



Appeal Decision

Site Visit made on 17 April 2021

by Ian Radcliffe BSc(Hons) DMS MCIEH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd June 2021

Appeal Ref: APP/K2420/W/20/3264876

The Reservoir Inn, 286 Main Street, Thornton, Leicestershire LE67 1AJ

- 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 Mr David Miles against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 20/00353/FUL, dated 24 March 2020, was refused by notice dated 30 September 2020.
 - The development proposed is described as the conversion of former public house (Class A4) to five self-contained flats (Class C3).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of public house (Class A4) to five self-contained flats (Class C3) at The Reservoir Inn, 286 Main Street, Thornton, Leicestershire LE67 1AJ in accordance with the terms of the application, Ref 20/00353/FUL, dated 24 March 2020, subject to the conditions in the schedule at the end of this decision.

Procedural Matter

2. The description of the development that appears on the decision notice and on the appeal form is 'change of use of public house (Class A4) to five self-contained flats (Class C3).' I am content that this amended description adequately describes the proposal and I shall use it in the determination of this appeal.

Applications for costs

3. An application for costs was made by the appellant against Hinckley and Bosworth Borough Council. This application will be the subject of a separate decision.

Main Issues

4. Based upon the decision notice and the supporting information, including the representations made about the proposed development, the main issues in this appeal are:
 - the effect of the proposal on a non-designated heritage asset, The Reservoir Inn, and its significance; and,
 - whether the proposal would result in the loss of a community facility for which there is a demand.

Reasons

Heritage Asset

5. The village of Thornton is characterised by linear development along Main Street. The Reservoir Inn is a vacant public house located towards the southern end of the settlement. It is common ground that the building is a non-designated heritage asset (NDHA).
6. The Inn is a gable ended building with a rectangular form orientated at right angles to the road. Its walls are rendered and it has a slate roof. In form and appearance it is in keeping with the oldest buildings along Main Street. Dating from the early part of the nineteenth century, if not earlier, when the village was an agricultural settlement, the building therefore has some limited local heritage significance due to its historical and architectural interest.
7. The historic and purposeful community use of the building has been referred to. The communal value of a heritage asset can contribute to its historic interest, and thus its significance, as supported by the appeal decision to which I have been referred¹. In the appeal before me, the use of the building as a public house registers with the local community. However, on the basis of what I have read and seen of the building there is nothing of note about such use that, if ongoing, would materially contribute to its significance.
8. Other than for the insertion of some additional windows, which would be sympathetic in terms of design, and presumably the loss of the Inn's hanging sign, the exterior of the building and the visual contribution it makes to the village would remain unaltered. With the retention of the site access and hardstanding for parking around the rear of the building its setting would be preserved.
9. The proposed development would therefore cause only minor harm to this NDHA which has some limited local heritage significance. In such circumstances policies DM11 and DM12 of the Hinckley & Bosworth Site Allocation and Development Management Policies Development Plan Document (SADMP) are supportive of development if the benefits of the proposal outweigh the harm that would be caused. The National Planning Policy Framework ('the Framework') is an important consideration and this approach is consistent with it.
10. The Framework identifies that heritage assets are irreplaceable resources. I have found that the Inn has some limited local heritage significance and that the proposed change of use would result in minor harm. On the other side of the balance, the proposal would bring a vacant building that is in poor condition back into viable use. Although there is no current shortfall in the required housing land supply, the housing scheme would have social benefits by helping to boost the supply of homes in accordance with paragraph 59 of the Framework. In providing flats it would also provide a type of housing not commonly found in the village. Economically, the development would generate construction related employment and spend, and the spending of the additional village households that would live in the development would be of benefit locally.

¹ Ref APP/K2420/W/20/3252017

11. Taking all these matters into account, I therefore conclude that the benefits described would clearly outweigh the minor harm that would be caused to this non-designated heritage asset. The proposal would therefore comply with policies DM11 and DM12 of the SADMP and paragraph 197 of the Framework.

Community facility

12. Thornton is a Key Rural Centre in the development plan with services and facilities used by its residents and those of the surrounding area. Community facilities, such as public houses, are protected against unnecessary loss by policy DM25 of the SADMP and paragraphs 83 and 92 of the Framework. However, The Reservoir Inn has not been designated as an Asset of Community Value and as there is another public house in the village, as well as a social club, the village is well served by similar facilities.
13. The Inn has been on the market since May 2019. On the basis of the evidence that has been submitted, and in the absence of substantive evidence to the contrary, I am satisfied that it has been thoroughly and appropriately marketed for a sufficiently long period to demonstrate that there is no reasonable prospect of it returning to use as a public house or as another type of facility that would be of benefit to the community such as a restaurant, café or shop. In this context its unsuccessful marketing is evidence that as a community facility, in its current use or in a different use, it is surplus to demand. As a result, in compliance with policy DM25 and the Framework the proposed change of use would not result in the loss of a local community facility that would harm the sustainability of Thornton and the surrounding area.
14. Reference has been made to the government's budget announcement in March this year of money that is to be made available to help communities save local facilities. I have taken this to mean the government's 'Community Ownership Fund' which is due to be launched this summer. However, it is clear from the committee papers that the applicant has been in contact with the local community via the Parish Council and that, despite meetings, no proposal was forthcoming to bring the building back into use. Given this, the lack of interest generated by the marketing of the property in a village well served by similar provision, and the absence of realistic community uses of the property in the representations that have since been made, I am not persuaded that this fund means that the building would return to use as a community facility. As a result, the weight I attach to this consideration against the appeal is limited.

Other Matters

15. Reference has been made to a recent dismissed appeal decision in the Borough for the redevelopment of a public house. In that appeal though the proposal involved demolition and thus total loss of the NDHA. As a result, it is not directly comparable to the appeal before me which would retain the NDHA. As a result, reference to this decision has not altered my findings in relation to this appeal.
16. Many of the houses along Main Street have no off road parking and on road parking is only possible on one side of the highway. With the popular Thornton Reservoir located only a short distance away served by a relatively small car park this results in significant on road parking pressures in the area. The

appeal site is served by a large car park that could help alleviate some of these parking problems. However, no offer has been forthcoming to gain control of the site and put it to such use. In terms of the development itself, it would have adequate parking provision and so would not add to local parking pressures.

17. Concerns have been expressed that the proposal would result in harm to the living conditions of neighbours in terms of noise, car headlights shining into homes and a loss of privacy. In comparison though to the existing lawful use of the site as a public house the proposal would be an improvement as it would generate fewer vehicular movements and less outdoor activity. Where a loss of privacy could occur this could be controlled by condition.
18. In terms of whether satisfactory living conditions would be provided for future occupiers, all five flats are of a good size. Whilst there would be limited communal amenity space on-site, with Thornton Reservoir located within easy walking distance this would be compensated for by the good access to off-site public amenity space.

Conclusion

19. I have found that the proposal would comply with the development plan and the Framework and there are no other considerations which outweigh this finding. Therefore, for the reasons given above, the appeal should be allowed.
20. In the interests of certainty, I have imposed a condition specifying the relevant plans that the development is to be carried out in accordance with. To ensure that the development complements the appearance of the area details of landscaping are required.
21. To prevent overlooking, a flank window within flat E needs to be obscurely glazed and non-openable. For the same reason, the flat roof shall not be used as a balcony or sitting out area. In the interests of the living conditions of all future occupiers, outdoor amenity space needs to be provided to which they all have access. In the interests of highway safety, the existing barriers across the site access need to be removed, permitted development rights allowing gates or barriers close to the highway boundary withdrawn and front elevation ground floor windows within the front elevation .
22. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance.
23. In comments on the local planning authority's appeal statement the appellant confirmed that he had no objections to the Council's suggested conditions which includes condition 3 which is a pre-commencement condition. The appellant also did not object to the refined list of plans that the development should be carried out in accordance with provided by the Council following my request for greater clarification regarding their identification.
24. As the front elevation of the building is immediately adjacent to the highway, the local highway authority requested a condition requiring that the proposed ground floor windows are inward opening. However, as the pavement does not extend close enough to this elevation for passers-by to come into contact with

an open window, and there is nothing before me to indicate that this will change, I find that this condition is unnecessary.

Ian Radcliffe

INSPECTOR

Schedule of 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: Site location plan ref no. 1259.DM.20.001 Rev A received 17 August 2020, Amended proposed site plan ref no. 1259.DM.20.006 Rev D received 17 August 2020, Amended proposed elevations ref no. 1259.DM.20.007 received 18 June 2020, Amended proposed ground floor 1259.DM.20.004 received 18 June 2020, Amended proposed first floor 1259.DM.20.005 received 18 June 2020
- 3) The development hereby permitted shall not commence until such time as the existing barriers on the vehicular access have been permanently removed.
- 4) Prior to first occupation, the first floor side facing bedroom window serving flat E shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and the window shall be non-openable. Once installed the obscured glazing and non-openable nature of the window shall be retained thereafter.
- 5) The development shall not be occupied until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
- 6) The communal outdoor amenity space shall be laid out within one month of the first occupation of any of the flats within the development and shall be permanently available for use by the occupants of all the flats to which this permission relates.
- 7) The flat roofed area at the rear shall not at any time be used as a balcony or sitting out area, neither shall any balustrade, railings, wall or other means of enclosure be erected on any part of the flat roof.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within 5 metres of the highway boundary.

-----End of Conditions Schedule-----