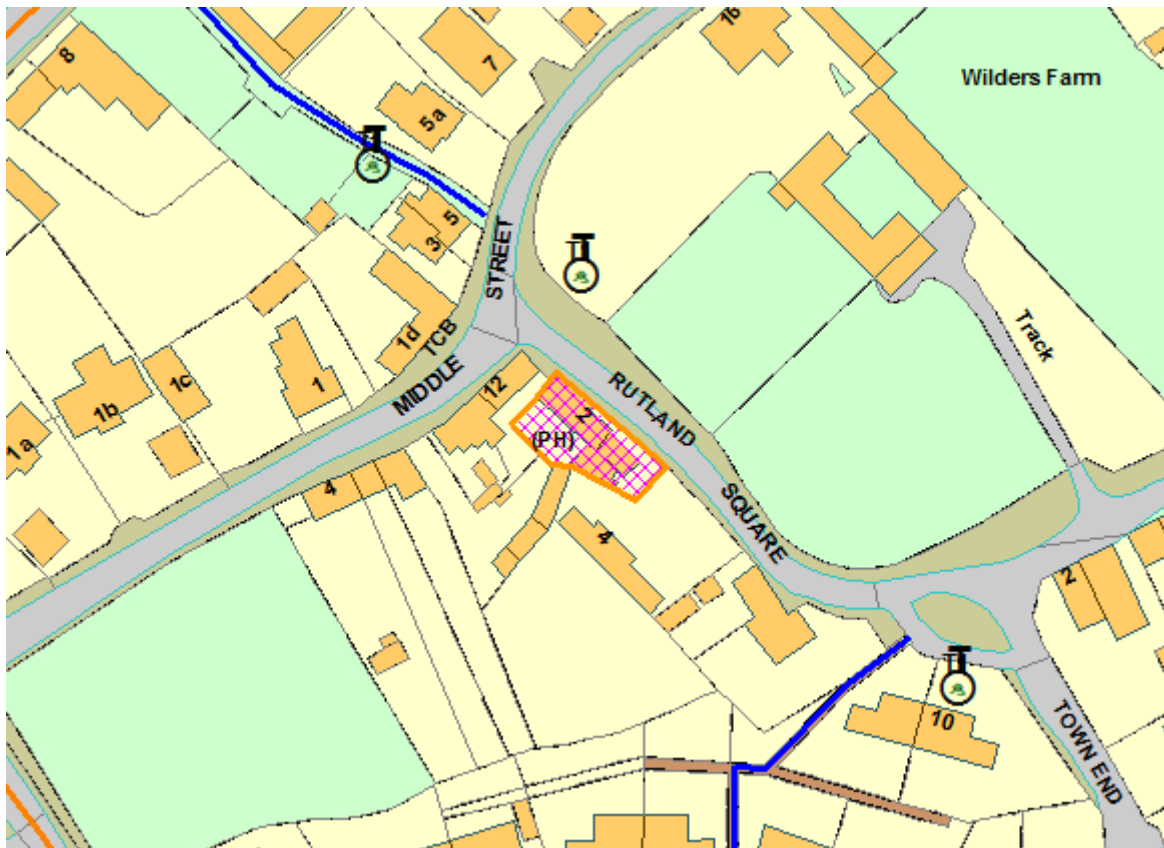


**Reference:** 17/00507/COU  
**Date Submitted:** 24.04.2017  
**Applicant:** Mr Mike Timpson  
**Location:** 2 Rutland Square, Barkestone Le Vale, Nottingham, NG13 0HN  
**Proposal:** Conversion of former public house/restaurant/living accommodation into two dwellings



**Introduction:-**

The application seeks permission to change the use of the public house into two dwellings. The proposal will also involve a small rebuilt of the existing attached outhouse.

**It is considered that the main issues arising from this proposal are:**

- **Compliance or otherwise with the Development Plan,**
- **Impact on the character of the area,**
- **Impact upon residential amenity,**
- **Highway safety,**
- **Loss of the community facility.**

The application is required to be presented to the Committee due to the level of public interest.

**Relevant History:-** Planning permission was granted in 2003 for a utility room extension and cellar extension.

**In March 2017 it was recommended that planning permission should be refused for the change of use of the property from a former public house with living accommodation into two dwellings.** It was recommended for refusal of permission due to the loss of the community facility, detrimental to the life of the community. **The application was withdrawn by the applicant** at the planning committee meeting and it was not determined (16/00809/COU) .

There is no other relevant planning history for the site.

### **Asset of Community Value**

An application was made in January 2016 to make the property an Asset of Community Value. This was rejected as it was concluded that the public house did not fully meet the definition criteria set out in the Community Right to Bid legislation, specifically the Localism Act Part 5, chapters 2 and 3. This states that “a building or other land is an asset of community value if its main use has recently been, or is presently used, to further the social wellbeing or social interests of the local community and could do so in the future. The Localism Act states that ‘social interest’ include cultural, recreational and sporting interest. It was felt there was insufficient evidence to support this definition.” A further submission was submitted in March 2016 and it was concluded that the nomination was invalid.

A further application was made in May 2017 and rejected in July 2017 to make the property an Asset of Community Value. This was rejected as it was felt that the public house did not full meet the definition criteria set out in the Community Right to Bid legislation, specifically the Localism Act, Part 5, Chapter 3, s.88(2). This states that a building or other land is an Asset of Community Value if “there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community.” It was felt that there was insufficient evidence to support this definition and use of the property in the “recent past”.

### **Planning Policies:-**

Melton Local Plan (saved policies)

Policies OS1 and BE1 allow for development within Town and Village Envelopes providing that:-

- 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.

Policy 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 or buildings can be made available.

Policy H6 states that planning permission for residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

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.

Paragraph 7 of the NPPF relates to the three dimensions of sustainable development: economic, social and environmental. This also includes “Social – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being”.

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

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation)
- take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside and support thriving rural communities within it
- 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
- 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.
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

On Specific issues it advises:

### **Supporting a prosperous rural economy**

Paragraph 28 of the NPPF states that local and neighbourhood plans should “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”.

### **Promoting sustainable transport**

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport.

### **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

**Require Good Design**

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

**Promoting healthy communities**

Paragraph 70 of the NPPF states “To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as public houses) 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, and retained for the benefit of the community.”

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

<b>Consultation Reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Barkestone, Plungar and Redmile Parish Council</b> Object</p> <ul style="list-style-type: none"> <li>• Lose community asset – this is against the NPPF, draft local plan and withdrawn draft local plan.</li> <li>• Notes that the application is no different than the previous except the submission of two appendices to the design and access statement – which contain incorrect and misleading facts and statements including that the Parish Council has expressed interest or has resources to purchase the property – this is not the case.</li> <li>• There is an active community group seeking to purchase the building, it is not the case that there is no interest from the community to run the building as a community asset. There is support from 96% of the village for this and an application has been made to make the property an asset of community value. The group is also lining up funds to purchase the property and has prepared a business plan.</li> </ul>	<p>Noted comments made. The relevant planning policy for this application has referenced above (Policy CF 4 and para 70 of the NPPF).. Comments made regarding the lack of facilities in local villages have been noted.</p> <p>Additional information has been provided for this application. The property has also been for sale/ lease since March 2017.</p> <p>The applicant has made the LPA aware of the interest from the community group. The applicant has stated that the offer made by the community group was well below the asking price and it was rejected.</p>

<ul style="list-style-type: none"> <li>The PC hope that the initiative is successful – this will improve the sustainability of Barkestone – granting the application would decrease sustainability.</li> <li>The owners of the building need to properly engage with the community and be willing to pay market value for the property.</li> </ul>	<p>Noted.</p> <p>Noted.</p>
<p><b>LCC Highways</b></p> <p>The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Need to consider, access widths, visibility splays, surfacing and car parking and turning.</p>	<p>Noted.</p> <p>There is currently one parking space at the property, which is proposed to be retained.</p> <p>Although concerns have been raised by local residents regarding a lack of parking provision proposed, it is considered that the proposed use as a dwelling would not result in any greater parking issues than the existing use as a public house.</p>

### Representations:-

**Objections have been received from 103 addresses and one representation of support** has been received for the application. In addition to these representations, the **Vale of Belvoir branch of CAMRA has submitted a representation, objecting to the application.** They have stated that the village needs a community hub and that the public house is ideal in that respect. They state that the building should be preserved and not turned into a dwelling.

### Representation in support

Representation in support received	Assessment of Head of Regulatory Services
<ul style="list-style-type: none"> <li>Where are the objectors from? Most probably never visited the pub. As former landlady of The Chequers, find the comments hypocritical. The reason the business failed was due to the lack of local support. One visit at Christmas with the family is not actively supporting your local.</li> <li>If locals want to purchase the building for non-profit use, they will experience how much time, effort and money it takes. Time to let go of the idea of Barkestone having a pub again and should allow the conversion.</li> </ul>	<p>Noted comments in support of the application.</p>

### Representations objecting to the application

Representations objecting received	Assessment of Head of Regulatory Services
<p><b>Loss of facility</b></p> <ul style="list-style-type: none"> <li>Need somewhere to meet and hold events – hub on the village.</li> <li>Need community facility – perfect location for a shop.</li> <li>Need a community facility within walking distance.</li> <li>New community facility will build a stronger community.</li> <li>Community hub supported by the village</li> </ul>	<p>Noted all objections received.</p> <p>The majority of the objections relate to a lack of community facility rather than the loss of the public house. There appears to be a large amount of support for a community facility. However the establishment of a community facility is not under consideration at present.</p> <p>There is a Church in the village but severely limited</p>

<p>residents.</p> <ul style="list-style-type: none"> <li>• Community hub would provide employment opportunities.</li> <li>• Barkestone Hub Group (BHG) and village trust are currently trying to arrange making the property a village “hub” centre.</li> <li>• Only village facility.</li> <li>• If provided post office facilities these would be used by villagers (also reduce CO2 emissions).</li> <li>• Pub provides business for local brewers, butchers, suppliers etc.</li> <li>• Surveys via public meetings and door to door research expressed strong opposition to proposal (96%)</li> <li>• Current negotiations between group of village residents and owners to purchase the building.</li> <li>• Village needs a well managed pub.</li> <li>• Lead to inadequate, unsuitable and unwanted housing and loss of valuable community asset will result in a loss of community spirit.</li> <li>• Only nearby pubs reachable without driving are down single track roads with no footpaths or lighting.</li> <li>• Other village pubs manage to be ran successfully.</li> <li>• Church not suitable for a gathering of more than a few people.</li> <li>• No village hall – essential to keep pub until one can be built.</li> <li>• Loss of community asset which in all likelihood will never be restored – once gone, gone forever.</li> <li>• Evidence from across country if business supports interests and desires of the community it can do well and improve quality of life in the area.</li> <li>• If pub ran by community could offer varied uses.</li> <li>• Object in interests of community life and social cohesion.</li> <li>• Disappointing if pub disappears without exhausting all options.</li> <li>• Need community facility before any more housing.</li> <li>• Too many pubs are being converted into housing.</li> <li>• “Plenty of land” for community use – most is tied up with the Belvoir Estate.</li> <li>• Rural pubs part of “charm” of the area.</li> </ul>	<p>other amenities. There is a bus service which serves the village, however this is not hourly and does not run on Sundays or Bank Holidays. Therefore it is considered that residents are highly likely to be dependant on the car and therefore the loss of this community asset may result in village residents travelling elsewhere to use this type of facility.</p> <p>Although residents have stated that villagers are keen to explore alternatives, this has not happened. The applicant has stated that the Parish Council/ BHG has not been forthcoming in purchasing the property as a community facility (one offer has been made which was well below the asking price) and that local residents have not supported the business.</p>
<p><b>Business problems</b></p> <ul style="list-style-type: none"> <li>• Pub has struggled as not catered to local residents – e.g. biker pub</li> <li>• Should be a traditional village pub, not like the biker pub more suitable for a city location.</li> <li>• Experts have confirmed viability/ capable of being run as a commercially viable business.</li> </ul>	<p>The applicant has provided viability information in relation to the building and previous businesses. This information indicates that a loss has been made in relation to businesses run from the property.</p> <p>The applicant has carried out a viability assessment which has considered the existing issues at the</p>

<ul style="list-style-type: none"> <li>• Failures of pub due to wrong/ poor management.</li> <li>• Previous successful business closed for personal reasons, not financial.</li> <li>• All options have not been explored to a significant degree.</li> <li>• Examples of non-viability do not prove case that pub is not required – e.g. motorbike pub and fish and chip shop with bar.</li> <li>• Fact that the PC have not offered to purchase the pub requires clarification – PC is not in a position to purchase the pub as it does not have the funds – village hall fund is administered by a trust (from sale of the old school)- not connected to the PC.</li> <li>• Value placed on property as two dwellings exceeds the value as a public house – inability to sell at inflated price does not justify argument that no viable use for pub or other community facility.</li> <li>• Niche business models and not taken into account needs of the villagers.</li> <li>• Pub only open sporadically and often ran out of food – due to poor management.</li> <li>• Worst location in UK to open a US style Harley Davidson diner – how can this be allowed but not a hub.</li> <li>• Experience and knowledge of buyers key to success.</li> <li>• Was property purchased as a business venture or development plot.</li> <li>• Business failure is sad but should move on and give someone else the opportunity to run the pub.</li> <li>• Wholly support pub if ran properly.</li> <li>• No detailed financial data given, despite being main factor to support the financial failure of recent uses.</li> <li>• States locals did no support, previous model was not aimed at locals. States lack of support but no evidence provided.</li> <li>• Success of Redmile and Plungar pubs attests to need for local pubs.</li> <li>• While conversion often welcome, pub is far from redundant.</li> <li>• No reason business cannot be commercially viable – MBC should use CAMRA public house viability test.</li> <li>• Insufficient marketing evidence – how long on the market and who by? Specialists?</li> </ul>	<p>property (such as no customer car parking or garden, few tourists, low day time working population etc) and future potential issues (e.g no proposed residential or employment development) and social changes which have occurred over the past few years including cheaper supermarket alcohol, smoking ban, changes in socialising (more at home).</p> <p>The evidence provided indicates that there were three different operators over the four ventures during the past 10-15 years. (Note there is no evidence for one business venture, which ended in bankruptcy).</p> <p>The marketing particulars market the property as a public house. However this does mention a development opportunity, subject to achieving the correct permissions.</p> <p>The property has been marketed by a commercial specialist, in the Derby Telegraph, on the agents’s website (Salloways), online on other websites, as an E-shot to existing customers, Twitter and on an advertising board at the property.</p>
<p><b>Sustainability</b></p> <ul style="list-style-type: none"> <li>• If approved will have an irreversible impact on village sustainability.</li> <li>• Poor public transport – pub has provided post office facility in the past.</li> <li>• Public house since 1846 – part of village history. Oldest building in village after the church.</li> <li>• Disrupts character of the village</li> </ul>	<p>Clearly retention of a pub would add to the sustainability pf the village. However its presence would not be dependent solely on the outcome of the application, it would need to be operated as a business or community enterprise in order to contribute.</p> <p>Understanding of these issues is usually obtained from the viability assessment provided with the application.</p>

<ul style="list-style-type: none"> <li>• Application to convert the school was refused permission on basis the village couldn't sustain more occupants.</li> <li>• Will affect no. of visitors to the village.</li> <li>• Less desirable place to live due to lack of facilities and need to drive.</li> <li>• Risk of becoming a dormitory village – limited social interactions and won't attract young people.</li> <li>• MBC always talk about sustainability – chance to put actions into reality – don't want empty rhetoric.</li> <li>• Villages have never and should not be forced into becoming a group of houses with no community facilities.</li> <li>• MBC should be looking to protect rural communities.</li> <li>• A plan would never be made for a community/ village without addressing social needs of the residents – madness to allow development to erase these amenities.</li> <li>• Goes against principle of sustainable development.</li> <li>• MBC have responsibility to consider the health of the village.</li> </ul>	
<p><b>Housing</b></p> <ul style="list-style-type: none"> <li>• No need for this type of property – number of empty properties in the village.</li> <li>• Cannot see how conversion would work due to the size of the property and no outdoor space – this would not enhance the village.</li> <li>• Converting to housing is short sighted.</li> <li>• Village does not need more housing.</li> <li>• Housing not consistent with Government's aims for good quality affordable housing.</li> <li>• Proposed properties not affordable – will be sold for maximum market value by private treaty.</li> <li>• Poor design – fail to see how would improve the character of the building.</li> <li>• No evidence provided by the applicant that there is any real requirement for the type of properties proposed.</li> <li>• Such converted properties could not be considered "affordable".</li> <li>• Affordable housing in planning sense not being offered and would be full market value.</li> <li>• Housing would not meet social need or intermediate housing.</li> <li>• Bottesford development provides affordable housing, more is not needed.</li> <li>• Historic function as a pub more important than new dwellings.</li> <li>• Cramped living accommodation.</li> <li>• More housing is not a priority.</li> </ul>	<p>There are currently properties for sale in the village, which were all larger dwellings (3+ bedrooms).</p> <p>The proposal will result in one dwelling with a footprint of 93m2 (2 storey dwelling) and a single storey dwelling with a footprint of 77m2. It is considered that the sizes of these proposed dwellings are acceptable.</p> <p>There is no requirement in the Melton Plan for minimum external space standards. Given the constraints of the site, it would not be possible for the applicant to provide a larger garden for proposed residents.</p> <p>Due to the size of the development, there is no requirement to provide affordable housing. However the smaller properties would provided a type of housing which has been identified in the evidence contained in the Housing Needs Study 2016.</p>
<p><b>Highways</b></p> <ul style="list-style-type: none"> <li>• Application is contradictory – stating there is parking provision but also that there is no</li> </ul>	<p>Whilst the proposal will only provide one parking space for the two dwellings, it is considered that the proposed use of the property would not result in any</p>



<p>parking/ garden and thus an unattractive venue as a pub.</p> <ul style="list-style-type: none"> <li>• Increase congestion in village centre – make area unsafe for children to play.</li> <li>• 3-4 extra cars as a result.</li> <li>• Access road is very narrow.</li> </ul>	<p>more parking demand than the existing use as a pub. The Highways Authority have not objected to the proposed development on highway safety grounds and whilst the proposed development would not result in sufficient parking as usually required, it is considered that it would be very difficult to justify a refusal of the application due to a lack of off road parking.</p>
<p><b>Policy</b></p> <ul style="list-style-type: none"> <li>• Contradicts 1999 Melton Local Plan – protecting facilities in local communities.</li> <li>• Policy OS1 – loss of pub would affect the character of the village.</li> <li>• Proposed condition re allowing time for the Hub group to purchase the property would fail paragraph 206 of the NPPF.</li> <li>• Fail Policies OS1 and CF4.</li> <li>• NPPF paragraph 7 – sustainable development</li> <li>• NPPF Paragraph 28 – need to support rural communities.</li> <li>• Proposal contrary to draft local plan.</li> </ul>	<p>Noted. Relevant policies have been considered above and below.</p>
<p><b>Other</b></p> <ul style="list-style-type: none"> <li>• Benefit the applicant financially to change the use, no planning need and at the expense of the social welfare of the village.</li> <li>• No-one apart from the owner wants the change.</li> <li>• Design and Access Statement – “untrue and fictitious” comments – should render application inadmissible.</li> <li>• Already another stalled undeveloped building site in the village.</li> <li>• Current owners have not seriously engaged with the community to sell.</li> <li>• Opposition from the village practically 100%.</li> <li>• Judging by objections there is no local need and no replacement sites or other suitable buildings.</li> <li>• Loss of pub would lower value of homes.</li> <li>• Conversion shows profit is being put first by the owner.</li> <li>• Due to lack of public transport, local pubs reduce the temptation to drink and drive.</li> <li>• Commercial opportunism for someone who doesn’t live in the village and no interest in the effect consent would have.</li> <li>• Frustrating applicant can submit comments and members of the public have no formal right to reply.</li> <li>• Changes to the pub appear to have been made with long term view to convert property.</li> <li>• New development a Belvoir Castle will increase visitors to the Vale and village – if managed properly the business could thrive.</li> <li>• Views of the local residents not considered by the owners and date of meeting was indicative of lack of commitment to enabling villagers to attend (last Friday before Christmas). Hard to believe following this consultation that a Harley Davidson themed</li> </ul>	<p>Some of the issues raised here are not material considerations to be taken into account (e.g. impact on house prices, profits of development).</p>

<p>bar was needed.</p> <ul style="list-style-type: none"> <li>• For sale sign up 17/3/2017 - £230,000, well above the market value. Negotiations have been ongoing for a separate valuation.</li> <li>• Application submitted 24/4/2017 – 37 days after the for sale sign appeared – all reasonable efforts for alternative have not been made.</li> </ul>	
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Consideration	Assessment of Head of Regulatory Services
<p><b>Compliance, or otherwise, with Planning Policy</b></p> <p><b>Policy CF4 of the adopted Melton Local Plan</b> 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 or buildings can be made available.</p> <p><b>Paragraph 70 of the NPPF</b> states “To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as public houses) 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, and retained for the benefit of the community.”</p>	<p><b>In this instance the content the relevant saved policy of the Local Plan (CF4) are considered to be consistent with the NPPF and as such retain weight under the provision of para. 215.</b></p> <p>Details of marketing particulars and enquiries made have been provided to the LPA and are detailed above. This comprises marketing for a period of 7 months. The building has been for sale/ lease since March 2017. To date, there have been limited enquiries and only one offer made (by BHG, under the asking price). The applicant ‘counter offered’ the community group a discounted purchase price of £195,000 purchase the building and have also offered the opportunity to lease the building at a discounted rent.</p> <p>The applicant has undertaken to provide valuations to demonstrate the marketing was carried out at a price reflective of its market value. This will be reported verbally to the Committee.</p> <p>The applicant has also provided details of financial information in relation to the viability of the property and businesses previously accommodated. From the evidence provided, it is clear that losses have been made by the businesses.</p> <p>The applicant has also submitted a viability report, following the guidance of the CAMRA Public House Viability Test. This has stated that there is little scope for future custom, very few tourists at present and no social groups using the property (occasionally the local football team will visit). There is no customer car park or beer garden and no room for expansion. There are currently 2 pubs within 3 miles and a further 3 within 5 miles. The first floor is currently in residential use.</p> <p>On the above basis it is considered that sufficient information has been provided to demonstrate that the use of the property as a public house is not viable and that there is no market interest in its acquisition for its current use.</p>
<p><b>The (new) Melton Local Plan – Pre submission version.</b></p> <p>The Pre Submission version of the Local Plan (as amended b Focussed Changes) was submitted for</p>	<p>Whilst clearly the Local Plan has progressed at present it can be afforded only limited weight.</p> <p>When assessed against the NPPF criteria opposite:</p>

examination on 4<sup>th</sup> October 2017.

The NPPF advises that:

From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Pre Submission version of the Local Plan identifies Barkestone Le Vale as a 'rural settlement' in respect of which, under Policy SS3, in rural settlements outside of the main urban area, the Council will seek to protect and enhance existing services and facilities and will support sustainable development proposals which contribute towards meeting local development needs, contributing towards the vision and strategic priorities of the plan, and improving the sustainability of our rural areas.

Outside of those sites allocated through the local plan, planning permission will be granted for new development in the rural area within or on the edge of existing settlements, provided it is in keeping with the scale and character of the host settlement and where it has been demonstrated that the proposal enhances the sustainability of the settlement(s) to which it relates and, through repeated application, will not result in a level or distribution of development that is inconsistent with the development strategy.

In addition to this, Policy C7 New Melton Local Plan (Pre-submission draft) states that support will be given to proposals and activities that protect, retain or enhance existing community services and facilities\* or that lead to the provision of additional assets that improve community cohesion and well-being to encourage sustainable development. Proposals for the change of use of community facilities\*, which would result in the loss of the community use, will only be permitted where it is clearly demonstrated that either:

1. there are alternative facilities available and active in the same village which would fulfil the role of the existing use/building, or
2. the existing use is no longer viable (supported by documentary evidence), and there is no realistic prospect of the premises being re-used for alternative business or community facility use.

The proposal must also demonstrate that consideration

The Local Plan is submitted for Examination and has the following steps to complete:

- Examination for its 'soundness' under the NPPF
- Examination results to be published and any 'modifications' to be the subject of consultation
- Further examination to take place into Modifications
- Final Inspectors Report and recommendations
- Adoption by MBC

There are several hundred representations to the local plan covering very many aspects. It can only be reasonably concluded that very many relevant objections remain unresolved

Whilst it is the Council's view that the Local Plan is consistent with the NPPF (as this is a requirement allowing its submission) this is contested by many parties. This will be the subject of consideration by the Examination process.

**It is therefore considered that it can attract weight but this is limited at this stage.**

The proposed development would involve the reuse of the existing building, rather than the construction of new dwellings.

This policy reflects closely CF4 and Para 70 as addressed above. The details of marketing and viability above are considered to adequately address the criteria of the emerging policy in terms of prospect of the established use being retained and that reasonable efforts have been made to sell or let (without restrictive covenant) the property as a public house and that it is not economically viable. However the documents do not address the impact closure may have on the village and its community nor any evidence of public support for its change of use.

It is therefore considered that it partially complied with the emerging policy and can only benefit from very limited weight as a result.

<p>has been given to:</p> <p>a) the re-use of the premises for an alternative community business or facility, and that effort has been made to try to secure such a re-use; and  b) the potential impact closure may have on the village and its community, with regard to public use and support for both the existing and proposed use.  * including facilities such as community/village halls, village shops, post offices, schools, health services, care homes, public houses, playing fields and allotments.</p> <p>The requirements for this policy include: the loss of the community facility must be fully justified. It must be demonstrated that all options for continued use have been fully explored and that retention would not be economically viable. They must show that there is no reasonable prospect of the established use being retained or resurrected and that there is little evidence of public support for the retention of the facility.  (5.11.5)</p> <p>In the case of public houses and shops, it must be demonstrated that all reasonable efforts have been made to sell or let (without restrictive covenant) the property as a public house or shop and that it is not economically viable. (5.11.6)</p>	
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**Conclusion**

The Borough is considered to have an adequate housing land supply. The site would add two dwellings to this supply, the contribution it would make is limited. It is considered that due to the limited need for further supply and the contribution the development would make, the weight attached to the provision is limited.

Balanced against this, Barkestone Le Vale has a poor range of local facilities and services and therefore is not considered to be a settlement suitable for residential development. Evidence produced in the formulation of the new Local Plan shows that the sustainability ‘credentials’ of Barkestone are very limited and as a result it proposes limited residential development only in specific circumstances.

In addition to this, the proposed development would result in the loss of a community facility. Evidence of sufficient depth and quality to demonstrate (a) that adequate efforts have been made to actively market the property for sale or lease for continued use as a public house and (b) that previous businesses have not been profitable and (c) that a public house business is not realistically viable.

In conclusion it is considered that, on the balance of the issues, there are limited benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply. However, the balancing issues – the poor sustainability of the village and loss of the community facility have to be considered. Given that viability information (including marketing and a viability appraisal for continued use as a public house) has been provided for the existing use of the site, which indicates that the past business ventures of the current and previous owners have not been successful, and that there has been little interest in the property, which has been on the market for over 7 months this time around, it is considered that should planning permission be refused for the change of use for the property, it is possible that the building would stand vacant and fall into disrepair.

**Recommendation: Permit, subject to conditions**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with drawings numbered 15/035-P01, 15/035-P02 and 15/035-LOCN, received by the Local Planning Authority on 22 April 2017.
3. All external materials used in the development hereby permitted shall be of the same type, texture and colour as those used in the existing building unless otherwise agreed in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.
4. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 as amended (or any Order revoking and re-enacting that Order) in respect of the replacement dwelling hereby permitted no development as specified in Classes A, B, C, D, E or F shall be carried out unless planning permission has first been granted by the Local Planning Authority.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory standard of external appearance.
4. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.

**Officer to contact: Mrs Joanna Lunn**

**Date: 6<sup>th</sup> October 2017**