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**Application: DOV/15/00624 & 625**

**Chequer Inn**

**Chequer Lane**

**Ash**

TR28545846



- a) **DOV/15/00624 - Change of use and conversion to residential dwelling (Class C3) (existing lean-to walkway to be demolished) and erection of a garage – The Chequer Inn, Chequer Lane, Ash**

**DOV/15/00625 - Internal and external alterations to facilitate conversion into residential dwelling (existing lean-to walkway to be demolished) (Listed Building Application) – The Chequer Inn, Chequer Lane, Ash**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.  
Listed Building consent be granted

- c) **Planning Policies and Guidance**

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent the local planning authority *“shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.”*

Section 66 of the 1990 Act requires that in granting planning permission the planning authority should pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.

Section 72 of the 1990 Act requires that in granting planning permission the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

#### Core Strategy (CS) Policies

- CP1 – The application site falls within the Ash Local Centre suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities
- DM1 - Development will be permitted within the settlement boundaries
- DM4 – Reuse or conversion of Rural Buildings will be permitted for structurally sound, permanent buildings within Local Centres for commercial, community or private residential uses
- DM24 – Retention of Rural Shops and Pubs. Permission will only be granted for the change of use of a rural shop or pub if its loss would not harm the economic and social viability of the community that it serves or, if such harm would occur, it has been adequately demonstrated that the use is no longer commercially viable and genuine and adequate attempts to market the premises for retail purposes or as a pub have failed.

#### Land Allocations Local Plan

- Annex 1 to the Plan draws on the District Heritage Strategy in order to provide guidance on preparing heritage statements to support planning applications.

### Dover District Heritage Strategy

- An objective of the Strategy is to “ensure the intrinsic quality of the historic environment is protected and enhanced and that these assets are used to positively support regeneration”.

### National Planning Policy Framework (NPPF)

- Paragraph 14 sets out the presumption in favour of sustainable development. This is set out in full in the Overall Conclusions section at the end of this report
- Paragraph 17 sets out 12 core principles which amongst other things seek to secure high quality design and a good standard of amenity for all existing and future residents.
- NPPF – is relevant as the proposal should seek to be of a high design quality and take the opportunity to improve the visual quality and character of the area. Paragraphs 17, 56-59 and 64 seek to promote good design and resist poor design.
- Paragraph 28 of NPPF promotes 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.
- Paragraph 49 requires housing applications to be considered in the context of the presumption in favour of sustainable development
- Paragraphs 69-70 of NPPF seek to promote healthy and viable communities
- Paragraphs 131-134 of NPPF seek to reinforce the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 by setting out guidance on assessing the impacts of development on designated heritage assets. This is amplified in the national Planning Practice Guidance.

The Historic Environment in Local Plans; Good Practice Advice (GPA) (2015) This document provides information to assist in implementing policies in the NPPF and the NPPG.

### The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development that takes into account context as part of the evolution of the design.

#### d) **Relevant Planning History**

15/00622 – for the erection of a detached dwelling and garage within the grounds of the site. Withdrawn.

#### e) **Consultee and Third Party Responses**

##### 15/00625 – Listed Building Application

Parish Council: Initial response stated no objection in principle providing the building is sympathetically treated. With regard to the conversion, the Parish Council states its

objections against the increase in hard surfaces and the garages to be built over tree roots. Having considered the matter further the Parish Council has subsequently written to say that, it recognises the community support that has arisen to retain the pub use as a significant village facility and that, subject to a viable business plan with funding to purchase and run the building as a pub, it supports its retention as a village pub.

Society for the Protection of Ancient Buildings (SPAB): Requires a proper historical analysis of the building fabric and a detailed schedule of the works to be agreed before work is undertaken.

Seven letters of objection have been received against the proposal.

Three letters of support have been received.

Principle Heritage Officer: Raises no objections

#### 15/00624 – Planning Application

Parish Council: As above, but with the amended drawings the Parish Council raises no objections.

There is an overlap in the comments made on both applications. Overall, there are some 92 letters of objection, including from the local MP, and 3 letters in support. In summary, those letters of objection raise the following concerns:

- The building should be used by and made available for the community
- The pub was intentionally made non-viable and was poorly managed
- The proposal would mean the loss of an Inn and an important community resource, community hub and meeting place
- The proposal would diminish community life
- The comings and goings to and from the proposed house would prejudice pedestrian and highway safety
- The proposal would affect the local economy and result in the loss of jobs
- The proposal is contrary to Policy DM24 and the NPPF
- There is no need for another large house in the village
- The pub has a cultural heritage value
- The pub is an asset of community value and a further application for it to become a recognised asset of community value is being made
- The pub could be viably operated and better managed
- Once lost the pub use will not return
- Part of the garden is not included within the application site. The garden of the proposed house would be small and an awkward shape
- The removal of part of the garden from the application site should be clarified
- There is a risk of flooding with the amount of hardsurfacing
- The garage development would give rise to harm to the setting of the designated heritage assets and the nearby properties.

In addition, a summary note of opposition has been submitted by an individual but “On behalf of: The residents of Ash and environs” together with detailed objections relating to legal requirements, planning policy, the economic and social importance of village pubs and the economic viability of tied pubs. This material is itself supported by 12 Appendices.

f) 1. **The Site and the Proposal**

Site

- 1.1 The Chequer Inn is a modestly sized detached building on a prominent junction within the core of the village of Ash. Its last use was as a public house, but more recently it has been vacant. It became vacant at the beginning of 2014, and has remained vacant since.
- 1.2 The Chequer Inn was listed in 1952 at grade II and is a Sixteenth Century timber framed Wealden type hall house. The key features of the Wealden type hall house are recessed central bays flanked by two end bays which have projecting first floors (jetty) to the principle elevation, and is a rich architectural form that demonstrated the wealth or importance of the medieval owner. The listed building retains its original medieval character to a significant extent externally, internally at first floor level and the roof structure. The principle elevation of the listed building faces Chequer Lane but is slightly turned to provide a view of it from The Street, once the main road from Sandwich to Canterbury. The close studding (used for aesthetic more than structural purposes) remains exposed to the central recessed bays and the ground floor of the right hand side projecting bay. The timber framing to the ground floor has been partially removed and replaced with painted brickwork and at first floor is concealed behind what appears to be cement based render. The large fully hipped Kent peg tiled roof is a dominant feature of the building. Internally, the building retains exposed large timber members to the first floor and a crown post roof structure, which would originally have been viewed within the central full height hall. Importantly, the roof retains smoke blackened rafters and daub, rare survivors of the medieval fabric.
- 1.3 In addition to the replacement of some of the timber framing with brickwork, alterations to the medieval hall house over time have included the flooring over of the central open hall and concealment of the roof structure with a ceiling. A domestic property in origin, the latest incarnation of the listed building was as a public house as a consequence of which the original medieval partitions, which would have divided the ground floor living space, have been removed creating a large open plan space. No evidence of the original medieval plan form or fabric remains internally at ground floor level. The bar appears to date from the early Twentieth Century and fireplaces have been altered possibly in the mid to late Twentieth Century. To the rear a single storey addition creating a catslide roof has been added, possibly dating to the early or mid Nineteenth Century. The building has had further single storey additions to the rear forming a dining/function room, toilets and store.
- 1.4 The application site falls within The Street, Ash Conservation Area. The Conservation Area is strongly linear, centred along the important historic route between the Cinque Port of Sandwich and Canterbury. The area has a dense built form with buildings generally facing directly onto the highway and tightly packed along The Street. Open spaces are limited to a few gardens to the front of large properties, the small triangle of land at the junction of Moat Lane, the churchyard of the grade I listed Church of St Nicholas and the junction of The Street with Chequer Lane. This sudden opening up of the built form at the junction allows the Chequers to be fully appreciated within the context of the conservation area. The Chequers Inn is additionally notable for being the one of the very few buildings in the conservation area with exposed timber framing evidencing its medieval origins, whilst the

majority of historic buildings in Ash are of Eighteenth and Nineteenth Century appearance. The Chequers Inn consequently makes a highly significant contribution to the conservation area by virtue of its architectural and historic character and appearance.

### Proposal

- 1.5 The proposal comprises the change of use and conversion of the building to a 4 bedroom house and the internal and external works to facilitate the change of use.
- 1.6 The change of use and conversion of the building to a dwelling house would accommodate sitting, dining, kitchen/breakfast and other ancillary rooms on the ground floor with 4 bedrooms on the first floor.
- 1.7 The drawings have been amended from their original submission. Only part of the existing grounds of the public house is included within the garden area of the proposed house. There is an area immediately behind the building dedicated to lawn and paved terraced area. There is a further area served by the access adjoining the northern part of the building which would accommodate 3 parking spaces to the side/rear of the garden. A single garage is also shown within the garden, which will have a pitched roof. Land to the west of this garden area is retained by the applicant and does not form part of the proposed curtilage of the new house. It was shown on the originally submitted drawings to accommodate a new house and garaging, with access through the current application site as part of application 15/0622. This has now been deleted from the amended drawings as that separate application has been withdrawn. Some of the third party representations refer both to this area and the proposed garage(s) – which do not form part of this consideration.
- 1.8 The external works proposed are all located to the rear and include:
  - the demolition of a later glazed lean-to addition adjoining the single storey rear extension of the main building.
  - the addition of a dormer window and two roof lights into the rear roof elevation
  - the removal of roof lanterns and replacement of felt roof with slates, replacement of doors with windows and a window with door all to the later single storey rear addition.
  - Erection of a single storey garage, and topping of the existing asphalt access and parking area with shingle.
- 1.9 The internal works proposed include:
  - the removal of modern partitions and the bar, and the erection of new partitions to ground floor to form two reception rooms
  - the removal of a modern ceiling at first floor level to expose the original crown post structure.
  - Creation of a bathroom at first floor level.

## 2. **Main Issues**

2.1 The main issues are:

- The principle of the change of use from a public house to a dwelling house
- The impact of the proposals on the designated heritage assets
- The impact on design/street scene
- The impact on residential amenity
- Other matters

### Principle

#### **Loss of use as a public house**

- 2.2 The starting point for considering this issue is the relevant policies in the Development Plan. The Core Strategy, through Policy CP1, identifies Ash as a Local Centre in the Settlement Hierarchy in recognition of its size, range of services and role that it plays in providing services to adjacent communities in addition to its home population. Supporting paragraph 3.10 in the Core Strategy notes the key services associated with designated rural settlements (including Local Centres) and this does not include public houses. The policy requires the location and scale of development to comply with the Settlement Hierarchy in that it is proportionate to the category of settlement and the function it performs. Paragraph 3.12 states that the policy will be used to inform development plan making decisions and decisions on planning applications. The issue raised by the planning application (15/00624) is whether loss of the public house use would jeopardise the role of Ash as a Local Centre.
- 2.3 The Core Strategy specifically considers the issue of the retention of rural shops and pubs under policy DM 24 and the outcome of an assessment under this policy is very relevant to reaching a conclusion under Policy CP1.
- 2.4 The supporting text to Policy DM24 provides guidance on assessing the loss of a public house and its impact upon village communities. Paragraph 1.77 states that account will be taken of the public house's importance to the community that it serves and the range of other facilities and services that would remain. Permission for alternative uses will not be given if the community would be left without any local shops or facilities, or the range would be seriously diminished, unless the applicant has established that a pub use is no longer commercially viable.
- 2.5 The applicant has submitted information to address Policy DM24. The applicant considers that, if permission is given, the village would still be well served by the range of remaining facilities. The applicant notes these as including:

Another public house in the village (The Volunteer)

Two schools

Two churches

Shops – the Co-op convenience store, Londis general store, Hardware store, Beauty Salon, Chemist (Boots), take-away outlet (serving food in the evening and drinks during the day)

Halls/meeting places – Ash Village Hall (available to hire during the day and evenings), Jubilee Hall, Sports Pavilion, Scout Hut.

- 2.6 The Council's 2014/2015 Authority Monitoring Report was approved by Cabinet in December 2015. It considers the range of services and facilities available in rural settlements and, in summary form, verifies the range in Ash identified by the applicant.
- 2.7 Whilst the proposed loss of the public house is regrettable it can be seen from the above that the village would still be served by a public house - The Volunteer. The issue is therefore whether the proposed loss of The Chequers as a pub would seriously diminish the range of facilities in Ash and thereby harm the economic and social viability of the community. Seen against the range of facilities that would remain (including another public house) it is not considered that the proposal would result in harm to the social and economic viability of the community as referred to in Policy DM24 and amplified in paragraph 1.77. On this basis, it is not necessary to address the second part of Policy DM24 regarding whether the pub use is no longer commercially viable and that genuine and adequate attempts to market it have been made.
- 2.8 It is concluded from the above that in relation to Development Plan policy the proposed loss of the public house use would not cause harm as envisaged under policy DM24. Taking this into account, together with the point that although the number of pubs in Ash will reduce, the range of facilities will remain and that, in any event, pubs are not noted in paragraph 3.10 of the Core Strategy as key facilities for designated rural settlements, it is concluded that the proposal would not jeopardise the role of Ash in a way that runs counter to policy CP1 and its role as a Local Centre in the Settlement Hierarchy.
- 2.9 It next needs to be considered whether there are any material considerations that would alter these conclusions. The material considerations consist of the NPPF, the situation regarding registration as an asset of community value, and any other matters raised by third parties.
- 2.10 The fourth bullet point of paragraph 28 in the NPPF seeks planning policies to promote the retention and development of local services and community facilities in villages and, amongst other uses refers to public houses. The Council has such a policy basis in policies CP1 and DM24 and in this respect the NPPF does not add any further considerations. Paragraphs 69 and 70 relate to promoting healthy communities. The first bullet of paragraph 70 relates to planning positively for the provision of, amongst other things, pubs and appears more directed towards plan making where the issue has been



addressed through Policy CP1. The second bullet relates to guarding 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. The proposed change of use to residential would, if implemented, reduce the facilities available to Ash but it needs to be taken into account that the premises are not currently trading as a pub and have not done so for a significant period. No specific evidence has been put forward to show that the community is less able to meet its daily needs as a result of closure although there is a considerable volume of public representation to indicate that it was/is a valued facility. The conclusion from this is, therefore, mixed but does not amount to such a clear and compelling consideration as to outweigh the positive assessment under Development Plan policy.

- 2.11 As regards the issue of asset of community value the premises have been included on the register following a further nomination. The Government's Community Right to Bid: Non-statutory advice note for local authorities 2012 paragraph 2.20 considers the relationship inclusion on the list of community assets may have to planning decisions and states:

"The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case."

- 2.12 It is considered that, in the circumstances of this case, the property's inclusion on the list is a material consideration because it is an indicator of the value of the pub use to, at least, a sector of the public which should be taken into account. The weight that should be placed on this factor is a matter of planning judgement. In deciding this it is useful to consider the view of the Inspector who considered an appeal relating to The Alexandra, 98 Fortis Green, London (APP/Y5420/W/14/3001921) who said at paragraph 20 of his report "The primary purpose of ACV listing is to afford the community an opportunity to purchase the property, not to prevent otherwise acceptable development." That conclusion appears consistent with the Government's non-statutory guidance quoted above. The focus therefore needs to be on deciding whether the proposals are, in all other legal, policy and material respects, acceptable and then to consider the influence of listing on that conclusion. The Inspector in The Alexandra case gave listing some weight but did not consider it to be a determinative factor; a conclusion which appears to be consistent with the preceding reasoning. It is, therefore, likely to be very hard to demonstrate that permission should be refused if ACV listing was the only reason but it might add weight to other reasons for refusal. This aspect is considered further in the final section of the report.

- 2.13 Public representations in objection to the proposed change of use raise several other points:

It is put forward that in relation to policy CP1 the proposal would not reinforce the role of Ash in the Settlement Hierarchy but rather it would diminish it. There is, however, no requirement in CP1 for individual applications to demonstrate that they would reinforce the role of a settlement. The reference relates to the scale of any development proposed being appropriate to the role of the settlement and is primarily concerned to ensure that the scale of development allocated or applied for at a designated rural settlement is not of a scale that is larger than warranted by the settlement's size and function. The assertion that the proposal would diminish the role of Ash is not supported by any specific evidence and is not considered to alter the assessment under policies CP1 and DM24 above. It is also relevant to note again that a public house is not a use mentioned in paragraph 3.10 of the Core Strategy which reduces further the case for arguing that the loss of such use would diminish the role of the settlement.

- 2.14 It is asserted that the proposal will cause harm under policy DM24 on the basis that the reference to the "range" of facilities and services in supporting paragraph 1.77 should be interpreted as meaning not just type but also variety; in other words, there should be a range within each type of facility. On this basis it is argued that a reduction of two pubs to one eliminates choice in that particular facility and is therefore harmful. This interpretation of the policy is not agreed. The term "range" is given no special meaning in the Core Strategy and should be understood in this context by the ordinary definition of a series of things. If the Core Strategy had intended the meaning put forward by the representation it would have needed to make this plain as it is a much more onerous test. It is not therefore accepted that the proposal would cause harm within the meaning of the policy.
- 2.15 An issue has been raised that the application should be assessed against the marketing criterion in policy DM24. It has been put forward in representations that the marketing information supplied by the applicant does not adequately demonstrate that a pub use is no longer commercially viable and that sufficient and genuine attempts to market the premises have been made and have failed. This case is made primarily on the basis that the applicant's information is predicated on a failed model of the tied pub. A considerable amount of information has been submitted to support this point. Officer assessment is that as the proposal has not been found to cause harm under the first part of the policy there is no need for it to be assessed against the marketing criteria in the second part of the policy. Nevertheless, in seeking to address this matter the applicant has submitted marketing material relating to the previous owner's attempts to sell the property that eventually led to the purchase by the applicant. On the face of it, this material appears to comply with the requirements in paragraph 1.78 of the Core Strategy in that it was carried out by an appropriate specialist agent for a considerable period of time but, given the officer assessment that this is not a determining factor this has not been scrutinised in detail.

- 2.16 Public representation has raised an issue that the proposal is contrary to Core Strategy Policy DM2 relating to the protection of employment land and buildings. This policy is, however, not relevant as it relates only to the B Class of uses (see supporting paragraph 1.9 to the Policy and the Core Strategy Glossary) whereas the pub use falls within the A Class.
- 2.17 Representations have referred to saved policies from the Dover District Local Plan 2002 and, specifically to paragraphs 3.13 to 3.14, and 3.69 from the Local Economy chapter of the Plan. Paragraphs 3.13 and 3.14 provide general text on the Plan's Economic Development Strategy which relates to the only remaining saved policies in this chapter regarding Albert Road in Deal and Tilmanstone. It is argued that the proposal would be contrary to these paragraphs which seek to support existing businesses. It should be noted that these paragraphs are 'supporting text' rather than "saved policies", they do not relate to saved policies that are relevant to this case, and are of a very generalised nature offering no criteria for judging individual proposals. It is therefore considered that this aspect can be given only extremely limited weight.
- 2.18 Representations also refer to paragraph 3.69 of the 2002 Local Plan regarding rural diversification. There are, however, no saved policies remaining in this section of the Plan and the paragraph is therefore of no relevance.
- 2.19 Overall, it is concluded that material considerations do not alter the assessment against development plan policies.

#### **Change of use to a Dwelling**

- 2.20 As set out in the previous section, Ash is classified as a Local Centre in the Settlement Hierarchy in Core Strategy Policy CP1 and is a suitable location in the rural area for residential development. In order to help operate the Hierarchy, Policy DM1 identifies settlement boundaries beyond which countryside protection policies apply and subject to specified exceptions, development will not be permitted. The application site falls within the settlement confines for Ash and is an appropriate location for the creation of new dwellings. The proposals do, however, need to be acceptable in all other relevant planning respects.
- 2.21 Policy DM4 relates to the re-use or conversion of rural buildings. The first part of the policy states that permission will be given for the re-use or conversion of structurally sound, permanent buildings within Local Centres (amongst other settlements) for commercial, community or private residential uses. There is no evidence to indicate that the building the subject of this proposal is not structurally sound or a permanent structure and it is therefore concluded that proposed conversion to residential use is consistent with this policy.
- 2.22 The proposed change of use is therefore in accordance with the relevant development plan policies for housing.

- 2.23 With regard to material considerations, NPPF paragraph 47 sets out the Government's general objective of boosting the supply of housing through plan making and the maintenance of a five year supply of housing land. Paragraph 49 in the NPPF requires housing applications to be considered in the context of the presumption in favour of sustainable development (itself set out in paragraph 14 of the NPPF). It also states that relevant policies for the supply of housing should not be considered up-to-date if there is not a five year housing land supply. The District does not have a five year housing land supply. Paragraph 51 requires local planning authorities to identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies.
- 2.24 The proposal would make a modest contribution towards boosting the supply of housing in circumstances where the District does not have a five year supply of deliverable housing sites and it is consistent with paragraph 51 of the NPPF in that it represents bringing an empty building into residential use in line with policy DM4.
- 2.25 The proposed residential use is therefore consistent with the NPPF's housing policies. An assessment of the proposals under the presumption in favour of sustainable development is undertaken at the end of this report.
- 2.26 Other housing policy matters have been raised in public representations. Reference has been made to Policies DM 5 to 10. These Policies relate to very specific types of housing development, such as affordable housing and accommodation for dependent relatives, and are not relevant to the assessment of the proposals. Reference has been made to the Land Allocations Local Plan Policies LA20 to LA23 which allocate land for housing development at Ash. Paragraph 3.252 in the LALP is also referred to in that it notes the constraints imposed by Ash's conservation areas and listed buildings on the identification of land for new housing development and that the Plan's housing allocations are well away from these heritage assets, including the Chequer Inn. The representation appears to interpret the Plan as only proposing housing development on the allocated sites. This is however based on a misunderstanding of the Plan. While the Plan allocates sites for housing developments of more than 5 dwellings this does not preclude further windfall proposals being permitted for conversions to residential or the redevelopment of suitable sites elsewhere within the settlement confines. None of these matters therefore alter the assessment above in relation to the relevant housing policies in the development plan and the NPPF.

#### Designated Heritage Assets

##### Listed Building

- 2.27 The significance of the Chequers Inn is as a medieval Wealden hall house which retains its original historic form and fabric to a high degree externally, and internally at first floor and roof level. The original roof form with the crown post structure and smoke blackened daub and rafters in particular are of

highly significant historic value due to their relative rarity. Unfortunately the change of use from its medieval origins as a domestic property to a public house has resulted in the significant loss of both fabric and form to the ground floor interior. The signage to the front elevation is modern but is unimposing and has not compromised the architectural detailing of the listed building.

- 2.28 The proposed alterations are to the rear and interior and will have no impact on the principle front elevation of the listed building. The addition to the rear elevation of the dormer window and roof lights are a modest intervention into the roof form, which has historically been broken by the existing dormer window. Due to the presence of smoke blackened rafters care will need to be taken with the proposed dormer window to ensure the least loss possible; the rooflights are located within the later addition and will result in no loss of medieval fabric.
- 2.29 The removal of the ceiling at first floor level to expose the crown post and rafters within a bedroom enables one of the principle features of the medieval building to be experienced. A relevant condition has been recommended to ensure that there will be no loss of the smoke blackening, for example by cleaning, painting or application of any other coating, and for further details of any proposed insulation to ensure that important historic fabric is preserved.
- 2.30 The proposed removal of the lean-to glazed structure and internal partitions to the main body of the listed building will result in the loss of fabric of no historic or architectural value. The significance of the listed building is unaffected by this aspect of the proposal.
- 2.31 The proposed garage is set back from the highway and due to its discrete location, simple and traditional detail and form does not impact detrimentally upon the setting of the Chequers Inn particularly when viewed from the public realm. The garage is also proposed close to the boundary with Mulberry House, a grade II listed building. However, the height of the existing boundary wall limits any impact the proposed garage could have on the setting of Mulberry House.
- 2.32 The existing boundary wall is part brick and part painted render and it is unlikely that it comprises an original or historic structure of special or historic interest in its own right. It is however part of the historic setting of the listed building and can be viewed obliquely from the public realm. The garage would partly block views of the wall but is proposed to be detached from it. As such, its fabric and structural integrity should not be harmed, and its function as a boundary wall not compromised.

#### Conservation Area

- 2.33 As noted above The Chequers Inn makes a significant contribution to the historic and architectural character and appearance of the conservation area by virtue of its prominence in the street scene and its medieval origins as a Wealden hall house. The proposed physical changes to the building are to the rear of the property or internal and would therefore not be visible from the public highway. The proposal does not include the removal of the existing modern pub signage. Consequently there will be no direct impact on the appearance of the conservation area.

- 2.34 The Chequers Inn is located within an area of largely residential properties and a small commercial core clustered around the junction of The Street with Chequer lane. The listed building is currently not being maintained as a public house and the loss of the use to a dwelling would not materially affect the character within the local community
- 2.35 The proposed garage is a single storey pitched roof building located behind and to the side of the main building. It will be visible from Chequer Lane across the access. It would be set back from the front of the main building and located adjacent to the boundary wall. The garage is set far enough from the highway and it is modest in scale and size so as not to be imposing or incongruous in its context. Its impact upon the character and appearance of the conservation area would be neutral.

#### Conclusion on impact on designated heritage assets

- 2.36 Due to the limited impact the physical works will have on any features which contribute to the significance of the listed building it is considered that the works are considered to be of less than substantial harm as defined by paragraph 134 of the NPPF. There is potential harm through the proposed insertion of a dormer window as this may result in the loss of medieval fabric; however a condition has been recommended to mitigate this harm by requiring full constructional details. The removal of the ceiling and exposure of the crown post structure is considered to be a sympathetic alteration that will enable the significance of the listed building to be better appreciated. It is considered that the proposed change of use and the garage will cause no harm to the setting of the listed building.
- 2.37 The proposal would, by virtue of the lack of any physical alterations to the principle elevation, have no impact upon the historic or architectural character or appearance of the conservation area. The new garage would be adjacent to the boundary wall and therefore should not affect its fabric or structure. The wall forms the boundary to the setting of the listed buildings (the application property and Mulberry House), it is not of itself a structure of special or historic interest, and it would continue to contribute towards their setting.
- 2.38 In addition, paragraph 131 of the NPPF states that in determining planning applications local planning authorities should ensure that the conservation of the heritage asset is consistent with their use. The listed building has not been in use as a public house for some considerable time and the proposed use will, by bringing it back into use as a dwelling, ensure the continued preservation of the listed building and therefore meets the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The change of use to a dwelling house could be considered to be a reinstatement of the original use for which the listed building was intended. Consequently the proposal would provide a wider public benefit through the maintenance and management of this designated heritage asset.

#### Design/Street Scene

- 2.39 As the proposed works to the building are modest and mostly to the rear the impact upon the design of the building and the street scene is limited. The single storey rear extension is visible from The Street across the garden of the adjacent property (No.2). The replacement roof material (from felt to slate) would represent a more appropriate use of materials. The slight

amendment to the parapet above the flat roof of the rear extension would not change the design or appearance of the building to any material extent. The increased height would allow the roof lanterns to be inserted into the flat roof without being intrusive above the new parapet. The new garage would be seen from Chequer Lane but would not be prominent nor incongruous as it is set back into the site and is of modest scale.

- 2.40 Overall, the changes in the design and appearance of the building are modest and acceptable. The consequent impact upon the street scene would preserve its existing character and appearance.

#### Conclusion on design/street scene matters

- 2.41 Paragraphs 17, 56-59 and 64 of the NPPF require that any new development should be well designed, within context and appropriate. Poor design should be rejected. The proposed design and its impact upon the street scene are considered to be acceptable and appropriate to the sensitivity of the building and its location.

#### Residential Amenity

- 2.42 The proposed garden for this 4 bedroom house is quite small, with most land being taken up by hard surfacing. The constrained size of the retained plot for the rear garden area and parking spaces, limits the future potential for the occupiers of the building to erect outbuildings and other domestic paraphernalia. The Council does not have specific guidance on size of gardens, however any an objection against the size of the plot and the private amenity area cannot be sustained under this application as a garden area adequate for the use of the converted building is proposed. The proposal ensures a reasonable degree of amenity for the future occupiers of the house.
- 2.43 The development is a good distance from other nearby residential properties and is so located so as avoid any undue impact and harm through overlooking and interlooking. There are no additional windows in the side elevations of the building that might give rise to overlooking. The proposed dormer extension would look principally along the rear garden of the site.

#### Other Matters

- 2.44 The future use of the land to the west of the proposed curtilage of the house is not under consideration. The land to the west does not appear to have any other access apart from through the current application site. The access to this plot of land will remain through this application site and space for a right of way to it will need to be provided. This may require some form of boundary treatment between the right of access and the private garden of the converted house to prevent views into its garden. Additional screening may have an impact upon the setting of the listed building and the future amenities of the occupiers of the converted house and conditions are suggested to require such details to be approved.
- 2.45 It is not considered that there would be an increase in highway and pedestrian safety concerns as the comings and goings of vehicular activity

from a dwelling house are not considered to be any worse than those from a public house.

- 2.46 The original garage “block” has been deleted and a single garage is now proposed and has been moved forward to avoid undue impact upon existing trees and neighbouring amenity.
- 2.47 The proposal reduces the degree of hardsurfacing on the site and therefore it is unlikely that further surface water flooding would occur from the proposed use. Conditions can be imposed which would ensure there is no discharge of surface water from the site onto the highway.
- 2.48 Representations refer to the proposed Ash Neighbourhood Plan as a material consideration. While a Neighbourhood Plan Area was approved in 2013, plan making has not yet reached a consultative stage and there is therefore no material against which to assess the application. Very little, if any, weight can be attached to this point.

### Overall Conclusion

#### Planning application

- 2.49 It has been concluded that the heritage aspects of the planning application comply with the legal duties relating to conservation areas. With regard to the listed buildings legal requirement it has been identified that the proposed insertion of a dormer window has the potential to cause harm to a feature of special architectural or historic interest but that this can be avoided, or sufficiently mitigated, through the imposition of a condition. Special regard has been paid to this aspect and it is considered that the legal duty has been met. The assessment has also shown that the planning application is in accordance with Development Plan policies and should be approved unless material considerations indicate otherwise.
- 2.50 In relation to material considerations an overall assessment needs to be made of the proposal against the NPPF’s presumption in favour of sustainable development. The presumption itself is set out in full below.
- 2.51 “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For plan-making this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, 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.<sup>9</sup>



For decision-taking this means:<sup>10</sup>

- 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.<sup>9</sup>
- 9. For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.
- 10. Unless material considerations indicate otherwise.”

2.52 It is the second part of the presumption regarding decision taking that needs to be focused upon. The assessment in this report has shown that the proposals are in accordance with the development plan and, under the first bullet in the decision taking section of the presumption, should be approved. As, however, the District does not currently have a five year housing land supply the relevant housing policies are deemed out-of-date and the second bullet points must be considered. The assessment in the report has considered NPPF policies and has found the loss of the pub use to be neither clearly in accordance with or contrary to the NPPF. The proposed change of use to residential would be in accordance with NPPF housing policy and offer a modest benefit. The assessment concludes that the proposals are consistent with NPPF policy regarding design and street scene.

2.53 The assessment of the heritage aspects of the proposal (which is a specific policy consideration) show that the dormer window proposal has the potential to cause less than substantial harm to the significance of the building. It is proposed to deal with this issue by imposing a condition requiring full constructional details in order to minimise harm, or if possible, avoid it. The possibility of some harm occurring does require, under paragraph 134, a consideration as to whether there are public benefits to the proposal that would outweigh the harm. The public benefits offered by the scheme are bringing the listed building back into use against an otherwise uncertain future with associated prospect for its future maintenance and the modest but useful contribution to housing supply. Bearing in mind the potential harm to the building is quite limited in scope and would be minimised by condition, it is considered that the benefits outweigh the harm. The proposed changes to the design and appearance of the building will have no impact upon the street scene and will consequently preserve the character and appearance of the conservation area. This assessment does not therefore indicate that development should be restricted.

2.54 Overall, it is considered that the adverse impacts of the proposal (the reduction in the community's ability to meet its daily needs) are not clear-cut and are outweighed by the identified benefits. The inclusion of the property on the list of assets of community value is a further material consideration but, for the reasons set out within the report, do not outweigh this conclusion. The other material considerations that have been raised similarly do not outweigh this conclusion.

#### Listed Building Consent

2.55 Subject to the imposition of the recommended conditions it is considered that the proposal satisfies the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.56 The proposed works will, when considered under NPPF policy, cause less than substantial harm to the special interest of the designated heritage asset but this can be minimised through the imposition of a condition. This minimised harm is outweighed by the benefits of bringing the building into use after a significant period of vacancy and creating a more positive outlook for its future maintenance. In addition, the creation of a dwelling would make a small but useful contribution towards housing supply.

2.57 In conclusion, the proposal satisfies the relevant legal and policy requirements and listed building consent can be granted.

#### g) **Recommendation**

I In respect of DOV/15/00624 PLANNING PERMISSION BE GRANTED, subject to conditions set out to include, in summary: i) commencement within 3 years, ii) carried out in accordance with the approved drawings, iii) soft/hard landscape works to be submitted, iv) soft/hard landscape works to be carried out including new boundary treatments and structures within the site, v) replacement planting, vi) boundary treatment to be submitted, vii) materials to be submitted, viii) parking spaces to be provided, ix) Details of cycle and refuse storage areas shall be submitted to and approved in writing by the local planning authority and put in place before the first occupation of the house commences and maintained for such purposes thereafter, x) details of a scheme for management and maintenance of the land to the west of the site, xi) no cutting through rafters to facilitate the dormer window and construction details of dormer window to include details of any loss of existing fabric

II In respect of DOV/15/00625 LISTED BUILDING CONSENT BE GRANTED, subject to the following conditions set out to include, in summary: i) commencement within 3 years, ii) carried out in accordance with the approved drawings, iii) The works shall not be carried out otherwise than in accordance with detailed drawings; such drawings to be submitted to and approved by the Local Planning Authority in writing to show: a) joinery details; b) bathroom service details; c) alterations to flooring; d) room by room schedule of works; e) roof light details; f) partition walling details; g) works of making good the existing external fabric of the building; and h) details of new openings and the closing up of existing openings iv) no cutting through rafters to facilitate the dormer window, v) details of any mechanical ventilation to be submitted, vi) materials to be submitted; roof insulation details; protection of

smoke blackened timbers and daub; construction details of dormer window to include details of any loss of existing fabric.

- III Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning permission/listed building consent conditions in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Vic Hester