

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00090/FP	Change of use and conversion of former White Horse PH to a mixed use comprising a single residential dwelling (Use Class C3), and micropub (Sui Generis). Demolition of the existing rear shed, lean-to, and rear portions of the property prior to the erection of catslide rear addition and external annexe for ancillary accommodation to dwelling. Structural works, replacement floors walls, subdivision, replacement of the main roof and existing windows, internal alterations and servicing.	22 High Street Kimpton Hitchin Hertfordshire SG4 8RJ

Submitted Plan Nos

039 -001 039 -01 039 -019 E 039 -019 039 -02 039 -020 H 039 -021H 039 -021H 039 -022n 039 -
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029 039 -030 Location Plan Site Plan

1.0 Policies

1.0 Relevant History

- 1.1 15/01653/1: Change of use from Class C4 (public house) to Class C3 (residential).
Refused planning permission on 20th August 2015 for the following reasons:

The proposed change of use of the public house to residential use would not promote the retention of this important local facility. Moreover, the applicant's evidence on sustaining a viable business has not been demonstrated to the satisfaction of the Local Planning Authority. The proposal therefore conflicts with paragraph 28 of the National Planning Policy Framework.

17/01263/PUD: Proposed use of 3 rooms at first and second floor levels for class A2 purposes (financial and professional office use) . Granted 14th July 2017

21/01018/FP: Change of Use and conversion of former White Horse PH to a mixed use comprising a single residential dwelling (Use Class C3), offices and associated lobby (Use Class E, formerly B1(a)), and micropub (Sui Generis, formerly Use Class A4). External annexe for garage and studio use ancillary to the main dwelling. Demolition of the existing rear shed, lean-to and rear portions of the property. Structural works, replacement floors walls, subdivision and replacement of the main roof and existing windows, internal alterations, servicing and rear extensions to facilitate these changes.

Refused permission dated 22nd July 2021 for the following reasons:

1. The proposed part use of the premises as a micropub has been assessed by the Local Planning Authority (via consultants) to be an unviable and unsustainable business proposal. As such, the proposed micropub development is likely to fail resulting in the complete loss of a public house usage at the site and the consequent loss of a valued community facility contrary to the provisions of paragraph 93 of the National Planning Policy Framework.
2. By reason of the scale, design and proximity of the rear annex extension to the western boundary the proposed development is likely to result in an overbearing impact on and loss of amenity to occupiers of neighbouring property contrary to the provisions of Policy 57 of the North Hertfordshire District Council Saved Local Plan
3. The proposed extensions and alterations will occasion harm to the host listed building and the Kimpton Conservation Area , thereby, failing to satisfy the provisions of Sections 66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Section 16 of the NPPF and the aims of Policy HE1 : Designated

Heritage Assets, of the emerging North Hertfordshire Local Plan 2011 - 2031 Proposed Submission (September 2016) Incorporating The Proposed Main Modifications (November 2018 and May 2021).

2.0 Policies

2.1 North Hertfordshire Local Plan 2011 – 2031

- Policy SP1: Sustainable development in North Hertfordshire
- Policy SP2: Settlement hierarchy and spatial distribution
- Policy SP6: Sustainable transport
- Policy SP8: Housing
- Policy SP9: Design and sustainability
- Policy SP10: Healthy communities
- Policy SP11: Natural resources and sustainability
- Policy SP13: Historic environment
- Policy ETC7: Local community shops and services in towns and villages
- Policy T1: Assessment of transport matters
- Policy T2: Parking
- Policy D1: Sustainable design
- Policy D3: Protecting living conditions
- Policy NE11: Contaminated land
- Policy HE1: Designated heritage assets
- Policy HE4: Archaeology

2.3 National Planning Policy Framework 2024

Section 5 – Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 12 – Achieving well-designed places
Section 16 – Conserving and enhancing the historic environment

2.3 Supplementary Planning Document

Vehicle Parking at New Development SPD September 2011

3.0 Representations

3.1 Public Notice/ Local Residents

The Council has received 87 letters of objection from local residents/groups including the Save Our White Horse group. Their objections/comments can be summarised as including the following comments. Full details of the representations are published on the Council's web site.

- A community asset – permission should be refused. Not in the community interest

- Loss of a valued community facility
- Property has been left to deteriorate to justify the proposed use
- The village is large enough to accommodate two pubs again
- No difference to previously refused application by the Council
- Local businesses need the pub as well as residents
- Micropub will not be viable / not what is needed
- Need to protect the village character and heritage
- Would lead to full loss of the building to housing
- Extension would affect neighbours
- Contrary to local and national planning policy
- Harm to the listed building
- Strong community opposition
- Flawed viability report
- Insufficient consideration of alternative options

A formal objection has also been received from the Save Our White Horse (SOWH) campaign group. The objections relate to the development being contrary to planning policy, poor design and adverse impact on the listed building, deliberate dilapidation, flawed viability report and loss of an asset of community value. Full details are published on the Council's web site.

Kimpton Parish Council:

Advise that the Parish Council recommend refusal of the application raising the following points:

1. We welcome applications that offer a high quality of design, affordability, meet government national space standards, proven defined sustainable delivery, address community defined requirements and add value to the parish.
2. The applicant purchased the building in 2017 with the intent of operating a pub/ restaurant.
3. This application is substantially the same as planning application 21/010108/FP that was refused by North Herts Council.
4. The current owner has been in possession of the building for over 7 years during which this Grade 2 building has been allowed to visibly deteriorate both externally to the detriment of the Conservation Area and internally as far as we can ascertain.
5. The White Horse has an Asset of Community Value status until August 2025.
6. NHC Local Plan 2011-31 ETC7 states:
 "Scattered local shops and services in towns and villages Planning permission for small-scale proposals providing new shops and services will be granted within existing settlements to serve the local community as an exception to the sequential approach set out in Policy ETC3(a). Planning permission for the loss or change of use of any shops, services or facilities outside the defined retail hierarchy will be granted where:
 a. There is another shop, service or facility of a similar use available for customers within a convenient walking distance; and
 b. The proposed replacement use would complement the function and character of the area."
 The applicants Planning Statement Clause 3.5 states that there is a "similar facility within 800m". This would only be the case if the applicant chose to offer similar amenities to those already available at this other facility, namely The Boot PH. ETC7 does not therefore currently serve as a justification for cause of change of

use.

7. NHDC Local Plan 2011-31 ETC7 clause 5.35 and 5.36 states:
“5.35 However, given the high value of residential land in the rural area, there is often pressure from landowners to change the use of, or redevelop, existing facilities for residential purposes. This may be the case even where the business is thriving, if the return on an existing use is less than can be gained from residential development.
5.36 These facilities should be protected wherever possible and the policy seeks to prevent their loss. However, where it can be shown such facilities are no longer needed and not viable, then permission may be granted for a change of use.”
This planning application has not adequately demonstrated that the White Horse PH is not required by the community.
8. The planning application is an overdevelopment of the plot.
9. Concern has been expressed that the scale of the development will have an adverse impact on the character of the street scene and the Conservation Area.

The full detail of the Parish Council comments are published on the Council's web site.

NHDC Conservation officer :

Raises an objection to the application on the grounds of harm to the listed building and a loss of a heritage asset. Full details on the Council's web site.

Hertfordshire County Council Highways

No objection – does not wish to restrict the grant of permission.

Hertfordshire County Council Archaeology

Requests a Written Scheme of Investigation condition

NHDC Planning Policy Officer:

No comments

Historic England:

Advise that they do not wish to offer any comments.

Historic National Amenity Societies:

No comments received

NHDC Environmental Health (Noise & Contamination):

Recommends conditions and informatives

NHDC Waste and Recycling officer:

Raises queries on bin provision for the commercial unit and residential unit.

Herts Building Preservation Trust :

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 22 High Street is part of a grade II listed terrace of houses and the former public house, The White Horse which closed in 2015. The terrace row is situated at the east end of Kimpton High Street on the north side of the road. The site is also within the Kimpton Conservation Area.

The listing description reads as follows:

"Terrace of houses, public house and shop. 2 storeys. The end houses are early-mid C19 in chequered red brick and with slate roofs. The centre (Nos 22 and 24A) is lower and late C18. Plain red brick. Plain tile roof. Dentilled brick eaves. Glazing bar casements except for No 24, which has recessed 8/8-pane sashes with rubbed brick lintels. The centre has 3 square window bays with flat hoods. Circa 1980 porch to No 20. No 24 has rear extensions in flint with brick dressings. 4 ridge chimney stacks."

- 4.1.2 Immediately opposite and surrounding the former public house are residential properties of varying design and size.
- 4.1.3 A request bus stop is located immediately outside of the premises.

4.2 Proposal

- 4.2.1 The proposal is for the following works:

Change of use and conversion of former White Horse PH to a mixed use comprising a single residential dwelling (Use Class C3), and micropub (Sui Generis). Demolition of the existing rear shed, lean-to, and rear portions of the property prior to the erection of catslide rear addition and external annexe for ancillary accommodation to dwelling. Structural works, replacement floors walls, subdivision, replacement of the main roof and existing windows, internal alterations and servicing.

4.3 Key Issues

- 4.3.1 The key issues for consideration are as follows:

Principle of the change of use
Impact on neighbouring property
Impact on the character and appearance of the listed building and the conservation area
Parking, access and refuse/recycling matters
Environmental issues including climate change
Planning balance

4.3.2 Principle of the changes of use

- 4.3.3 The proposal is to split the use of the premises into two distinct uses – a dwelling comprising up to 4 bedrooms and a sui generis use consisting of a micropub. The submitted Public House Viability Test report (by USP) shows how the proposed micropub use would be located at the western end of the building occupying the basement, ground and first floor with an overall floorspace of 91 sq metres. The remaining part of the building would be used as a single residential dwelling and would involve rear extensions and conversion of the outbuilding.
- 4.3.4 Policy ETC7 ('Local Community shops and services in towns and village) of the North Herts Local Plan (NHLP) is relevant to this proposal. The full text of the policy is set out below.

Policy ETC7: Local community shops and services in towns and villages

Planning permission for small-scale proposals providing new shops and services to serve the day-to-day needs of the local community will be granted where:

- The site is within a defined settlement boundary;
- In the case of Category B villages, the site is within the built core; or
- In the case of Category C settlements, the proposed development meets the criteria of Policy CGG2b.

280 sqm will generally be used as a guide to determine small scale. This reflects the Use Classes Order 2020 and recognises that some such facilities will fall within Class E or other use classes.

Planning permission for the loss or change of use of any shops, services or facilities outside the defined retail hierarchy will be granted where:

- a) There is another shop, service or facility of a similar use available for customers within an 800m walking distance; and
- b) The proposed replacement use would complement the function and character of the area.

An exception to criterion (a) above will only be permitted if it can be demonstrated that the unit is no longer required to meet the needs of the local community, including through evidence of at least twelve months active marketing.

4.3.5 As can be seen from the above the loss of a shop, service or facility will be granted subject to two criteria - a) and b). In this case The Boot Public House is located within 800 metres walking distance therefore criterion a) would be met. However, it is the Council Conservation officer's view that the loss of a pub use of the building (and the unviable micropub use) would harm the historic, communal and social significance of this grade II listed building to the local community and the character of the Kimpton Conservation Area. The White Horse is located in a prominent location on the eastern approach into the village and is a local landmark building fondly remembered by many local residents when it was last fully open as a pub. The frontage of the building has three bay windows with a timber carriageway door to the eastern end and a substantial post sign. Several entrance doors are located across the frontage and there is a hardsurfaced forecourt previously used as outdoor seating for the pub. The building strongly retains its public house character. The proposed residential use of the majority of the frontage previously occupied by the pub use would devalue the historic character of the building and the wider Conservation Area. It is therefore concluded that the proposed development will not complement the function and character of the area and thus fail to meet criterion b) of Policy ETC7.

4.3.6 Chapter 8 of the National Planning Policy Framework (2024) sets out the Government's policy on 'Promoting healthy and safe communities'. Paragraph 98 states :

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- c) 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;*
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

- 4.3.7 This application has generated significant interest from the local community with the all of the representations objecting to the proposed development as it proposes a substantial loss of public house floorspace - if not a complete loss based on the opinion of many that the micropub element will fail. There is an active community group dedicated to achieving the re-opening of the White Horse as a pub with dining facilities and there is clear support for the retention of the pub by the Parish Council. The pub has also been registered as an Asset of Community Value in August 2020. It is clear from the above that the local community see the White Horse as a valued facility.
- 4.3.8 The Local Planning Authority has commissioned an objective assessment of the likely future viability of the White Horse in its proposed 'micropub' format. The report includes an assessment of whether the proposed layout and floorspace for the micropub is practical from an operational perspective. The report, prepared by Mr J. Keane of Thomas E. Teague, concludes that the proposed micropub is not a viable or sustainable business proposition and its operation would be further hampered by competition from the other village pub, and the restrictive floorspace and limited facilities to service the micropub.
- 4.3.9 The Thomas E Teague report appears to confirm the view of many objectors that the micropub use would fail, resulting in the complete loss of a public house use at the site.
- 4.3.10 Given the above it is evident that the proposal would result in the loss of a valued local facility contrary to the guidance set out in Paragraph 98 of the NPPF.
- 4.3.11 Impact on neighbouring property
- 4.3.12 The proposals include the removal of an existing attached garage at the rear of the building and its replacement with a proposed three bay home office / flexible workshop space located along the western boundary at the rear of the property. This structure would be reduced in height from that previously proposed and would not have any first-floor accommodation. There is a significant amount of foliage along the western boundary which will assist in screening the rear projection.
- 4.3.13 Policy D3 of the Local Plan seeks to protect living conditions of occupiers affected by a new development. The three-bay extension to the rear of the White Horse as revised from the original proposal back in 2021 is now considered appropriate in scale and

design and consequently there would be no adverse impact on neighbouring property. Therefore, the proposal would comply with Local Plan Policy D3.

Impact on the character and appearance of the listed building and conservation area.

4.3.14 Local Plan Policy SP13 confirms that the Council will balance the need for growth with the proper protection and enhancement of the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight shall be given to the asset's conservation and the management of its setting. Relating to designated heritage assets, Local Plan Policy HE1 confirms, amongst other things, that where development proposals will lead to less than substantial harm to the significance of the asset this harm must be outweighed by the public benefits of the development, including securing the asset's optimum viable use.

4.3.15 Paragraph 212 of the NPPF states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

4.3.16 In this case the Council's Conservation officer has set out in his formal comments both on the current planning application and the associated listed building application (25/00091/LBC). Whilst noting that the scheme is an improvement in heritage terms on the last refused applications the officer is concerned that the micropub use will take a more subservient role to the dwelling and has suggested revisions to the floorspace allocation between the dwelling and pub uses in order to create a more viable community use alongside a residential scheme. This suggestion will negate the need for such a large catslide roof extension at the rear which although reduced from the 2012 scheme will still be harmful to the historic character and form of the early part of the building.

As such the Conservation officer considers that the proposed development would occasion harm to the listed building as well as being harmful to historic, communal and social significance of this grade II listed building to the local community and the character of the Kimpton Conservation Area.

4.3.17 Paragraph 210 of the NPPF states:

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 215 states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 4.3.18 There is some doubt, as evidenced by the J. Keane viability report on behalf of the Council, as to whether the micropub element would be a viable use consistent with the conservation of the building and whether that use would contribute towards a sustainable community including any economic vitality. There is also some doubt, given the scale of the extensions and alterations, as to whether the proposal would meet the test of "making a positive contribution to local character and distinctiveness".
- 4.3.19 In the view of the Conservation officer there will be some harm to the listed building and this would be deemed as falling within the 'less than substantial' category. If the commercial element of the scheme is unviable as expressed by the Council's pub viability consultant, there seems to be insufficient public benefits necessary to outweigh this harm and therefore the development would conflict with paragraph 215 of the NPPF and Local Plan Policy HE1.
- 4.3.20 Overall, it is concluded that there are unsatisfactory elements of the scheme in terms of alterations to the building including extensions and the distribution of uses that will have a negative impact on the heritage assets i.e. the listed building and the Kimpton Conservation Area.
- 4.3.21 Parking, access and refuse / recycling matters
- 4.3.22 In terms of access there are no significant changes to the existing access point other than the replacement of the existing timber gate. The amended site plan demonstrates that vehicles can enter the rear courtyard and exit in forward gear and the highway authority raise no objections to the scheme.
- 4.3.23 The plans shows that the micropub will be serviced via a rear door accessed across the rear courtyard and therefore through the residential curtilage. How convenient or practical this will be is a matter for the occupiers of the dwelling and operator of the pub although given the limited size of the pub deliveries may not be that regular or time consuming.
- 4.3.24 A bin store is now located in the rear courtyard. Bins will need to be presented to the kerb on the High Street.
- 4.3.28 Environmental issues including climate change
- 4.3.29 No objections are raised to this application by the Council's Environmental Health officer. Full details of flue extraction equipment can be secured by condition.
- 4.3.30 The site is within Flood Zone 1 and therefore there is a low level risk of flooding. The main issue will be surface water drainage and it is expected that this matter can be controlled by condition.
- 4.3.31 NHDC has declared itself a Climate Change Emergency authority and therefore in accordance with this declaration and Local Plan Policy D1 (Sustainable Design) new development should be future proofed to accommodate changes in climate, lifestyle and technology. To this end the proposed development intends to include a range of low carbon and energy saving features such as the ground source heat pump and

photovoltaic roof panels on the Annex. Full details of these features could be secured by condition.

- 4.3.32 This development is exempt from the need to provide a 10% biodiversity net gain under the Environment Act.

4.3.32 **Planning Balance**

- 4.2.33 Paragraph 11 of the NPPF states that there should be a presumption in favour of sustainable development. It advises that unless there is a clear reason for refusing development in protected areas or assets of particular importance (such designated heritage assets) then planning permission should be granted. In this case the development would be harmful to designated heritage assets and therefore the tilted balance in favour of granting development is disengaged.
- 4.2.36 The Local Planning Authority cannot demonstrate a deliverable five-year supply of housing land as required by the NPPF. Currently the Council's interim five-year land supply position for decision-taking purposes (as at 1st April 2024) is 3.9 years. However, in this situation, the benefit of a single dwelling will not make any meaningful impact on local housing supply and the public benefit that would arise does not outweigh the adverse impacts of the scheme as identified above.
- 4.2.37 All new development must meet the three strands of achieving sustainable development as set out in Section 2 of the NPPF. In terms of the economic objective there would be some benefit to the local economy in the refurbishment / extension works although this would be counterbalanced by the loss of employment opportunities should the premises revert fully to residential use. The social objective which seeks to support strong, vibrant and healthy communities will not be met by the loss of the pub as a valued community facility. Whilst there may be some environmental improvements through embedded low or carbon neutral energy features there would be harm to the historic environment. The proposal could not therefore be considered as achieving sustainable development.

4.4 **Conclusion**

- 4.4.1 The proposal would result in the loss of a valued community facility as evidenced by the high number of objections from local residents and the status of the building as an Asset of Community Value. There would also be harm to designated heritage assets. In these circumstances it is concluded that the development is not sustainable and that planning permission should therefore be refused.

4.5 **Alternative Options**

- 4.5.1 None applicable

5.0 **Recommendation**

- 5.1 That planning permission be **REFUSED** for the following reasons:

1. The proposed part use of the premises as a micropub has been assessed by the Local Planning Authority (via consultants) to be an unviable and unsustainable business proposal. As such, the proposed micropub development is likely to fail resulting in the complete loss of a public house usage at the site and the consequent loss of a valued community facility contrary to the provisions of paragraph 98 of the National Planning Policy Framework (2024) and Policy ETC7 of the North Herts Local Plan 2011 - 2031.
2. The proposal will not only lead to the demise of a pub use for this well-established community facility but would also fail to deliver a viable and credible micropub alternative thereby harming the historic, communal and social significance of this grade II listed building to the local community and the character of the Kimpton Conservation Area. The micropub would be consigned to a corner of the building and the scheme has not been convincingly justified (para 213 of the NPPF) nor a community use optimised. Furthermore, by reason of the expanse of the slate rear catslide addition with significant areas of glazing, which wholly forms part of the proposed residential use, the rear elevation of the building's historic core would be adversely affected. The proposal fails to satisfy the provisions of Sections 16(2) and 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and does not accord with Section 16 of the Framework or Policies SP13 or HE1 of the North Hertfordshire Local Plan 2011 - 2031.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 20 June 2025	