



Appeal Decision

Site visit made on 17 February 2020

by **Tim Wood BA(Hons) BTP MRTPI**

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

Decision date: 9 March 2020

Appeal Ref: APP/P1940/W/19/3238285

The Bell Public House, 117 Primrose Hill, Kings Langley, Herts WD4 8HX

- 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 Leewood Construction against the decision of Three Rivers District Council.
 - The application Ref 19/0479/FUL, dated 5 March 2019, was refused by notice dated 27 June 2019.
 - The development proposed is the conversion of the disused pub to 3 flats and erection of 2 dwellings, access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal relates to this grade II listed building and its curtilage. The Council has granted listed building consent for the works to the listed building associated with this planning proposal.

Main Issues

3. The main issues in this appeal are;
 - Whether the proposal should make a contribution to affordable housing
 - Whether the loss of the public house is justified.

Reasons

Whether the proposal should make a contribution to affordable housing

4. Policy CP4 of the Core Strategy 2011 (CS) states that the Council will seek an overall provision of around 45% of all new housing as affordable and adds that all new development which results in a net gain of 1 or more dwellings will be expected to contribute, in this respect. It also states that on smaller sites a commuted payment may be acceptable as an alternative to on-site provision of affordable housing.
5. The National Planning Policy Framework states in paragraph 63, that the provision of affordable housing should not be sought for schemes that are not major development ie, not sought for schemes of fewer than 10 units. Taking account of the fact that the CS was adopted in 2011 and so pre-dates the most

recent version of the Framework, the Council undertook a Needs Analysis in order to judge whether to use the provisions of Policy CP4 or if the provisions within the Framework are sufficient to take decisions other than in accordance with the development plan. The Council states that the following factors were considered as part of this process: general house price affordability in the District; affordable housing supply requirements in the District; affordable housing provision in the District; the extent of residential development schemes proposed which are for sites delivering net gain of less than 10 dwellings; the contribution towards the provision of affordable housing Policy CP4 has historically made in respect of small sites; relevant appeal decisions, and; the fact that the adopted plan policy does not impose burdens where they would render schemes unviable. The Council has submitted this material as part of its submissions to me.

6. However, the appellant is critical of the Council's analysis for, amongst other things: referring to a time when the Council sought not to impose the smaller sites' requirement; referring to the number of applications rather than the number of units, which distorts the figures when compared to the greater numerical contribution from the smaller number of major schemes; it does not take account of lapsed permissions. The appellant's contention is that the smaller sites make a far smaller contribution to the provision of affordable housing than the Council contends.
7. I have carefully considered the submissions made by the appellant and the Council in this respect. Even taking the appellant's figure that 22.8% of affordable units have arisen from non-major sites, I consider this to be an important and meaningful contribution. I am also mindful of the fact that the figures presented represent 'completions' and I cannot find full reference to how the commuted sums which arise from non-major sites, which are 'banked' and to be used at a later stage, have been taken into account. Nevertheless, even taking the appellant's figures, my conclusion remains unaltered in this respect.

Loss of the Public House

8. Policy DM12 of the Development Management Policies document (DMP) seeks to retain community, leisure or cultural facilities, unless it is demonstrated that, amongst other things, the use is not economically viable or it can be demonstrated that there is no demand, or that any demand can be met by an accessible existing facility.
9. The appellant states that the property was sold at auction, following publicity of the details of the public house. They also submit accounts for a number of years which indicates that the public house was not trading in a viable manner. The appellant also points to the number of other public houses within a short distance of the appeal site. Although a greater degree of supporting information in relation to its ongoing viability could have been submitted, there is some support for the appellant's contention as set out in the accounts. The presence of a number of other local public houses could also indicate that the community is well-served by such facilities and the loss of this public house would not deny it of such a facility. On balance, I am satisfied that the loss of the existing public house would not remove a necessary community facility.

Overall Balance and Conclusion

10. The Council is unable to demonstrate a suitable supply of housing sites. In this respect and in accordance with the Framework this means that the policies which are most important for determining the proposal are out of date. In this instance, I have considered the weight that I should attach to Policy CP4. Its provisions in general conform with one of the aims of the Framework in seeking to ensure a suitable supply of affordable homes and thus achieving the social dimension of sustainable development. The Council's evidence, even tempered by the appellant's submissions, indicates that the requirements of Policy CP4 are justified, in my view. Therefore, although I do not give full weight to it, I attach considerable weight to Policy CP4. In respect of this, I find that the absence of a suitable provision for affordable housing would mean that the proposal would not amount to sustainable development and the adverse impacts of allowing the appeal would significantly and demonstrably outweigh its benefits.

11. For these reasons, the appeal is dismissed.

S T Wood

INSPECTOR