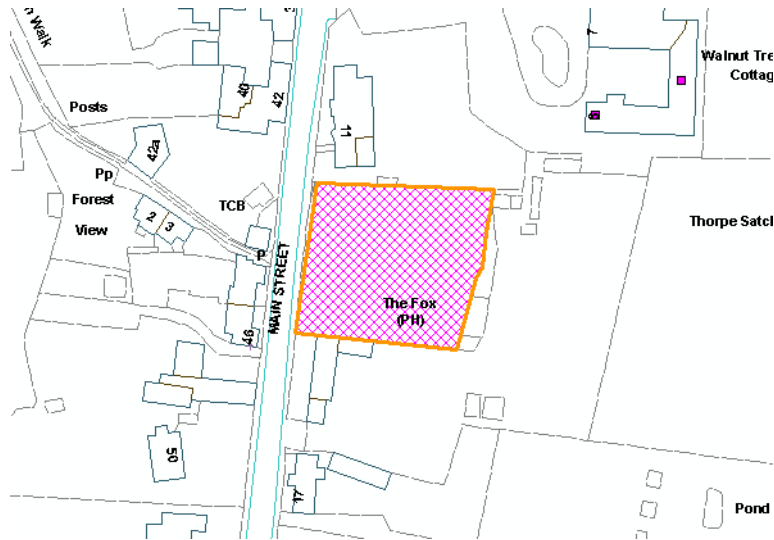


**Reference:** 15/00150/COU  
**Date Submitted:** 17.03.2015  
**Applicant:** John O Gaunt Brewing Co Ltd - Mrs C Frew  
**Location:** The Fox Inn, 13 Main Street, Thorpe Satchville, LE14 2DQ  
**Proposal:** Change of use from Drinking Establishment to Residential use.



**Introduction:-**

The application seeks full planning permission for change of use of The Fox Inn public house to a single residential property. The Fox Inn is situated along Main Street within the village envelope for Thorpe Satchville. This is a commercial property that has been historically run as a restaurant/public house but currently standing vacant. The site is within the centre of the village and is the only public house in the village.

**It is considered that the main issue relating to the application is:**

- Loss of the facility and the justification for it.
- Compliance with the Development Plan and the NPPF

The application has is due to be determined by the Planning Committee due to the number of objections letters received.

**Relevant History:-**

06/00834/FUL - Conversion of existing building into staff accommodation. – Approved 21.11.06

**Planning Policies:-**

**Adopted Melton Local Plan (Saved Polices)**

**Policy OS1** states that planning permission will be granted for development within the town and village envelopes provided certain criteria are met as follows:

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in

- keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

CF4 states that planning permission will not be granted for development which would result in the loss of local community facilities unless there is no local need or replacement sites and buildings can be made available.

**The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:**

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; **or**
  - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- **Support sustainable economic development.**
- **Promote mixed use development, encouraging multiple benefits from the use of land in urban and rural areas.**
- **Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable**
- **Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.**

**On Specific issues relevant to this application it advises:**

**Building a Strong Competitive Economy**

- Planning should encourage growth, not prevent it and should plan proactively to encourage economic growth.
- Significant weight should be given to the need to support economic growth.

**Promoting Healthy Communities:**

- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.
- 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;
- Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable for the benefit of the community.

### Promoting Sustainable Transport:

- Safe and suitable access to the site can be achieved for all people.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

### Delivering a Wide choice of High Quality Homes

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA's should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

### Requiring Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute to making places better for people.
- Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.
- Planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

As stated above, s38(6) requires determination to be in accordance with the Development Plan unless other material considerations indicate otherwise. This is reinforced by paragraph 11 of NPPF. These form the relevant Development plan policies and they remain extant.

### Consultations:-

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Highway Authority:</b>  The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Consider access details and parking provision.	The application proposes the change of use from a public house/restaurant to residential. There would be a significant decrease in traffic movements to and from the site. No details have been provided in regards to the access and parking arrangements however there would be sufficient room for parking within the site and a condition can be imposed to ensure adequate parking is provided.  <b>There are no objections on highway safety grounds to the change of use from commercial to residential.</b>
<b>Thorpe Satchville Parish Council: Objects</b>  Twyford & Thorpe Satchville Parish Council strongly object to the application for a change of use from a drinking establishment to residential use.  The Inn has been the one venue in a small village where villagers can regularly meet to socialize and enjoy the recreational facilities. In a village where in the past we have lost a shop, post office and are about to lose a small garage, the	The Fox Inn public house is the only public house in the village. The applicants have provided a statement outlining the history of the site and their reasons for apply for a change of use. The applicants have not managed the pub for some time and have had two different tenants in to run the facility. Both running as specialised restaurants. French cuisine and Indian cuisine. The pub has been closed since 2014 since the last tenants left.

<p>permanent loss of the Inn would affect the wellbeing of the community.</p> <p>A working group within the village has been formed and two local people who have expressed a wish to purchase the Inn have been identified. They would run the Inn as a going concern. One offer is favoured but is dependent on his ability to sell his property which he is currently trying to do. We also believe that the application is contrary to The National Planning Framework (para 70) and the Melton Plan (10.15 CF4).</p>	<p>There is a community action group campaigning to save the facility and the applicants agreed to meet with them to discuss options of the community taking on the lease and running the pub themselves. The lease on offer involved substantial investment to make improvements and repairs to the building which has lacked in investment over the years. Whilst the talks were taking place the Council agreed to delay determining the application but advised that appropriate marketing would be required in order to improve the prospects of favourable outcome. The applicants have now requested that the application proceed on its merits as presented so they may move forward.</p> <p>The Council has tried to be positive and proactive in its approach and encouraged the applicants to view alternative routes to safeguard a facility with the support of the Economic Development Team at the Council who were willing to discuss business options and possible funding routes. Options discussed were Bed and Breakfast to run along-side the public house, open up as a social meeting place in the day and other options of commercial uses such as offices. All would involve significant investment which the applicants did not want to take on at this point feeling the change of use to residential was their best option.</p> <p>The village of Thorpe Satchville, because of its decline in services is not considered to be a sustainable village and under normal circumstances new housing development would not be received favourably. The last round of advertisement sought to promote the site as a development potential not as a going concern and is not considered to be sufficient to justify the change of use application.</p>
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**Representations:**

A site notice was posted at the site and nearby neighbours notified by letter as a result **39 letters of objection from 34 separate households**; the representations are detailed below. 1 letter of support has been received.

Consideration	Assessment of Head of Regulatory Services
<p><b>Loss of the community facility</b></p> <p>Community is so important for all age groups in rural locations and retaining our public house is a chance for local people to communicate face to face as well as offering business to passing trade</p> <p>The Fox Inn has been an integral part of this village for many years; a place to meet for all villagers, and visitors from far and wide. It has indoor and outdoor games facilities which have been available to all including junior members of the community, under supervision, these would be totally lost with a change of use.</p> <p>There is a keen interest in the village to preserve the Fox as a going concern and plans are being considered with potential buyers to continue a the business as a public house with dining facilities.</p> <p>We have a great need for a meeting place with regular opening hours and the opportunity to engage in the leisure activities associated with a village public house.</p> <p>The village of Thorpe Satchville will suffer as a community should this application be granted, and I believe that the interests of the village community need to be given the highest priority</p> <p>Object to the proposal on the basis that the pub was central hub to the village. I lived in the village for a number of years and the pub played a key role in village life and was an important facility for all to use</p> <p>Little effort has been given to secure a future for the Fox as a public house, with development potential being highlighted from the outset so as to maximise its market value. Historically the Fox as with other public houses has been valued below residential property due to its ties, and there is great incentive to remove these ties, but the interests of the community should outweigh such considerations.</p> <p>The change in use would deprive Thorpe Satchville of a valuable community asset and one of its few remaining social facilities.</p> <p>the two previous restaurants only appealed to a small minority of people and was not suitable for the village location,</p> <p>I believe there are prospective purchasers of the Fox who would wish to operate it as a public</p>	<p>The Fox Inn is the only public house in the village and the only other public services available is a village hall and church. The post office closed some time ago. Whilst the application has been supported with a financial statement from the applicant in regards to the history of the business, it has had limited marketing as a going concern.</p> <p>It has been claimed that the first tenants (French cuisine) advertised the lease in 2010-2012 without success. In 2012 the applicants decided to sell the pub and had planned to advertise it but through word of mouth the 2<sup>nd</sup> restaurateur (Indian cuisine) approached them to take on the lease. No marketing was completed. The second tenants vacated the premises in 2014 and the business was advertised in the Melton Times, on the 21<sup>st</sup> August 2014, 28<sup>th</sup> August 2014 and 4<sup>th</sup> September 2014. Copies of the advert have been submitted. The advert has a picture of the property and states “<i>A redundant public house standing on a large plot of approximately half an acre in the village centre. Potential for redevelopment for residential or other uses, subject to planning permission and change of use</i>”</p> <p>The business has not been marketed within any trade publications. This point has been raised with the applicants who have been informed that advertising for at least 6 months to a year would be justified during the economic recovery. Marketing should be embarked upon prior to any application for change of use to support the proposal.</p> <p>The Local Plan police CF4 states that planning permission will not be granted for development which would result in the loss of local community facilities unless there is no local need or replacement sites and buildings can be made available. The community of Thorpe Satchville did apply to have the public house registered as a Community Asset but this was refused. Residents have registered their objection to the change of use citing that it is an important facility in the village.</p> <p>It is therefore considered that there is arguably a desire for the facility but this does not necessarily indicate that there is a demand. The applicants have argued that the community did not support the pub or the restaurants which still ran a bar servery area and therefore the demand is not there. However the two restaurants were fairly specific and would only appeal to a small niche. Residents have stated that they did not use the bar area as the offer of beer was in bottles and not what is expected from a pub.</p>

<p>house, and no doubt there would be others interested if the property was realistically marketed</p> <p>It is the only asset we have left other than the Village Hall. We have over the last few years had an incoming of younger people who would use the Fox, as the drink driving laws can be restrictive.</p> <p>feel as there is now a lot of interest in the Pub if we could have a little more time to get these off the ground we would be able to keep The Fox as an up and running Pub.</p> <p>with a good business plan there is no reason why the business would not be a success</p> <p>The Fox run as a successful business by a number of different owners and Tenants, however over the last 2 tenancies where it has been run primarily as Specialist Restaurants there has been a decline in its use as a Village Pub, I believe partly due to being mainly Restaurant based, but also due to what appears to be a lack of investment into the building that was and still could become a vibrant Village socialising place</p> <p>It would be loss of a community asset for the villages,</p> <p>Loss of employment in the village</p> <p>There has been a lack of investment into the premises over the years. There is no reason why it couldn't be viable if properly managed.</p> <p>I feel we don't want a restaurant, but a pub, with good pub food</p> <p>It would be a shame to lose the only pub in the village</p> <p>Taking the pub away from a village is like taking the heart out of the village and they should be supported in as many ways possible to help keep the community together</p> <p>The pub is the hub of the village a place to meet friends once it's gone you lose the heart of village life So many events have been held charity as well as just for fun</p> <p>Since its closure last year there has been a noticeable negative impact on the local community and with 2 separate parties interested in taking the Fox Inn on as a Public House I don't see how it could be granted a change of use?</p>	<p>In light that there has been insufficient marketing the applicants cannot demonstrate that there is no longer a demand for the facility from someone in the pub/restaurant sector. The fact that they no longer wish to run the public house is not a sufficient reason to grant a change of use to residential, however there is some sympathy in the applicants not wanting to invest any further money as they have experienced losses in the past. The letter of support was from a family member who substantiated the applicant's case.</p> <p>The limited marketing and explanations provided do not demonstrate that there is no one else willing to take this on as a going concern. Success or failure is dependent on the right business model as well as the support of the community it serves.</p> <p><b>The NPPF seeks to safeguard against the loss of community facilities, which applies to this application. It is not considered that a sufficient case exists to demonstrate that the facility is no longer needed in the village and therefore the application should be refused until it can be clearly demonstrated that the facility is no longer required.</b></p>
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<p><b>Sustainability</b></p> <p>To turn the pub into a house would in affect turn the village in to a hamlet with no services and would be unsustainable village</p> <p>The village has declined in services in the past</p>	<p>The village of Thorpe Satchville is already considered to be unsustainable for promoting new housing growth given that there are limited public services available.</p>
<p><b>Planning Policy</b></p> <p>The application has not clearly demonstrated that it could not become a viable business in the future and the possibilities for diversification has not been taken into account. The Application is contrary to The National Planning Framework (para 70) and the Melton Plan (10.15 CF4). Similar applications have been refused</p> <p>Contrary to the NPPF in retaining services</p> <p>The applicant has not demonstrated the premises is not viable to warrant a change of use. There is no supporting documentation and appears that no objective viability test has been completed. The application is not supported by the NPPF or local polices for the change of use, nor does Thorpe Satchville require a large house.</p>	<p>The Local Plan police CF4 states that planning permission will not be granted for development which would result in the loss of local community facilities unless there is no local need or replacement sites and buildings can be made available.</p> <p>The NPPF seeks to safeguard against the loss of community facilities, which applies to this application.</p> <p>It is not considered that a sufficient case exists to demonstrate that the facility is no longer needed in the village. Insufficient information has been submitted to justify the change of use. The applicants have been advised that appropriate marketing will be required before consideration can be given to the change of use application which will result in the loss of a public facility.</p>

**Other material considerations (not raised through consultation or representation)**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Design</b>	The application proposes not alterations to the exterior.
<b>Impact on adjoining properties</b>	The site is within the heart of the village therefore surrounded by residential properties. It is not considered that the residential amenities would be unduly affected should the change of use be permitted.

**Conclusion**

The application seeks change of use of public house to residential in the rural village of Thorpe Satchville. Insufficient information has been submitted to justify that the facility is no longer required as a community facility.

The proposal is contrary to policies CF4 of the Melton Local Plan which seeks to retain community facilities unless there is no longer a local need for them. It is not considered there has been sufficient marketing of the commercial premises and the case has not been proven. The village is not considered to be a sustainable location due to the fact that there are limited public services in the village to support residents, who would have to rely on the private car to access everyday services. Residential development in this location would not meet the sustainable objectives promoted within the NPPF and the core principles. The proposal is contrary to the local plan and the NPPF and accordingly the application is recommended for refusal.

**RECOMMENDATION: Refuse:**

1. In the Council's opinion the proposal would result in the loss of a valued community facility for residents of Thorpe Satchville to the detriment of the life of the community and the ability to meet its day to day needs. This would be, contrary to policy CF4 of the adopted Melton

Local Plan and the NPPF paragraph 70, insufficient information has been submitted to support the change of use from public house to residential.

2. In the opinion of the Local Planning Authority the proposal would, if approved, result in residential development in an unsustainable location. The development in an unsustainable village location where there are limited local amenities, facilities and jobs and where future residents are likely to depend on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that there is insufficient reason to depart from the guidance given in the NPPF on sustainable development in this location and would therefore be contrary to the "core planning principles contained" within Para 17 of the NPPF.

Officer to contact:

**Mrs Denise Knipe**

**2<sup>nd</sup> July 2014**