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## Appeal Decision

Site visit made on 21 July 2014

**by Claire Victory BA (Hons) BPI MRTPI**

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

**Decision date: 8 September 2014**

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**Appeal Ref: APP/H1515/A/14/2216001**

**The Bull Public House, Church Street, Blackmore, Ingatestone, Essex  
CM4 0RN**

- 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 Mrs Sheila Pickering against the decision of Brentwood Borough Council.
  - The application Ref 13/00250/FUL, dated 4 March 2013, was refused by notice dated 30 September 2013.
  - The development proposed is described in the application as "the erection of 2 dwellings and car barn, alterations to listed building "The Bull Public House"".
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. There are numerous listed buildings in the vicinity of the appeal site. However, the Council's Decision Notice only relates to the impact on The Bull Inn and based on my site observations I have no reason to disagree. I have thus framed the main issues accordingly.
3. I have used the address on the Council's Decision Notice since it is more precise than that given on the application form.

### Main Issues

4. The main issues in the appeal are:
  - Whether the proposal would preserve or enhance the character or appearance of the Blackmore Conservation Area;
  - The effect of the proposed development on the setting of the grade II listed building, The Bull Inn public house; and
  - The effect of the development on the availability of community facilities in the local area.

### Reasons

5. The appeal site is located within the village of Blackmore, and comprises the Bull Inn public house, car park and garden area. The eastern boundary of the site abuts a narrow road with the broadly rectangular shaped village green beyond. To the north lie residential dwellings, and to the south is a pedestrian

access known as Blacksmiths Alley, or Bull Alley. On the other side of this narrow access properties are positioned hard against the back edge of the footpath. On either side of the village green properties are set further back within their plots.

*Character and appearance of Blackmore Conservation Area*

6. The appeal site lies within the Blackmore Conservation Area. As such I have had special regard to the need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
7. Two semi-detached dwellings are proposed at the eastern edge of the appeal site, facing the village green. A four vehicle car barn is proposed to be located to the west of the proposed dwellings, with vehicle access from Church Street.
8. The appellant contends that the appeal site does not have an important role in the heritage significance of the conservation area, other than the Willow tree, which would be retained in the appeal scheme. Having regard to the Council's Conservation Area appraisal (2007), and observations on my site visit, I consider the heritage significance of the area lies in the medieval centre of the village, held together by a surviving core of listed buildings, including The Bull Inn, and others in its immediate vicinity such as Longbeam Cottage, Little Jordan and Church Street Cottage. The Green is also identified within the appraisal as being of central character to the conservation area.
9. A number of representations noted that the beer garden had historically been part of the village green. I have insufficient information to confirm this assertion. Nonetheless, I consider the erection of the two dwellings close to the edge of the appeal site would create an unacceptable degree of enclosure of the village green. This would encroach upon its openness, which is an important part of the character of this part of the conservation area. The appellant has referred to other village greens within the wider area at Finchingfield and Great Bentley, where the greens are enclosed by buildings. I saw on my site visit that although there are dwellings fronting The Green, the separation of the access road and substantial set back of dwellings within their plots does provide for a spacious character. This is also the case to the north east of The Green where the Church and adjacent dwellings are set back from the highway along The Green.
10. I accept that there is a dwelling (Two Ashes) adjacent to the location of the proposed dwellings, but the principal elevation of that dwelling faces the highway of The Green and only the garage is accessed via the narrow road between the beer garden and the village green. There are also buildings at the back edge of the footpath along Blacksmith/Bull Alley, but the enclosed character of the alley is quite distinct from the openness of the village green.
11. I conclude that for the reasons set out above, the proposed development would not preserve the character or appearance of the Blackmore Conservation Area. It would be contrary to the design and heritage objectives of policies CP1 and C14 of the Brentwood Replacement Local Plan (LP) (2005). Despite the prominence of the development within the conservation area, as it would not result in the loss of any buildings I consider that the development would have a less than substantial effect on the character and appearance of the conservation area. I have therefore weighed any potential public benefits associated with the proposal against the harm caused by the development, in

accordance with paragraph 134 of the National Planning Policy Framework (the Framework). The provision of new housing can be of wider benefit; however this would be of insufficient public benefit to the proposal to outweigh the significant harm the proposed dwellings would cause to the character and appearance of the Blackmore Conservation Area. I conclude therefore that the proposed development would fail to accord with national policy.

### *Setting of listed building*

12. The appeal property is Grade II in the list of Buildings of Special Architectural or Historic Interest. The listing text confirms that the property dates from the 15<sup>th</sup> and early 16<sup>th</sup> Century, with later additions in the 19<sup>th</sup> and 20<sup>th</sup> Century. The property was originally two dwellings, combined to form a public house, and is timber framed, and plastered with much exposed framing and hand made and machine made red clay tiles. The principal elevation of The Bull Inn is on Church Street, and the pub forms part of a cluster of listed buildings fronting that road.
13. The proposed dwellings and the car barn, which would be partially visible behind the two dwellings, would obscure longer views towards The Bull Inn from the village green. Whilst the view of the rear of the listed building from the village green is not referred to in the listing as having any special significance, the beer garden and village green provide part of the setting of the listed building and views towards the pub across the village green would be harmed by the new structures.
14. I acknowledge that the removal of the later additions, including the cellar and store area, which have received listed building consent (ref. 13/00251/FUL), would enhance the appearance of the listed building. However, this would not negate the damaging effect on the setting of the listed building as a result of the other elements of the proposal.
15. I conclude that by reason of their siting, the proposed dwellings would fail to preserve the setting of the listed building. They would thus conflict with LP policy C16 which seeks to ensure that development does not detract from the character or setting of listed buildings. These objectives are broadly consistent with the Framework's principles of conserving and enhancing the historic environment.

### *Effect on the availability of community facilities in the local area*

16. The Council contend that the removal of the cellar and store and the reduction in size of the beer garden would be likely to prejudice the viability of the use of The Bull as a public house in the future. While the removal of the more recent elements of the building have listed building consent, the acceptability of the changes in planning terms with regard to their impact on the future use of the public house use is a separate consideration.
17. The cellar and store which are proposed to be demolished are attached to the main building and located directly behind the main bar area. The appellant contends that modern pub operations do not require the existing level of storage, and that additional storage if required could be constructed at nominal cost, but an externally accessed store room near to the kitchen area which has been identified as a possible alternative would be smaller than the cellar area and store room, and some distance from the bar area. Moreover, its position

directly behind the car parking area would hinder its successful operation as a storage area, particularly if staff were carrying products to and from the bar area during opening hours. There is also limited space elsewhere within the site to construct a replacement storage area. On my site visit I saw that there was limited space within the building itself for storage of beers and wines and other products. As such the removal of the storage area is likely to prejudice the successful operation of the public house use, as storage is essential, for example for draught beers.

18. The beer garden comprises approximately half of the appeal site area, with a children's play area in the north east corner, and views onto The Green. The proposed replacement space would be less than a third of the size of the existing garden and considerably narrower. Access to the beer garden would be via a narrow gap between two parking spaces set at right angles to each other, and views of the village green would be considerably diminished due to the exclusion of the south east corner from the new pub garden area. Consequently while there would be a beer garden within the curtilage of the public house, its attractiveness for customers would be significantly reduced.
19. I have had regard to the availability of other public houses within Blackmore village. Although there are alternatives within walking distance of the appeal site, each public house has a different character, and neither of the other two pubs have as large a beer garden. In addition, from the considerable number of representations seeking to retain the existing community use, it is evident that the public house use of the Bull Inn is highly valued, and the beer garden in particular is a key feature which draws customers from a much wider catchment than the village itself. Accordingly the proposal would be likely to have an adverse impact on the attractiveness of the pub to customers from Blackmore and beyond.
20. Whilst the pub has been vacant for several years, it has been in a public house use since the early 16<sup>th</sup> Century. The appellant has indicated that she wishes to continue the public house use, and reference has been made in the appellant's statement to the fact that the proposed dwellings in the garden would defray the considerable cost of converting the public house. However, no evidence has been provided as to the cost of refurbishing the premises, and from the representations there appears to be commercial interest in reopening the premises as a public house. I have therefore attached limited weight to the argument that the construction of the dwellings would enable the continued use of The Bull Inn as a public house. On the balance of the available evidence therefore I consider that it has not been demonstrated that the proposed changes to the appeal property would not affect the future viability of the premises.
21. For the above reasons I conclude that the development would be likely to lead to the loss of a community facility which would be harmful to the local community. As such it would be contrary to LP Policy LT11, and paragraph 70 of the Framework, which encourages planning policies and decisions to plan positively for local community facilities and as appropriate, guard against the unnecessary loss of valued facilities and services.

### **Other Matters**

22. I have had regard to all other matters raised, including the effect of the development on local property values, the adequacy of the site access, loss of

views, the internal alterations made to the pub, including the removal of the bar, and the affordability of the proposed dwellings, but none of these matters are of such significance, either individually or collectively, that they would outweigh the considerations that have led to my conclusions on the main issues.

**Conclusion**

23. For the reasons set out above and having due regard to all other matters raised, I conclude that the appeal should be dismissed.

*Claire Victory*

INSPECTOR