received 14/11/2017  
Existing Ground Floor Plan – Pub – drawing no. 17-204-003 – Received 14/11/2017  
Existing First Floor – Pub – drawing no. 17-204-004 – Received 14/11/2017  
Existing West and East Elevations – Pub – drawing no. 17-204-005 – Received 14/11/2017  
Existing North and South Elevations – Pub – drawing no. 17-204-006 – Received 14/11/2017  
Existing Ground Floor Plan – Commercial and Holiday Lets – drawing no. 17-204-007 – Received 14/11/2017  
Existing First Floor Plan – Commercial and Holiday Lets – drawing no. 17-204-008 – Received 14/11/2018  
Existing West and East Elevations – Commercial and Holiday Lets – drawing no. 17-204-009 – Received 14/11/2017  
Existing North and South Elevations – Commercial and Holiday Lets – drawing no. 17-204-010 – Received 14/11/2017  
Proposed Block Plan – drawing no. 17-204-200 – Received 14/11/2017  
Proposed Ground Floor Plan – Vets – drawing no. 17-204-201 – Received 14/11/2017  
Proposed First Floor Plan – Vets – drawing no. 17-204-202 – Received 14/11/2017  
Proposed West and East Elevations – Vets – drawing no. 17-204-203 – Received 14/11/2017  
Proposed North and South Elevations – Vets – drawing no. 17-204-204 – Received 14/11/2017  
Proposed Ground Floor Plan – Commercial Unit and 2 no. Dwellings – drawing no. 17-204-210 – Received 14/11/2017  
Proposed First Floor Plan – 2 no. Dwellings – drawing no. 17-204-211 – Received 14/11/2017  
Proposed West and East Elevations – Commercial Unit and 2 no. Dwellings – drawing no. 17-204-212 – Received 14/11/2017  
Proposed North and South Elevations – Commercial Unit and 2 no. Dwellings – drawing no. 17-204-213 – Received 14/11/2017  
Independent Viability Assessment – Received 15/2/2018

The application, plans and documents submitted by the Applicant can be viewed online at [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk).

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason:

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

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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## **All Policies Identified as Relevant**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

## **Summary of Policies**

NPPF - National Planning Policy Framework  
FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach to Delivering Sustainable Development  
FC03 – Provision and Distribution of Employment Land  
CS01 - Settlement Hierarchy  
CS05 – Mid Suffolk’s Environment  
GP01 - Design and layout of development  
HB01 – Protection of Historic Buildings  
HB03 – Conversions and alterations to Historic Buildings  
HB04 – Extensions to Listed Buildings  
HB05 – Preserving Historic Buildings through alternative uses  
HB08 – Safeguarding the character of conservation areas  
H16 – Protecting existing residential amenity  
H17 – Keeping residential development away from pollution  
E06 – Retention of use within existing industrial/commercial areas  
E12 – Commercial Development – General Principles for Location, Design and Layout  
T09 – Parking Standards  
T10 – Highway Considerations in Development  
SC05 – Areas at risk of flooding

## **Supplementary Planning Guidance**

Retention of Shops, Post Offices and Public Houses in Villages

## **Previous Committee / Resolutions and Any Member Site Visit**

None.

## **Pre-Application Advice**

None.

## **Consultations and Representations**

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

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## **A: Summary of Consultations**

### **Debenham Parish Council**

For reasons stated in previous meetings, any application which would result in the loss of the Cherry Tree as a public house would not be supported by the Council unless all options had been exhausted. This amenity's importance and value to the local community was now even more significant when considering the imminent growth within the village.

### **SCC - Highways**

No Objection subject to compliance with standard turning and parking condition.

### **BMSDC – Economic Development**

Following review of viability report provided – Support

### **BMSDC – Communities**

No comments received.

### **BMSDC – Strategic Leisure**

No specific comments to make on this application.

### **BMSDC – Heritage Team**

Recommends Approval – The Heritage Team considers that the proposal would cause no harm to the designated heritage assets because the alterations would not affect the building's special interest and would secure its continuing use.

### **BMSDC – Arboricultural Officer**

No objections.

### **BMSDC – Environmental Protection – Land Contamination**

Given the planning history of the site and the redevelopment of ancillary land to the public house: confirm no objections to the proposed development from the perspective of land contamination.

### **The Environment Agency**

No objection – subject to proposal being carried out in accordance with recommendations of Flood and Drainage assessment provided with the application.

### **SCC – Flood and Water Management**

Request further information (Detailed Flood and Drainage Assessment subsequently received).

### **Suffolk Fire and Rescue**

Fire Hydrants in the location will support the proposed change of use.

## **B: Representations**

Letters of support for the application (specifically in relation to the proposed change of use of the pub to a vets) have been received from a total of 86 (Eighty Six) third party sources during the course of determination.

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## PART THREE – ASSESSMENT OF APPLICATION

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From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

### **1. The Site and Surroundings**

- 1.1. The application site is located on the corner of the B1077 Ipswich Road and Cherry Tree Lane on the southern approach to the village of Debenham.
- 1.2. The application site comprises a grade II listed building, known as the Cherry Tree Inn, which dates from the 16<sup>th</sup> Century with later extensions and alterations. The site also comprises an ancillary detached part single-storey, part two-storey building. The site benefits from a large existing access to Cherry Tree Lane and a large gravel car park to the north-east of the buildings, fronting the B1077 highway.
- 1.3. The premises was last in use as a public house approximately 5 years ago.
- 1.4. Cherry Tree Lane lies to the north-west of the site and the B1077 to the north-east. The site is bounded to the south-east by 4 no. dwellings recently constructed in 2013. The rear gardens of dwellings fronting Deben Rise lie adjacent to the south-west

### **2. History**

- 2.1. The applications follow planning permission ref: 2780/10 and listed building consent ref: 2781/10, granted in September 2011 for:
  - Continued use of public house and alterations and first floor extension to provide: Ancillary dining / function room; and A two bedroom flat;
  - Conversion and alteration of rear part of public house to provide: A cafe / restaurant (A3); A self-contained one bedroom flat; and 1 no. retail unit (A1);
  - Demolition of existing outbuilding and erection of new building providing: 1 no. retail unit (A1); and 2 no two bedroom holiday lets (C3); and
  - Erection of 4 no. four bedroom detached two-storey dwellings (C3) and construction of new access and car parking.
- 2.2. A section 106 agreement (dated 9th September 2011) and supplemental s106 (dated 25th March 2014) were attached to planning permission ref: 2780/10, between Mid Suffolk District Council and Highland Limited, in the interest of securing the refurbishment and re-opening of the Pub alongside the construction of the 4 no. approved dwellings.

- 2.3. Later listed building consents (ref: 3658/11/LBC; 0947/13/LBC) were granted for further alterations to the building, which included: - removal of chimney stack, rebuild rear wall, replacement of roof tiles and alterations to approved elevations and internal layout.
- 2.4. The 4 new dwellings approved as part of planning permission reference 2780/10 were commenced in January 2012 and were completed in April 2013. All four were sold by the end of April 2014.
- 2.5. Refurbishment of the public house commenced on the 12<sup>th</sup> December 2011 and work on the holiday lets and retail unit commenced on the 21<sup>st</sup> May 2013. No completion dates are currently listed for these elements.
- 2.6. Transfer of ownership from Highland Limited to Highland Property Limited was notified to Council on 7<sup>th</sup> October 2011.
- 2.7. Available information and concerns/issues raised regarding the completion and reopening of The Cherry Tree Inn development are as follows:
- \* The internal works to public house (kitchen and bar area) have not been fully completed as per the approved plans;
  - \* The public house and retail unit have been marketed for sale/tenancy as a pub/restaurant for some time but so far no successful sale/tenancy has been agreed;
  - \* The development is therefore not currently complete and open for trade as per the s106 agreement;
  - \* The Council's public realm department also confirm there is no record of being contacted about the management of the open spaces, following granting of permission reference 2780/10.
- 2.8. Council enforcement officers have assessed the case and have advised that the financial obligation in the s106 (P1 C7.4) is specific to Highland Limited and excludes successors in title – and is therefore not now enforceable due to the transfer of ownership in 2011.
- 2.9. Enforcement officers also advise that the enforcement of s106 obligations is different to enforcement of planning conditions and require formal court proceedings (eg. court order/injunction). The Council would on that basis need to make a case to a judge that it would be equitable to issue an order requiring specific performance and compliance with the s106. The Council's Legal Team advises that since in this case the most that would be achieved would be the construction of a new pub restaurant with no guarantee that any beneficial occupation would ever take place, it is unlikely a judge would support such an order.
- 2.10. Given the above points enforcement officers advise that it is unlikely the Council would be successful in obtaining a court order to enforce the clauses of the s106 obligations which require the pub to be completed and opened to trade. The advised course of action going forward is, therefore, to seek compliance from the current owners by way of negotiation. However, submission of the current application changes the situation from an enforcement perspective and enforcement officers are obliged to hold enforcement action (whether formal or informal) in abeyance whilst the application is determined. Enforcement officers advise that if the application

were to be granted, commencement of the permission would resolve the breach. However, should the application be refused negotiation could proceed, as above.

### **3. The Proposal**

- 3.1. The applications seek planning permission and listed building consent for the change of use of the former public house to a veterinary practice and the ancillary buildings to a commercial unit and 2 no. dwellings.
- 3.2. The former pub building is proposed to be converted to a veterinary practice with reception, consulting and operation rooms, and a pharmacy and ground floor, with a conference room, meeting room, offices and staff room and facilities at first floor. The existing village Veterinary Practice is located at 14 Low Road and it is understood that this existing practice would relocate should permission be granted.
- 3.3. The single-storey element of the ancillary building is proposed as 75 square metres of commercial floor space and the two-storey element is proposed as a 2 no. two bedroom dwellings.
- 3.4. The existing access and parking area are proposed to be retained to be used in association with the proposed land uses.

### **4. Principle - Permanent Loss of Local Facility**

- 4.1. Paragraph 28 of the National Planning Policy Framework (the Framework) provides makes that in order to support a prosperous rural economy local planning authorities should, amongst other things, promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. In addition, paragraph 70 of the Framework states that planning policies and decisions should plan positively for the provision and use of shared space and community facilities, such as public houses to enhance the sustainability of communities and to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- 4.2. MSDC Supplementary Planning Guidance (SPG)-Retention of Shops, Post Offices and Public Houses in Villages (2004) sets out the Council's position with specific regard to the conversion of pubs to dwellings. The SPG is not a formal planning document and cannot, therefore, be given the same weight as a Development Plan Document. The SPG is, however, considered to be consistent with the NPPF.
- 4.3. The SPG states that there will be support for the retention of facilities where they can be shown to be viable. The change of use of a village public house to an alternative use will not be permitted unless a number of criteria are met including that there should be at least one other public house exists within the settlement boundary or within easy walking distance to it. The village is designated as a 'key service centre' in development plan policy CS1. There are two other public houses in the village centre (The Woolpack and the Angel). The proposal does not, therefore, conflict with the SPG in this respect.

- 4.4. The SPD also requires applicants to demonstrate that there is no evidence of significant support from the community for the retention of the pub. The pub has been closed for business for the past 5 years and as such no records of regular customers is available and it is not clear how a regular customer has been defined. Apart from regular custom the pub would also be likely to rely on non-local and passing trade as it is located in close on the main route through the village in proximity to the A1120 tourist route. Whilst the Parish Council have strongly opposed the change of use this is not considered to represent significant support as per the meaning in the SPD. The proposal does not, therefore, conflict with the SPG in this respect.
- 4.5. The listing of a building as an Asset of Community Value (ACV) can also 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. However, it is noted that whilst the other two pubs in the village do appear on the list, the Cherry Tree Inn does not, this in itself does not diminish the case for retaining the facility as a free enterprise. The proposal does not, therefore, conflict with the SPG in this respect.
- 4.6. It is not contested that rural pubs are important in terms of the social fabric of the community, a fact recognised by both the NPPF and the SPG and they can also provide economic benefits to rural areas through the attraction of visitors. However, taking into account that the Cherry Tree Inn is not the last remaining Pub in the village, that it has not been listed as an ACV, and that retention of the pub has not generated a significant amount of support within the community (the support received from the Parish Council acknowledged) it is considered that there is insufficient planning policy backing for its retention as a local facility. The fact that the pub is presently closed and cannot, therefore, be a current asset in practical terms has been taken into account in arriving at this conclusion.
- 4.7. In conclusion, therefore, the proposal would not result in the permanent loss of a public house within the village and the proposal would not, therefore, result in a significant harmful effect on the social vitality of the existing community. The proposal is, therefore, not considered to be contrary to the SPG, Policy E6 of the Local Plan and paragraphs 28 and 70 of the NPPF.

## **5. Principle – Marketing and Viability**

- 5.1. The applicant has provided evidence that the premises has been marketed as a public house, Café/deli and retail unit (in the proportions as approved under planning permission ref: 2780/10) since May 2016 by estate agents Everard Cole and Clarke and Simpson. These campaigns have not resulted in any definite offers or lease options being made despite an initial interest from a local company.
- 5.2. In addition to the above marketing carried out by the applicant, an independent viability assessment, commissioned by the local planning authority, has also been carried out by Jonathan Reubin MRICS, Chartered Surveyor. The report presents the following assessment:
- 5.3. The premises has space for a bar and dining area for at least 140-150 covers. The total floor area for this as a trading entity is approximately 530 square metres.
- 5.4. The premises are only partly fitted as the trade kitchens are lined out, piped and hoods and extractors fitted. There is no bar counter or fixture, beer and minerals delivery systems nor any

trade fixtures or fittings or inventory. To finish fitting out and decorating along with equipping for trading it is estimated a further investment of around £400,000 is required.

- 5.5. The Cherry Tree pub has been closed for at least 5 years and since closure the two competing public houses have not thrived particularly well and indeed on, The Angel was, after appeal, granted planning permission in 2016 to reduce its trade area. The Cherry Tree Inn has been developed as a large multi-function public house and eatery similar to ones developed on retail business parks adjacent to main road interchanges and large urban populations.
- 5.6. Mr Reubin is of the opinion that the Cherry Tree, as developed will not produce sufficient turnover and profits to warrant the further investment required to set it up for trade. If the Pub does re-open in the present format it will suck in so much trade from other established public houses in Debenham and the surrounding area that many would be put in jeopardy. Mr Reubin does not consider there is sufficient demand for a fine dining restaurant of this size in Debenham and the surrounding area and casual dining establishments are now finding it difficult to maintain trade nationally. To make this public house work effectively to provide steady reliable employment it would have to have turnover of over one million pounds per annum. This would have to be new business if it was not to upset the fragile local catering economy.
- 5.7. Even as a stand-alone public house with just a limited pub food offer the local establishments could be damaged to such an extent that the local authority could be faced with applications from other pubs for change of use as the businesses become non-viable.
- 5.8. Mr Reubin has had regard for the growth prospects for Debenham and for the current proposal for 220+ houses to the north of the village, which has attracted 90 or so objections, and there are other sites in addition that could provide a further 115-200 houses. Mr Reubin is of the opinion that, unless all these applications for additional housing were known 6 or so years ago, then it should be questioned why a public house and restaurant of this urban scale (which the Cherry Tree now is) was granted permission when there was little prospect of it succeeding and not without damaging other similar businesses within a few miles. Mr Reubin is of the opinion that from the point of view of catering establishments such as public houses the present economic prospects are 'fragile'. Mr Reubin's professional opinion is that even if planning permission were to be granted for all the aforementioned housing proposals at the village the Cherry Tree Inn, in its present size, would still not succeed without affecting the other two pubs in the village (The Woolpack and The Angel).
- 5.9. Mr Reubin considers the marketing campaign, submitted with the application, to have been comprehensive and that much was done to attract a letting or sale to a locally based, but national and international business, Aspell Cider. However, after long consideration the property did not fit with the company's future plans for business development.
- 5.10. Mr Reubin acknowledges that the application for change of use and re-development has attracted few objections and considers that local feelings are not strong for the retention of the use unlike those for the housing development proposals for the village which would go a long way to guarantee retention and limited expansion of services and retail opportunities for the community, including the two pubs currently trading. Mr Reubin is of the opinion that if the village does expand with the granting of permission for the housing developments then he still does not consider the Cherry Tree Inn in its current format would necessarily succeed without damaging the trade of the other two public houses.



- 5.11. Mr Reubin concludes by saying that whilst it is sad that a public house could be lost, the fact is that there is a limit on how far the dining out pound can be spread in rural areas where private transport has to be used. Mr Reubin considers that the occupier of the Cherry Tree would have to be exceptional and within a market niche that would avoid damaging the other two pubs in the village and those in surrounding villages. Attracting such a buyer or tenant has been fruitless and no offers on asking rents have been received from potential tenants of consequence.
- 5.12. Mr Reubin suggests a potential solution may be to redesign the building to reduce the size of the trade area more in keeping with the local market which would go some way to protect the other public house assets in Debenham and surrounding villages.
- 5.13. Mr Reubin concludes that if the Council policy is to encourage local rural employment then the proposed local veterinary practice would meet this policy and at the same time protect the other two public houses in the village.
- 5.14. Your planning officers, therefore, conclude that the minimum period for marketing by the SPD has been met and the marketing campaign submitted as part of the application is comprehensive and extensive. It is considered that it has been sufficiently demonstrated that the price and terms upon which the property has been marketed are realistic and appropriate. The proposal does not, therefore, conflict with the SPG in this respect.

## **6. Principle – Proposed Vets, Commercial Use and Dwellings**

- 6.1. In addition to the above assessment, the application site is located within the settlement boundary of a key service centre village (as designated in policy CS1 of the development plan) and proposes the re-use of existing buildings.
- 6.2. The principle of a new Veterinary Practice on the site is considered consistent with the provisions of the NPPF and development plan in that it would serve to support and grow an existing village business and service and would provide employment opportunities.
- 6.3. The proposed commercial floorspace is consistent with current policy and would provide local employment opportunities.
- 6.4. The principle of new housing development in this location is also considered acceptable subject to all other material planning considerations. Those most relevant to the application proposal are set out below.

## **7. Village Character and Heritage Assets**

- 7.1. The applications propose minimal alterations to the exterior of the existing buildings and would have the benefit of providing additional soft landscaping to the Ipswich Road frontage. The proposal would, therefore conserve the existing visual character of the street scene and would provide landscaping enhancements to the street scene frontage. The proposal would also conserve the setting of the village conservation area.

- 7.2. The proposed alterations to the heritage assets are considered reasonable in order for the buildings to function as the proposed use. The proposal is not considered to result in substantial harm to the heritage assets with respect of removal of historic material or the appreciation of historic spaces and any 'less than substantial harm' identified by heritage professionals is considered to be outweighed by the public benefit of securing a viable use for the assets and through this securing them for the enjoyment of future generations.

## **8. Residential Amenity**

- 8.1. The application proposes the re-use of existing buildings and without significant alteration or extension that would alter the buildings' mass of fenestration layout to the detriment of the amenities currently enjoyed by occupants of neighbouring properties.
- 8.2. The proposed land use is also considered to have a neutral impact on neighbouring amenity with respect of noise and disturbance and odour when compared to the existing land use.

## **9. Highway Safety**

- 9.1. The application site would utilise the existing substantial vehicular access used in association with the existing pubic house. The access is considered to be of sufficient width to serve the proposed Vets, Commercial Unit and 2 no. dwellings proposed and to provide adequate highway visibility.
- 9.2. The application proposes 23 no. customer parking spaces, and 2 no. disabled parking spaces, to the frontage of the existing buildings, with additional space for manoeuvring. An additional 5 no. staff car parking spaces are also proposed to the rear of the buildings, accessed between the existing buildings on the site. This provision is considered adequate to serve both proposed businesses, having had regard to Suffolk Advisory Parking Standards.
- 9.3. The application also proposes 4 no. parking spaces in relation to the 2 no. two bedroom dwellings proposed. This provision is also in accordance with current advisory parking standards which advise a minimum of 3 no. parking spaces to serve 2 no. two bedroom dwellings.
- 9.4. The proposal is, therefore, considered acceptable in terms of highway safety and convenience.

## **10. Flood Risk**

- 10.1. A comprehensive flood risk and drainage assessment relating to the development proposal has been produced and provided with the application.
- 10.2. The Environment Agency (EA) shows the area of proposed development to span flood zones 1 to 3. Flood zone 3 is defined by National Planning Guidance as an area where the probability of flooding from fluvial and/or tidal sources is high.
- 10.3. The report concludes that a comparison of updated modelled flood levels for the Cherry Tree Watercourse (including an allowance for climate change) with the measured topographic elevations at the site shows that although the northern part of the site lies below the calculated

flood level (of 33.733mAOD) the floor levels of the existing Public House and all of the areas of proposed development lie above this level. Whilst the northern part of the site is considered to be at risk from flooding from Cherry Tree Watercourse, it is not deemed to be at risk from any other sources including from the sea, overland flow or groundwater.

- 10.4. The report concludes that none of the proposed development lies within the 1 in 100yr climate change floodplain and notes that no new buildings are proposed within EA flood zones 2 or 3. Therefore no floodplain compensation has been considered necessary at the site.
  - 10.5. The application proposal would not result in a net increase in the amount of impermeable areas at the site, and as such no generation of increased volume of surface water run-off would result when compared with currently existing conditions.
  - 10.6. The report advises that, although the proposed commercial unit and dwellings (the ancillary building proposed to be converted) lie outside the 1 in 1000 year climate change floodplain it is recommended that finished floor levels are set at least 150mm above average surrounding ground levels to provide freeboard were the site to flood under extreme circumstances (in accordance with building regulations). It is advised that Finished Floor Levels for these areas will be set at 34.750m, 35.050m and 35.300mAOD respectively.
  - 10.7. The report advises that no permanent ground raising should occur in areas of flood zone 3 (on ground below 33.733mAOD) including over the areas proposed for car parking and gardens.
  - 10.8. The report recommends that the proposed access is maintained for use within a flood event.
  - 10.9. The report advises that the northern part of the site falls within the EA flood warning service area for the River Deben. It is recommended that the future owners of the Veterinary Practice (The existing Cherry Tree Inn public house) register for this service and that a flood evacuation procedure is developed for use on site to ensure that occupants of the site leave safely.
  - 10.10. The report recommends that surface water runoff is sought for disposal via soakaways. However, it is advised that the use of soakaways should first be investigated through soakaway testing in accordance with the requirements of BRE 365.
  - 10.11. The report advises that overflows from the soakaways should drain into the Cherry Tree Watercourse and that discharge into this watercourse should be controlled to the Greenfield Runoff Rate of 2.8/l/s/ha.
  - 10.12. The report recommends that all drainage design should be carried out by suitably qualified drainage engineers and should include plans for maintenance over the lifetime of the development.
  - 10.13. Having had regard to standing advice provided by the EA and SCC Flood and Drainage, should the proposal be carried out in accordance with the above recommendations it is not considered that the proposal would result in significant additional flood risk.
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## **PART FOUR – CONCLUSION**

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### **11. Planning Balance and Conclusion**

- 11.1. With regards the social dimension of sustainable development the proposal would result in the provision of village services and 2 new small homes, within a sustainable village. This is, therefore, attributed positive weight.
- 11.2. Again with regards the social dimension, although the proposal would result in the loss of a community facility (a public house) and the proposal would retain employment opportunities and would not result in the loss of all public house facilities and opportunities within the village, which the proposed new dwellings would help support.
- 11.3. With regards the economic dimension of sustainable development, the proposal would retain employment opportunities on the site and would help support the sustainability of the village.
- 11.4. Although the proposed dwellings would not, in themselves, result in long term economic development there would at least be a small term economic benefit in employment during the construction phase of development, although this is not attributed significant positive weight.
- 11.5. With regards the environmental dimension of sustainable development, the proposal would result in a viable use for the existing heritage assets, securing their preservation for future generations. This is attributed positive weight. Furthermore, the proposal would not result in increased environmental harm when compared with the existing land use.
- 11.6. The proposal is, therefore, considered to result in sustainable development in accordance with the provisions of the NPPF and development plan.

### **RECOMMENDATION**

That the Corporate Manager - Growth & Sustainable Planning be authorised to grant permission and that such permission be subject to the conditions as set out below:

- \* Standard time limit
- \* Development in accordance with approved plans and documents
- \* Materials and colour finishes
- \* Fenestration details
- \* Landscaping and aftercare
- \* Those required by the local highway authority
- \* Mitigation of flood risk prior to occupation



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## Appeal Decisions

Site visit made on 6 November 2018

**by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 14<sup>th</sup> December 2018**

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### **Appeal A Ref: APP/W3520/W/18/3206315**

#### **Cherry Tree Inn, 1 Cherry Tree Lane, Debenham IP14 6QT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Jade Martin against the decision of Mid Suffolk District Council.
  - The application Ref DC/17/05702, dated 14 November 2017, was refused by notice dated 26 April 2018.
  - The development proposed was originally described as “internal and minor external alterations to buildings to facilitate change of use from A3/A4 to C3 dwelling houses, A3 commercial and sui generis veterinary practice. Change two external door openings to windows, infill one door, creation of new doors.”
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### **Appeal B Ref: APP/W3520/Y/18/3206327**

#### **Cherry Tree Inn, 1 Cherry Tree Lane, Debenham IP14 6QT**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Ms Jade Martin against the decision of Mid Suffolk District Council.
  - The application Ref DC/17/05703, dated 14 November 2017, was refused by notice dated 26 April 2018.
  - The works proposed were originally described in the same way as Appeal A.
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### **Decision Appeal A**

1. The appeal is allowed and planning permission is granted for change of use of existing public house to veterinary practice and change of use of existing ancillary buildings to A1 commercial and 2 no. dwellings at Cherry Tree Inn, 1 Cherry Tree Lane, Debenham IP14 6QT in accordance with the terms of the application, Ref DC/17/05702, dated 14 November 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 17-204-001, 17-204-002, 17-204-003, 17-204-004, 17-204-005, 17-204-006, 17-204-007, 17-204-008, 17-204-009, 17-204-010, 17-204-200, 17-204-201, 17-204-202, 17-204-203, 17-204-204, 17-204-210, 17-204-211, 17-204-212, 17-204-213.
  - 3) Prior to the first occupation of the development hereby permitted, the areas within the site shown on plan no. 17-204-200 for the purposes of loading, unloading, manoeuvring and parking of vehicles shall be

provided, and thereafter the areas shall be retained and use for no other purposes.

- 4) Prior to the first occupation of the development hereby permitted, details of surface water drainage shall have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented and available for use prior to the first occupation of the development and shall thereafter be maintained as approved.

### **Decision Appeal B**

2. The appeal is allowed and listed building consent is granted for change of use of existing public house to veterinary practice and change of use of existing ancillary buildings to A1 commercial and 2 no. dwellings at Cherry Tree Inn, 1 Cherry Tree Lane, Debenham IP14 6QT in accordance with the terms of the application Ref DC/17/05703 dated 14 November 2017 and the plans submitted with it, subject to the following condition:

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.

### **Application for costs**

3. An application for costs was made by Ms Jade Martin against Mid Suffolk District Council. This application is the subject of a separate decision.

### **Procedural Matters**

4. There is a related pair of linked appeals for the same site, but for a residential scheme (APP/W3520/W/18/3207852 and APP/W3520/Y/18/3207854). As each pair of linked appeals has different appellants, I have dealt with each pair in separate decisions.
5. The description of the proposal originally referred to the creation of an A3 commercial unit, but it is clear from the application documents including the plans that an A1 unit is proposed. Therefore, the formal decisions use the description of development from the decision notice for the planning application, which is also the description used on the appeal form.

### **Main Issues**

6. The main issue for Appeal A is the effect of the proposal on local community facilities and employment.
7. The main issue for Appeal B is whether the proposal would preserve the Grade II listed building known as Cherry Tree Inn or any features of special architectural or historic interest it possesses.

### **Reasons**

#### *Local facilities and employment*

8. Debenham has a range of services and facilities and is identified as a Key Service Centre in the Mid Suffolk Core Strategy 2008. Cherry Tree Inn is one of 3 public houses in the village. It has been closed for a number of years whilst works to the wider grounds have taken place to provide new dwellings and commercial space. A Section 106 agreement was attached to planning permission ref 2780/10 to secure the refurbishment and reopening of the

public house alongside the construction of the dwellings. However, the Council now identifies that the agreement is unenforceable due to its specific wording and the transfer in ownership. I have little evidence to the contrary.

9. Policy E6 of the Mid Suffolk Local Plan 1996 (LP) recognises the importance of existing commercial sites in providing local employment opportunities. The Council's Supplementary Planning Guidance (SPG) entitled Retention of Shops, Post Offices and Public Houses in Villages (adopted 2004) states in paragraph 5.4 that the change of use of a village pub will not be permitted unless 3 criteria are met. The final part of paragraph 5.4 states that if permission is granted, preference will be given to the premises remaining in some form of community or employment use.
10. In terms of the SPG's first criterion, The Angel and The Woolpack public houses are a short walking distance from Cherry Tree Inn within the village centre. Concerns have been raised that the future of The Angel is uncertain, while The Woolpack is very small. However, the first criterion does not refer to the size or viability of other pubs and so the proposal would not be in conflict with the first criterion.
11. In terms of the SPG's second criterion, there was marketing of the premises for over a year from May 2016 through to the application's submissions in autumn 2017. Two separate estate agents were used, but little interest was received. Reasons given for the lack of interest included the size of the premises, its relatively remote location for passing traffic and the limited local population.
12. The Council and interested parties, including the Parish Council, consider that reasonable efforts have not been demonstrated by the landowner to continue a viable business as a public house. However, little information has been provided to explain what would constitute reasonable efforts. It is apparent that there has been a reasonable period of marketing, with approaches to various potential operators and revisions to the marketing strategy over time. The Council's own commissioned independent surveyor has found the marketing to be comprehensive. Therefore, I consider that there is no conflict with the second criterion.
13. With regards to the SPG's third criterion, the Parish Council objects to the proposal along with other interested parties, but I have limited evidence of significant community support to retain the public house. It appears to have been a long-serving public house for the village and there may be future potential for a valued local facility to meet day to day and future needs of the community. However, there is little evidence to link future housing growth in the locality with a viable public house use, or adequate evidence that there is demand for a public house that can accommodate families and large gatherings.
14. I note that one local resident has undertaken preparatory work to turn the Cherry Tree Inn into a community pub. While there evidently has been some positive feedback to her work so far, it is not clear how extensive the levels of interest and support are or whether the proposals would be viable. I also note that the appellant has indicated that the first floor function room would be retained and could provide for some community activities. Therefore, I consider that there is no conflict with the third criterion.

15. The loss of a public house use would have a negative effect on local community facilities, but there have been difficulties in finding a new operator and the level of support and interest for continuing the use is lacking based on the evidence before me. Moreover, there are two other public houses in Debenham and a need to ensure that they remain open and active.
16. Furthermore, the proposed veterinary use would retain an employment use on the appeal site. This would be in accordance with LP Policy E6 and the final part of SPG paragraph 5.4. It would allow the existing local practice to expand and provide additional services to the local area as well as sustaining jobs and investment. From the responses received on both the applications and appeals, there is a significant level of support for this use. The proposal also seeks to retain a commercial A1 unit, which would provide local service and employment.
17. Concluding on this main issue, the proposal would have an acceptable effect on local community facilities and employment. Therefore, there would be no conflict with LP Policy E6 or SPG paragraph 5.4. While it would result in the loss of a public house, it has not been demonstrated that it is a valued facility. Conversely, it would allow the development of local services in terms of the veterinary practice and the A1 unit. There would be no conflict with paragraphs 83 and 92 of the National Planning Policy Framework (NPPF) in terms of supporting a prosperous rural economy and the provision of local services. These two paragraphs broadly reflect paragraphs 28 and 70 of the previous NPPF.

#### *Listed building*

18. Cherry Tree Inn forms part of a Grade II listed building along with a residential property at 2 Cherry Tree Lane. The listed building dates from the early 17<sup>th</sup> century with 18<sup>th</sup> and 19<sup>th</sup> century additions. The listed building's special interest and significance is derived from its historic interest as a public house but also in terms of surviving architectural features internally and externally, including the open plan spaces.
19. The building has a T-shaped footprint with a long north range containing the main entrance to the front bar within a two-storey canted bay. A perpendicular two-storey wing projects southwards and is attached to a modern single storey link addition which connects to an older two-storey outbuilding. The north range and perpendicular wing form the principal parts of the listed building and have a tiled roof and timber sash and casement windows. Internally within the north range and perpendicular wing, there are surviving historic timber features including beams, frames and a staircase. The front bar is largely open plan and leads through to an open plan rear bar and snug. At the first floor, there is a long function room above the front bar.
20. The proposal includes a veterinary practice which would occupy the entirety of the north range, perpendicular wing and the two- storey linked outbuilding. On the ground floor, part of the open plan form of the front and rear bars and snug would remain, but there would be some subdivision of this space for consulting rooms. This would have a negative effect on the appreciation of this space. A timber partition would be removed adjacent to the main entrance on the north elevation, but this appears to be a modern installation.



21. On the first floor, the function room's length and openness would be largely retained with no adverse effect, with the space intended for conferences and meetings. A link would be created through to the perpendicular wing by removing a section of wall. The wall does not appear particularly thick or historic and so the loss of fabric would be acceptable. Elsewhere on the ground and first floors, changes would only affect modern spaces and fixtures. Externally, there would be minimal changes other than the insertion of windows that have already been granted consent.
22. While the subdivision of the ground floor for consulting rooms would have a negative effect, the partitions are likely to be lightweight and ultimately reversible. Much of the front and rear bar would still be open plan as a reception/pharmacy and waiting area, while the openness of the function room at first floor would remain. Elsewhere, changes to internal spaces and the loss of fabric would have limited effects. As such, the negative effects of the proposal on the special interest and significance of the listed building would be no more than moderate in scale, and would cause less than substantial harm.
23. NPPF paragraph 196 requires less than substantial harm to be weighed against the public benefits of the proposal. The introduction of a veterinary practice at Cherry Tree Inn would secure its long-term future set against a lack of market interest in continuing the public house use. Although veterinary use does not appear to be the only alternative use, it would be a realistic option that would deliver public benefits in terms of conserving the listed building. It is apparent that the existing veterinary practice is seeking to expand from the limited space provided by its current premises and so this would provide a public benefit in terms of an enhanced service that is used by people in the local area and beyond.
24. Moreover, the proposal would retain an employment use for the building as required by LP Policy E6 and also provide the opportunity for community use in terms of the conference room. The proposal would also provide two small dwellings from the holiday lets to help boost local supply. Therefore, I give significant weight to the public benefits. I consider that they would outweigh the harm to the significance and provide clear and convincing justification.
25. Concluding on this main issue, the proposal would preserve the special interest of the listed building where the harm would be outweighed by the public benefits. Therefore, the proposal would accord with NPPF paragraphs 193, 194 and 196. In coming to this conclusion, I have had regard to LP Policy HB1 which places a high priority on protecting the character and appearance of all buildings of architectural or historic interest.

### **Other Matters**

26. The appellant has highlighted a recent appeal decision where the Inspector found that the Council could not demonstrate a five year supply of housing land (APP/W3520/W/18/3194926). However, as I have found that proposal accords with the development plan and the NPPF, it has not been necessary to consider this matter any further.

### **Conditions**

27. Conditions on both appeal decisions setting a time limit for the commencement of the proposal are necessary for compliance. A condition attached to the

Appeal A decision requiring it to be carried out in accordance with the approved plans is necessary for clarity and compliance. As there are no changes to the listed building's exterior or the landscaping around the building, it has not been necessary to impose conditions requiring details to be provided. Given the use will generate vehicle movements and parking, it is necessary for a condition requiring details to be provided in accordance with the relevant plan in the interests of highway safety. It is also necessary to secure the implementation of surface water drainage in the interests of flood risk.

### **Conclusions**

28. The proposal would have an acceptable effect on local community facilities and employment and would preserve the special interest of the listed building. For these reasons, and having had regard to all other matters raised, I conclude that both appeals should be allowed.

*Tom Gilbert-Wooldridge*

INSPECTOR