
Appeal Decisions

Site visit made on 23 August 2017

by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th October 2017

Appeal No.1: Appeal Ref: APP/D0840/W/17/3167332

Butchers Arms, A390 between South West of Trebeigh and junction North West of Newbridge Cottage, St Ive PL14 3LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Grant Johnson against Cornwall Council.
 - The application Ref PA16/07605, is dated 15 August 2016.
 - The development proposed is Refurbishment and extension of pub to facilitate re-opening of the business, including two ensuite letting rooms. Construction of two new commercial units (Class A1/A2/B1/D1) with staff accommodation over. Associated landscaping and car parking areas.
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Appeal No.2: Appeal Ref: APP/D0840/Y/17/3167335

Butchers Arms, A390 between South West of Trebeigh and junction North West of Newbridge Cottage, St Ive PL14 3LX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Grant Johnson against Cornwall Council.
 - The application Ref PA16/07606 is dated 15 August 2016.
 - The works proposed are Refurbishment and extension of pub to facilitate re-opening of the business, including two ensuite letting rooms with associated landscaping and car parking areas, new pub sign (construction of two new commercial units with staff accommodation over are also proposed).
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Decisions

Appeal No.1: Appeal Ref: APP/D0840/W/17/3167332

1. The appeal is allowed and planning permission is granted for Refurbishment and extension of pub to facilitate re-opening of the business, including two ensuite letting rooms. Construction of two new commercial units (Class A1/A2/B1/D1) with staff accommodation over. Associated landscaping and car parking areas at Butchers Arms, A390 between South West of Trebeigh and junction North West of Newbridge Cottage, St Ive PL14 3LX in accordance with the terms of the application, Ref PA16/07605, dated 15 August 2016, subject to the conditions set out in the first schedule at the end of this decision.

Appeal No.2: Appeal Ref: APP/D0840/Y/17/3167335

2. The appeal is allowed and listed building consent is granted for Refurbishment and extension of pub to facilitate re-opening of the business, including two ensuite letting rooms with associated landscaping and car parking areas, new pub sign at Butchers Arms, A390 between South West of Trebeigh and junction North West of Newbridge Cottage, St Ive PL14 3LX in accordance with the terms of the application Ref PA16/07606 dated 15 August 2016 and the plans submitted with it subject to the conditions set out in the second schedule at the end of this decision.

Procedural matters

3. The Cornwall Local Plan Strategic Policies 2010-2030 was formally adopted in November 2016, during the Council's consideration of the proposals and prior to the appeal application. However, the appellant and other parties are aware of these policies through the adoption process and through the appeal documents. As this document now forms the greater part of the development plan I have had regard to it in my reasoning below.
4. It is evident from the Council's statement that they do not seek to defend the appeal. However, other parties, including the Butchers Arms Preservation Society (BAPS) and the Parish Council oppose the proposals. I have taken these relative positions into account in the determination of both appeals.

Main Issues

5. These are a) whether the proposed works and development would preserve the Grade II listed building known as the Butchers Arms or any features of special architectural or historic interest that it possesses and b) whether the proposed works and development would preserve the setting of the aforementioned listed building and the group of which it forms a part.

Reasons

Significance

6. The Butchers Arms is a typical Cornish vernacular wayside Inn of simple though appealing characteristics. Familiar use of local materials are evident; coursed rubble masonry, slate hanging and slate cladding on the roof pitches. There is also an irregularity of form with a transverse rear wing and later lateral service ranges that give it a picturesque and appealing informal character. The circa C17 date suggested in the list description (determined without access to the upper floors) does not appear far wrong. The roof carpentry of the main range in conjunction with the structural carpentry of the ground/first floor both point to a date of construction towards the end of the C17.
7. As with many vernacular buildings, the pub has been altered and extended over time and in this case a sequence of changes and additions are evident in the standing archaeology of the building. Not all of these changes have been in the interest of preserving its special interest and the building is in some areas conspicuously degraded. Similarly, the building is also showing insipient signs of deterioration, with areas of damp and localised failure of interior finishes. The significance of the Butchers Arms is most evidently expressed in its informal architectural arrangement, its expression of local vernacular materials and in its surviving structural carpentry, which is manifestly of some age.

Proposals and their effect

8. There can be no doubt that the sum of alterations and development proposed is extensive and, for ease, are best considered as separate elements: the alterations and demolitions to the existing building; the proposed extensions and the separate retail/residential development that can be judged to affect the setting of the listed building.
9. There are extensive proposals for reordering the interior of the building for its adapted purpose. Interior finishes are to be replaced, some partitions removed and some elements of the structure demolished. This will lead to the loss of some historic fabric, though the choices presented are predicated on a detailed analysis of the interior. The proposals will in some parts involve the reinstatement of finishes and the upgrading of the performance of some elements of the structure. Those elements to be demolished make a very limited contribution to the special interest of the listed building and their loss may not be said to diminish that interest. On balance therefore, these works would have a neutral effect on the character of the building as one listed for its special interest.
10. The additions are also quite extensive, and uncompromisingly contemporary in their approach and detailing. That said, in form and location they defer to the main body of the building and can, from all key perspectives, be seen as subservient to the main body of the building. Similarly the detailing is low key and applies sympathetic materials in a manner that balances the simple pallet of those on the existing structure. Whilst extensive, and bold, they complement the simple vernacular language of the listed building. On balance therefore, I conclude the proposed works and development to the building would preserve its special interest in accordance with the expectations of the Act.
11. The retail/residential units are proposed as a form of enabling development that will secure the repair and remodelling of the listed building. The pair of units to the east of the pub are presented in similarly bold contemporary style, being of two storeys and set a little back from the road. The linear character of the village nevertheless does render this location a sensitive one; there is good reason for the Butchers Arms to be identified as one of a group of listed buildings forming the core of this modest historic settlement. These include the highly Graded Church (Grade I) and the nearby Chantry (Grade II*).
12. On their own I feel the pair of retail/residential units would present a rather too strident departure from the vernacular architecture of the village, unnecessarily drawing attention to themselves at the margins of the settlement. However, the eastern prospect of the settlement is at present terminated by the dominant presence of the modern garage facility beyond the appeal site. Thus the proposed retail units are able to sit between the listed building and this modern structure and in fact, through their low key and simple handling, in conjunction with the additions to the pub, mediate between the two. Insofar as they achieve this visual aim I also conclude they would preserve the setting of the listed building again in accordance with the expectations of the Act, thus also preserving the setting of the wider group of which it forms a part.

Other matters

The effect of the development on the pub as an Asset of Community Value (ACV)

13. Under the Localism Act 2011, communities may nominate a public or private asset to be registered on the Assets of Community Value (ACV) register; giving communities the chance to collate a bid for an asset should the asset be disposed of on the open market. As I understand it the pub has been listed as an ACV, along with small areas of land to the immediate north and south of the building, though not the land to the east which has been judged by the Council not to form part of the asset.
14. Other parties, including BAPS, have suggested the proposed works and development would contravene the listing of the pub as an ACV. Such concerns extend to the effect the changes proposed would have on the listed building to their effect on the character of the village and that they do not reflect the pub as it is known to the community. A number of these issues have been addressed above. However, the purpose of the greater scheme is to seek to enable the refurbishment of the building as a public house, bringing it back into active use through a programme of investment secured through planning obligation.
15. Although the character of the institution will inevitably change through this process, it will be and remain a functioning and viable pub. It is the case that the open area and play facility to the east of the pub would be lost to the retail/residential development and car parking. However, a more active and intensive use of the forecourt area is proposed in compensation and I conclude, on balance, that this would be a reasonable trade. This seems to me to fulfil the essential requirement of the asset which, it must be remembered, is at the current moment closed. I therefore see no conflict between the proposals and the building's status as an ACV. Whilst I can appreciate this will come as a disappointment to local parties, with the use and function of the pub sustained there can be little weight afforded to an argument that facility will be lost to those members of the local community.
16. I am also mindful of that BAPS maintain that the elements of land subject to these proposals hitherto not included in the ACV designation should be. It is my understanding that Cornwall Council has subsequently determined that these ancillary areas should not be included in the designation. I note the disappointment of interested parties at this outcome, but this appeal is not the appropriate mechanism for seeking a review of such a consideration. BAPS also advise in their submissions that it is the intention of the appellant to dispose of the property. However, I am not advised that this has taken effect and any conjecture in this regard carries very limited weight in my determination of the substantive issues of this case.

Unilateral undertaking

17. The purpose of the planning obligation is to secure the revenues from the sale of the retail/residential units to fund the finance of the repair, refurbishment and extension of the pub. This is a credible and recognised mechanism of enabling development that is necessary to secure the future of the heritage asset. I conclude it is therefore necessary to make the development acceptable in planning terms, is proportionate and directly related to the development. This accords with regulation 122 of the Community Infrastructure Levy

regulations and paragraph 204 of the National Planning Policy Framework (the Framework) so I may confidently take it into account in my decision.

Planning balance and conclusion

18. This package of proposals represent significant change to the listed building, its setting and to that of those others that form the wider group. However, not only would they bring benefits to the fabric of the listed building, they would also deliver a facility capable of sustaining the current planning use of the building. Moreover, the enabling development has the capacity to ensure the delivery of these objectives without causing material harm to the setting of the listed building or the group of which it forms a part. Such an outcome would be consistent with the policies of the Framework that seek to safeguard designated heritage assets and their setting (paragraphs 131-134) and those seeking to secure sustainable development for the rural economy (paragraph 28). It would also be in accordance with the policies of the local development plan, specifically policy 24 of the Cornwall Local Plan Strategic Policies 2010 – 2030 which seeks to safeguard the historic environment and policies 1 – 4 and 6, which seek to support sustainable development in appropriate locations.

Conditions

19. The appeals being allowed, a condition is attached (set out in the respective schedules) requiring that the development be carried out in accordance with the submitted plans, to afford certainty. A further condition is attached securing the appropriate drainage of the site to avoid the risk of flooding and in the interests of water quality. Conditions are also attached requiring the submission of details of the means of access and junction improvements to the Pensilva/St.Ive Road junction in order that the safety of road users is safeguarded.
20. Conditions are also attached requiring the submission of hard and soft landscaping schemes and that any external lighting and CCTV installations have the prior approval of the local planning authority, all to ensure a satisfactory appearance to the development.
21. In respect of appeal No.2 I attach a condition requiring the submission of a range of details in respect of the works to the listed building, including finishes to the interior and works to the roof, all of these details are necessary in order that the special architectural interest of the building is preserved.

Conclusion

22. For the reasons given above and having considered all matters raised, I conclude that both appeals should be allowed and planning and listed building consent be granted.

David Morgan

Inspector

Turn-over

Schedule of conditions

Schedule No.1

- 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 approved plans listed in schedule titled 'The Butchers Arms Document Issue sheet (Planning Appeal).
- 3) The development hereby permitted shall not be brought into use until the installation of a system for the disposal of surface water on the site has been completed in accordance with the details which shall first have been submitted to and approved in writing by the Local Planning Authority. The details shall include a programme for maintaining the system. The system shall be retained and maintained thereafter in accordance with the approved details.
- 4) Any external lighting to be erected on the site in connection with the development hereby approved shall have the prior written approval of the Local Planning Authority.
- 5) No development shall commence until details of construction, surfacing, surface water drainage and street lighting to the means of access to the site and the internal driveways and parking areas have been submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the development hereby approved, the site access, internal driveways and parking areas shall be constructed in accordance with the approved plans and shall be retained as such thereafter.
- 6) Prior to the first use of any part of the development hereby approved the Pensilva/St Ive Road Junction to the immediate southwest of the site shall be improved in accordance with a detailed scheme that shall have the prior written approval of the Local Planning Authority. The improvements shall be laid out and constructed in accordance with the agreed scheme prior to the first use of any part of the development hereby approved.
- 7) Any CCTV to be erected on the site in connection with the development hereby approved shall have the prior written approval of the Local Planning Authority.
- 8) Prior to the first use of the development hereby approved full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out in accordance with the approved details prior to the first use of the development and retained as such thereafter. The hard landscaping details shall include: Details of the proposed fencing for the front and rear of the site Minor artefacts and structures (e.g. furniture, refuse units, signs, canopies, parasols).
- 9) No development shall commence until a scheme of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall provide planting plans with written specifications including:

Details of all existing trees and hedgerows on the land, showing any to be retained and measures for their protection to be used in the course of development;

Full schedule of plants;

Details of the mix, size, distribution and density of all trees/shrubs/hedges Cultivation proposals for the maintenance and management of the soft landscaping.

The protection measures proposed shall be completed in accordance with the approved scheme before the development hereby permitted commences and shall thereafter be retained until it is completed. Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species as those originally planted.

Schedule No.2

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Prior to the commencement of the development hereby permitted, the following details shall be submitted to and agreed in writing by the Local Planning Authority in so far as they relate to works of refurbishment and extension of the Listed Building.

A schedule of works to the Listed Building to include a methodology of how the works will be carried out.

Large scale details of all new joinery and any repairs to windows and glazing in respect of the Listed Building.

Details of proposed floor coverings including the removal of any original floorboards.

Details of proposed wall and ceiling coverings.

Details of any new mechanical ventilation/extraction units.

Details of any new underfloor heating and/or new insulation.

Details of any proposed works to the roof of the pub.

Details of external works to the Listed Building including render removal, repointing and/or painting.

The development shall be carried out in accordance with the agreed details and retained and maintained as such thereafter.