

PLANNING STATEMENT

22-24 High Street, Kimpton, SG4 8RJ

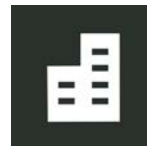
Job Ref: 20/003

Date: December 2024



Prepared by Tom Donovan BA (Hons), MA, MRTPI on behalf of

PETER GEORGE TOWN PLANNING



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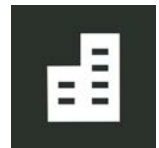


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APPENDIX 1: Decision Notice Application Ref.15/01653/1

APPENDIX 2: Lawful Development Certificate Application Ref.17/01263/1PUD

APPENDIX 3: Decision Notice Application Ref.21/01018/FP & 21/01019/LBC

APPENDIX 4: Delegated Report Application Ref.21/01018/FP



Section 1: Introduction & Background

- 1.1 Peter George Town Planning has been instructed by Eleven Six IT Ltd to prepare a Planning Statement in support of joint planning and listed building consent applications for **the conversion, extension, alteration and part demolition of the grade II listed former public house to form a single residential dwelling and micropub** (full description of development at paragraph 3.1).

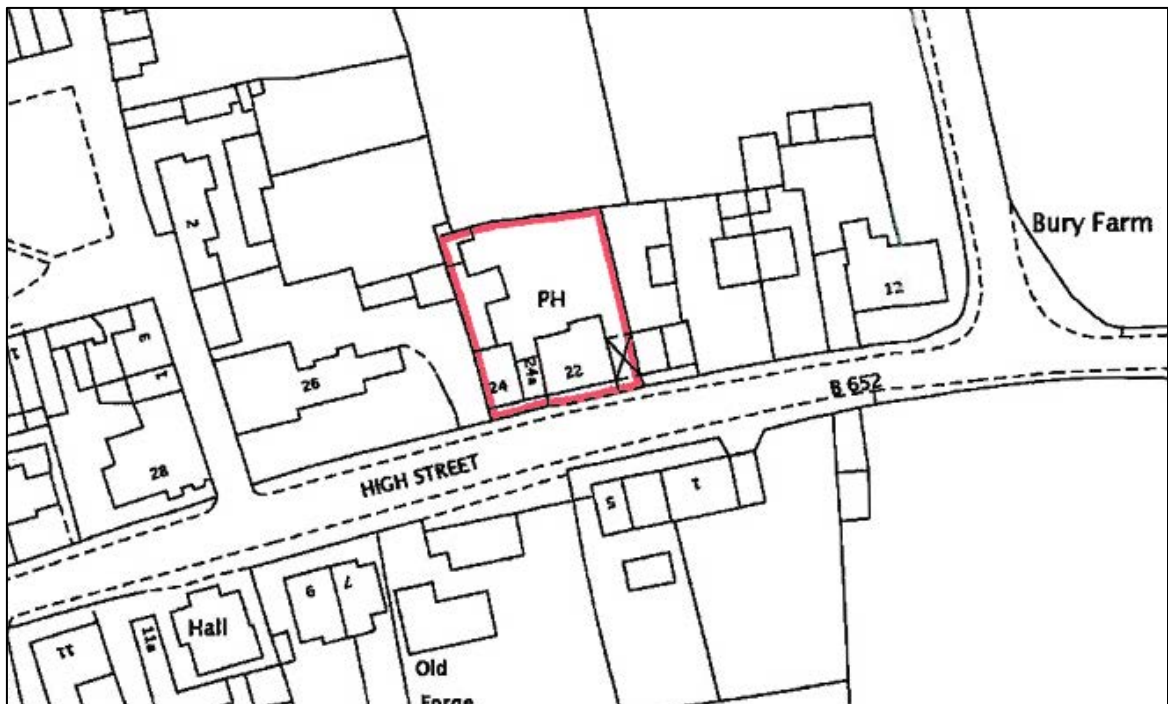
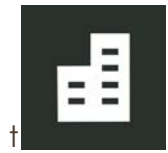


Figure 1 - The Application Site

- 1.2 The purpose of this statement is to set out the proposals, examine the proposals with reference to relevant local and national planning policy, and ultimately make the case as to why planning permission and listed building consent should be granted.

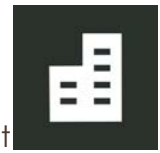


Background

- 1.3 The White Horse PH ceased trading as a public house in 2014 following which application ref. 15/01653/1 was submitted to the Council in June 2015 seeking planning permission for the change of use of the public house to a single residential dwelling. The application was refused by the Council's Development Control Committee in August 2015 for the following reason (decision notice attached as **Appendix 1**):

“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.”

- 1.4 The property was subsequently purchased by our client and has the public house has remained closed in the period of time that has since passed. A Lawful Development Certificate was granted (Certificate attached as **Appendix 2**) by the Council in 2017 confirming that the proposed use of three of the rooms at first and second floor level for office/business use

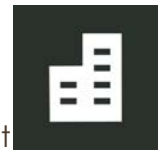


would be lawful in connection with the primary lawful use of the building as a public house.

- 1.5 In 2021 planning and listed building consent applications were submitted to the Council proposing a similar form of development sought under the terms of this latest submission. These applications were refused by the Council (decision notices attached as **Appendix 3**) 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

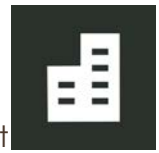


3. The proposed extensions and alterations will occasion harm to the host listed building and the Kimpton Conservation Area , thereby, failing to satisfy the provisions of Sections 66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Section 16 of the NPPF and 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).”

- 1.6 Accordingly, these proposals include a series of amendments conceived in order to overcome these earlier reasons for refusal. The submission moreover provides further compelling justification that the proposed loss of the existing public house is well justified and that the proposed use of the property as a residential dwelling and micropub would be acceptable.

Relevant Planning History

Ref.	Proposal	Decision - Decision Date
21/01018/FP and 21/1019/LBC	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).	Refused 22/07/2021



	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	
17/01263/1PUD	Proposed use of 3 rooms at first and second floor levels for class A2 purposes	Granted 14/07/2017
15/01653/1	Change of use from Class C4 (Public House) to Class C3 (Residential)	Refused 24/08/2015
89/00268/1	Demolition of outbuildings and internal alterations	Required 05/05/1989
89/00210/1	Internal and external alterations and demolition of outbuilding	Granted 25/05/1989



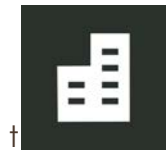
Section 2: Analysis of the Site and Surroundings

2.1 The application site and property are situated on the northern side of High Street at the eastern end of the village. The property has previously been in use as the White Horse Public House with the premises last closing its doors to the public in 2014.

2.2 The property is grade II listed as part of a listing titled as **Number 20, The White Horse Public House, Country Properties and Forge View, 20, 22, 24A and 24, High Street**. 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.”

2.3 The site lies within the Kimpton Conservation Area which covers a relatively small area at the eastern end of the High Street largely focused on the



Parish Church of Saint Peter and Saint Paul, Church Lane and the eastern end of the High Street. This together with the concentration of listed buildings within this same area indicates that the part of the village within which the application site is located is the oldest most historically significant part of the settlement.

Wider Context

- 2.4 The application site lies within the village of Kimpton at the far eastern end of the High Street. Kimpton is a ‘Category A’ village, and it contains a reasonable range of facilities and services including a village shop and post office immediately opposite the site.

- 2.5 Kimpton lies on two regular bus routes providing links between Hitchin and St Albans, and Hitchin and Welwyn Garden City.



Section 3: The Development Proposal

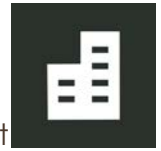
Overview

3.1 The proposed development can be described as follows:

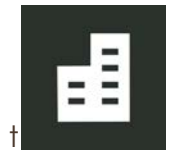
“Change of Use and conversion of former White Horse PH to a mixed use comprising a single residential dwelling (Use Class C3), and micropub (Sui Generis). External annexe for garage and studio ancillary to the main dwelling. Demolition of the existing rear shed, lean-to and rear portions of the property. 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.”

3.2 The proposals are along the same lines as the proposal submitted for planning and listed building consent in 2021. Accordingly, the proposals involve the conversion of the closed public house to form a single residential dwelling and a micropub.

3.3 Extensions, alterations and repairs are proposed in association with the proposed change of use. The Design & Access Statement that accompanies



the planning submission should be consulted for a detailed explanation of the proposals and how earlier design and heritage-based concerns have been overcome.



Section 4: Relevant Planning Policy

National Planning Policy Framework

4.1 The Government policies on different aspects of planning are set out in the **National Planning Policy Framework 2024** (the Framework).

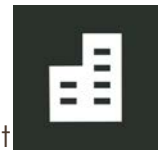
4.2 The relevant sections of the Framework are as follows:

- Section 2: Achieving sustainable development
- Section 5: Delivering a sufficient supply of homes
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

Development Plan

4.3 Section 38(6) of the Planning Compulsory Purchase Act 2004 states that:

“If regard is to be had to the development plan for the purpose of any determination under the Planning Acts, the determination must be made in accordance with the plan unless material considerations dictate otherwise.”



4.4 The development plan context for the planning application is provided by:

- **North Hertfordshire Local Plan 2011-2031 (Adopted November 2022)**

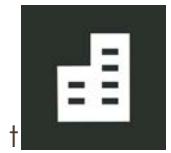
4.5 The following policies are considered relevant to the consideration of this application:

Strategic Policies

- 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 SP11: Natural Resources and Sustainability
- Policy SP12: Green Infrastructure, Landscape and Biodiversity
- Policy SP13: Historic Environment

Development Management Policies

- Policy T1: Assessment of Transport Matters
- Policy T2: Parking
- Policy D1: Sustainable Design
- Policy D3: Protecting Living Conditions
- Policy D4: Air Quality
- Policy NE1: Strategic Green Infrastructure
- Policy NE4: Biodiversity and Geological Sites
- Policy NE7: Reducing Flood Risk
- Policy NE8: Sustainable Drainage Systems



- Policy NE9: Water Quality and Environment
- Policy NE11: Contaminated Land
- Policy HE1: Designated Heritage Assets
- Policy HE3: Archaeology

Supplementary Planning Documents

- Vehicle Parking at New Development SPD September 2011
- Design SPD July 2011

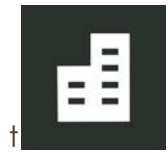


Section 5: Planning Analysis

Principle of Development

Background

- 5.1 The refusal of the earlier planning application (ref. 21/01018/FP) called into question not whether the existing public house was viable, nor whether the proposed residential use of the premises would be suitable in this location, but rather whether the proposed micropub element was a viable and realistic aspect of the proposals. The concern appearing to be that, were the proposed micropub not viable, the loss of the existing public house would have been potentially justified on the false promise of delivering a replacement facility that would fail and therefore that the proposals would ultimately result in the total loss of the asset.
- 5.2 That being said, we feel that the case argued by the planning officer in the refusal of the earlier planning application is not fully justifiable on the basis that it did not appear to be in any dispute that the proposed loss of the existing public house would be compliant with Policy ETC7, and it does not appear to be in any dispute that it (the existing public house) is no longer viable.



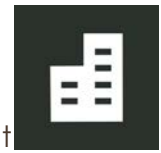
5.3 Accordingly, whether the proposed micropub would be a success or otherwise is not considered to be a matter for the consideration of the LPA on the basis that it was not being proposed to justify or otherwise deal with the proposed loss of the existing or propose some sort of facility in lieu. Indeed, as set out in the Public House Viability Test (PHVT) undertaken by Urban Side Property, the micropub is a key aspect of these proposals and there is good reason to conclude that it could be a success, albeit in slightly a revised form to that previously proposed.

5.4 In order to address these matters robustly, we propose to deal with matters of principle in the following paragraphs as follows:

- The case for the loss of the existing public house.
- The case for the proposed micropub.
- The case for the proposed residential accommodation.

The Loss of the Existing Public House

5.5 Policy ETC7 of the adopted North Hertfordshire Local Plan 2011-2031 (NHLP) deals with ‘Local community shops and services in towns and villages’ and this states that:

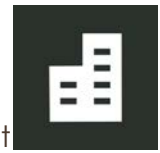


“Planning permission for the loss or change of use of any shops, services or facilities outside the defined retail hierarchy will be granted where:

- 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.”***

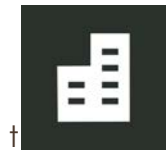
5.6 As quite clearly set out in the planning officer’s delegated report dealing with application ref. 21/01018/FP (attached as **Appendix 4**), the proposals would be compliant with the then emerging Policy ETC7 insofar that, a) there is another pub (The Boot) in the village within 800m walking distance of the application site, and b) the proposed mixed use of the property as a residential dwelling and micropub would complement the function and character of the area given the overtly residential context within which the application property is located.

5.7 The NHLP was formally adopted by the Council in November 2022, and the relevant policy (ETC7) now forms part of the adopted development plan for the area. Accordingly, full weight can be attributed to this policy, and it does not appear to be in any dispute that that the proposed loss of the



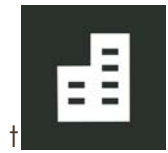
existing public house would be in full compliance with Policy ETC7 for the reasons discussed above.

- 5.8 We further note that, in cases where criterion ‘a’ of Policy ETC7 is not able to be met, permission will only usually be granted where it can be demonstrated that a premises is no longer required to meet the needs of the local community, including through evidence of at least 12 months marketing. In this case, criterion ‘a’ is met and such a marketing exercise is not required to ensure compliance with Policy ETC7.
- 5.9 It is further noted that the public house is listed by the Council as an Asset of Community Value (ACV), albeit it was last open to the public in 2014 and has not therefore been in active use for nearly 10 years. We moreover note the presence of a local community group keen to see the public house put back into active use and the degree of objection that there has previously been to the loss of the public house. We appreciate therefore that there is a high level of desire locally for a public house to be retained in this location, albeit this clearly doesn’t mean that such would be a success.
- 5.10 As set out in the PHVT, there is no documented trading history available in connection with the public house, albeit it is estimated that turnover may



have been in the order of £100kpa prior to its closing. Indeed, information included with the refused 2015 application for its conversion to residential, indicated that trade had been declining steeply with barrellage data indicating such.

- 5.11 It is further set out in the PHVT that, whilst the applicant has endeavoured to protect the building during the course of his ownership, parts of the property has fallen into some disrepair. The costs to put into good repair and undertake a full public house fit out are estimated to be in excess of £750,000; and potentially much more given that these figures are based on costings undertaken in 2018. The grade II listed status of the building adds further complexity in terms of the nature, specificity and specification of such works.
- 5.12 Ultimately, as a largely ‘wet’ pub, with little parking or other amenity space, it is concluded that the likelihood of any party acquiring this property as existing, undertaking the necessary works and achieving a commercial return is not realistic. Accordingly, and notwithstanding the wishes of the local group, there is sadly little realistic proposition of the premises re-opening as a traditional public house and ultimately being a success.



The Principle of the Proposed Micropub

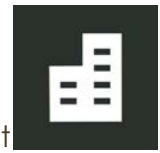
Preliminary Discussion

- 5.13 As discussed briefly at the outset of Section 5 of this Statement, in light of the clear non-viability of the existing traditional public house, we do not believe that that the potential viability or otherwise of the proposed micropub is a matter for the local authority to pass judgment upon. Indeed, it will be for the market to ultimately decide upon the success of such a venture.
- 5.14 The applicant's case is therefore that a mixed-use proposal of this nature is surely better than one which involves the total loss of the existing public house and thus the total cessation of any community or social use, but also that the proposed micropub has a genuine chance of success notwithstanding the non-viability of the use of the existing premises as a traditional public house.

What is a Micropub?

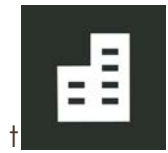
- 5.15 The **Micropub Association** defines a micropub as follows:

"A micropub is a small freehouse which listens to its customers, mainly serves cask ales, promotes conversation, shuns all forms of electronic entertainment and dabbles in traditional pub snacks".



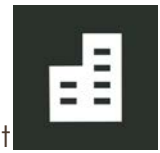
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- 5.16 A micropub is usually small, often just room one with a bar, and its primary focus is serving craft beer, often sourcing stock from independent breweries and microbreweries. Micropubs do not generally serve anything other than pub snacks (crisps, nuts, cured meats etc) and it is rare that they serve traditional pub food or an intensive range of traditional bar snacks (sandwiches etc). They are intended to be spaces for conversation and socialising over a drink and most do not therefore have TV's, fruit machines or pub games.
- 5.17 In comparison with a traditional public house, micropubs often have much lower running costs making them more resilient to tough economic times whilst, due to their nature of focusing primarily on craft beer, they do not require the same degree or amount of tradable or ancillary floor area. Nor do they rely on, for instance, the provision of large areas for parking, associated amenity/garden space or function space.
- 5.18 Over 300 micropubs are currently registered with the Micropub Association indicating that they can represent a viable alternative to a traditional public house.



The Proposed Micropub

- 5.19 The micropub proposed under this application differs from that presented as part of the refused proposals insofar that the proposed tradable area of the micropub has been increased versus the earlier proposals with ancillary areas reduced. Moreover, the revised proposals no longer seek to provide a food offer and thus provide a more cost-effective operating environment focusing primarily on wet trade.
- 5.20 As set out in the PHVT, an annual turnover of £100,000 requires the sale of 54 pints per day on a 7-day week operation (assuming a £5 pint). At 3 pints per customer, that is an average of 18 customers per day. This indicates that a turnover based purely on beer sales is not unrealistic considering that this could be further supported by the sales of soft drinks, wines and spirits, bar snacks and hot drinks.
- 5.21 The PHVT assumes a gross profit of 60% leaving £60,000 for overheads, rent and profit. The Trinity Solutions Viability Test carried out on behalf of the Council in relation to the earlier refused planning application proposed overheads of £16,000 (excluding wages). If this is taken as a reasonable assessment, the remaining £44,000 can be split as rent and profit/wages to the operators. Even with some minimal bar staff costs, this would seem to



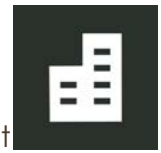
indicate that a proposed micropub operating along the lines of that suggested here would be viable. Moreover, and as suggested in the PHVT, were the local community to consider operation of the micropub, with volunteer support, the viability of the proposed micropub becomes even more robust.

The Principle of Residential

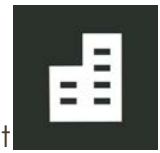
- 5.22 The part of the village immediately surrounding the existing public house is largely residential in character whilst the application site is situated within defined settlement boundary. Accordingly, it is not considered that there should be any objection to the principle of the part use of the existing property and site for residential purposes.

Summary

- 5.23 As set out in the foregoing, it is not considered to be in dispute that the existing public house is not viable, and that there are no viable propositions to make it so under the guise of a traditional public house. Moreover, and notwithstanding the ACV status of the building and the obvious desire of the local community to retain and reopen the public house, the public house has now been closed for nearly 10 years with its closure following a period of decline in trade.



- 5.24 In any event, the loss of the existing public house would be fully compliant with NHLP Policy ETC7 insofar that a) there is another similar facility within 800m walking distance of the site, and b) the proposed replacement use of the property as a residential dwelling and micropub would be complimentary to the function and character of the area. Accordingly, its loss is considered to be fully justified.
- 5.25 Turning now to the question of the viability of the proposed micropub, the enclosed PHVT has analysed the proposed micropub, concluding that it presents a sound business model and that there would be a good chance of such a business being successful; particularly insofar that it would provide a smaller more operationally efficient facility designed to primarily serve the local community.
- 5.26 The applicant's case is therefore that a mixed-use proposal of this nature is surely better than one which involves the total loss of the existing public house and thus the total cessation of any community or social use, whilst the residential component of the proposals ultimately unlocks the funds to carry out the necessary works required in association with the repair and conversion of the grade II listed building.



5.27 With respect to the residential component of the proposals, it is not considered that there should be any objection to the residential conversion of the building in light of its central village location and the principle of putting back to viable use a largely disused listed building.

Key Issues

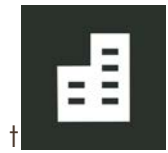
5.28 As set out in the foregoing, we consider that the loss of the existing public house is justified and that the principle of new residential development in this location, together with the new micropub should not be in question. This deals with reason for refusal 1 of the earlier planning application.

5.29 Accordingly, we now move on to consider matters relating to reasons for refusal 2 and 3 of the planning application, reason for refusal 1 of the listed building consent, and any other matters pertinent to the determination of the application.

Effect on the Character & Appearance of the Area & Heritage Implications

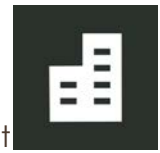
Policy Background

5.30 The statutory duty under Section 72(1) of the Planning (Listed Building & Conservation Areas) Act 1990 (the Act) sets out that special attention shall be paid to the desirability of preserving or enhancing the character and



appearance of a conservation area. Sections 16 & 66 of the Act sets out that, in considering whether to grant listed building consent or planning permission, the decision maker should have special regard to the desirability of preserving the setting or any features of special architectural or historic interest which it possesses.

- 5.31 Section 16 of the Framework deals with the historic environment, essentially seeking to ensure that development proposals would not cause harm to the significance of historic assets. Policies SP13 & HE1 are consistent with the aims of Section 16 of the Framework and S16, S66 & S72 of the Act insofar that they seek to ensure that new development would not harm the significance of heritage assets.
- 5.32 Section 12 of the Framework deals with the design of development ultimately seeking to ensure that new development is visually appropriate and accords with its surroundings. LP Policy SP9 and D1 largely align with the Framework in their expectation that new development would be of a high standard and sited appropriately.

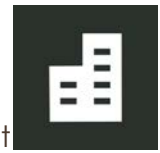


Response to the Refusal of Application Ref.21/01018/FP & 21/01019/LBC

5.33 The earlier reason for refusal focused on the design, scale and form of the proposed rear extensions, including the rear annexe. Accordingly, following discussions with the Senior Conservation Officer between April 2021 and August 2021, a number of changes have been incorporated into the scheme in order to overcome these earlier concerns.

5.34 Proposed revisions to the scheme in line with conservation comments can be summarised as follows:

- Parts of the rear elevation previously identified for demolition are proposed to be retained.
- Glazed fenestration to the outbuilding has been modified.
- The height of the rear annexe has been reduced by approximately 1m to enable the ridge to align with the adjacent outbuilding. The turbines have been removed.
- Consideration was given to reducing the annexe from three pitches to two, but further discussion led to agreement that three roof sections would enable the scale and form of the proposed to align with the scale and character of common historic outbuildings within the immediate context.

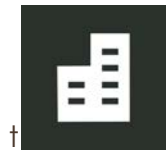


- The pitch of the rear roof has been adjusted to enable the existing ridge to run continuously, creating a catslide roof. Further, the extension terminates short of the existing side return of the Victorian washhouse enabling the historic elevation to be visible externally and create a visual break between the new extension and the Victorian terrace.



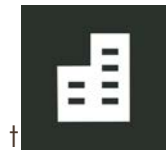
Figure 2 - Revised Section/Side Elevation

5.35 These changes are all considered to overcome earlier concerns regarding the impact of the proposed development on the special character of the grade II listed building and that the scheme would, on the whole, represent the most appropriate solution for restoring and ensuring the long-term future of the building.



Summary

- 5.36 National and local design policies ultimately seek to ensure that the design of new development is visually attractive and accords appropriately with local character and history, the surrounding built environment and the historic environment.
- 5.37 The proposed development has been carefully designed in light of earlier concerns and is considered to represent a suitable form of development for the grade II listed building. Moreover, much of the existing listed building is in a particularly poor state of repair at present and the applicant would contend that these proposals would safeguard the long-term future of the asset.
- 5.38 Accordingly, the proposed development would overcome earlier reasons for refusal and thus accord with Sections 12 and 16 of the Framework, Local Plan Policies SP9, SP13, D1, and HE1, and the statutory requirements of Sections 16, 66 & 72 of the Planning (Listed Building & Conservation Areas) Act 1990.

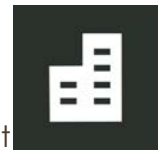


Quality of the Proposed Accommodation

- 5.39 The proposed development would provide a dwelling with a good standard of residential accommodation for potential occupants insofar that it would have a generous internal layout, suitable access to private amenity and otherwise be a suitable location for a residential dwelling.

Effect on the Living Conditions of Neighbouring Properties

- 5.40 The White Horse is surrounded by a number of residential properties with the detached no.26 High Street located to the west, no.20 High Street adjoining at first floor level situated to the east, and other residential properties located on the opposite side of the High Street. A large parcel of undeveloped land is located beyond the rear boundary of the site.
- 5.41 The vast majority of the proposed building works proposed are either internal or to the main section of the building itself and these are not considered to cause harm to any of the neighbouring properties.
- 5.42 The rear annexe proposed to extend along the flank boundary with no.26 to the west would be clearly visible. However, given its revised design and reduced height, it is not considered to cause any material harm to the living



conditions of this property given the distance that no.26 is set away from the boundary.

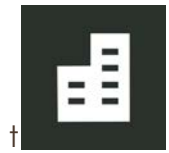
5.43 A small flue and associated mechanical extraction system is proposed as part of the proposed micropub. However, the system proposed would be modest given the nature of the micropub and would be unlikely to result in significant noise or odour impacts. The chosen system will incorporate either 3 stage carbon filtration, and ozone cube or similar. The applicant would be happy to accept a condition requiring further details to be submitted pre-commencement if considered necessary.

5.44 In conclusion the proposed development would not cause any material harm to the living conditions of neighbouring properties.

Highways Considerations

Access, Car Parking & Cycles

5.45 There is an existing vehicular access to the front of the property which is proposed to be utilised solely in relation to the residential occupation proposed for part of the building. The access is suitable in highway safety terms.



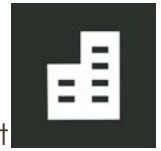
5.46 The residential component of the use dictates that a minimum of 2 car parking spaces is required, and these are to be provided in the paved area to the rear of the building.

5.47 A zero car parking approach is proposed with respect to the proposed micropub due to its limited size and the availability of unrestricted car parking in the street. Retaining the public house component is to benefit the local community one would therefore anticipate that the majority of custom would be derived locally and therefore sustainable forms of travel including walking and cycling are encouraged. To that end, cycle racks are proposed to be installed at the front of the site in order to encourage the bicycle as a form of travel.

5.48 There should not be any objections in highways safety terms.

Waste

5.49 There is an existing waste/ recycling collection route along the High Street, and it is considered that an additional residential dwelling can be easily



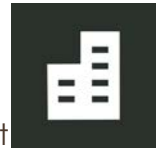
accommodated within this existing scenario. A bin store is to be provided within the curtilage of the dwelling.

5.50 In terms of commercial bin storage/collection, existing storage and collection has been carried out for many years in association with the existing public house. Accordingly, a suitable solution for the storage and collection of bins associated with the micropub can be established.



Section 6: Summary & Conclusions

- 6.1 This joint planning and listed building application is for the extension, alteration and conversion of an existing grade II listed former public house to use as a residential dwelling and micropub.
- 6.2 As discussed within Section 5 of this Statement, it is considered that the non-viability of the public house has been demonstrated and that the proposed use of the building as a residential dwelling and micropub would be acceptable in principle.
- 6.3 Moreover, the proposals have been designed to in a manner so as to be sympathetic to the intrinsic character of the grade II listed building, would have an acceptable impact within this part of the Kimpton Conservation Area, and would relate acceptably with nearby listed buildings. Moreover, the existing grade II listed barn is in a particularly poor state of repair at present and the applicant would contend that these proposals would safeguard the long-term future of the asset.
- 6.4 Technical matters are addressed to a proportionate degree within the submission and, subject to further investigation and/or mitigation, it is not



considered that there should be any technical planning objections to the proposals.

- 6.5 In all, it is considered that the proposed development would be fully compliant with relevant local and national planning policies and relevant supplementary guidance and legislation. Accordingly, it is respectfully requested that planning permission and listed building consent be granted.



APPENDIX 1: Decision Notice Application Ref.15/01653/1

NORTH HERTFORDSHIRE DISTRICT COUNCIL



Town and Country Planning Acts

DECISION NOTICE

Correspondence Address:

Mrs Parry
Barker Parry Town Planning Ltd
33 Bancroft
Hitchin
Hertfordshire
SG5 1LA

Applicant:

Haut Limited

PARTICULARS OF DEVELOPMENT

Application: 15/01653/1

Proposal: Change of use from Class C4 (Public House) to Class C3 (Residential)

Location: **22 High Street, Kimpton, Hitchin, SG4 8RJ**

Refused Plan Nos: Location plan 15505 1F, E1, E2, GF, S1 & X1

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 22/06/2015.

The reason for the Council's decision to refuse permission is:

- 1 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.

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Development Management
North Hertfordshire District Council



Development & Conservation Manager
Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Date: 24 August 2015

NOTES

- 1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pes.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



APPENDIX 2: Lawful Development Certificate Application Ref.17/01263/1PUD

	NORTH HERTFORDSHIRE DISTRICT COUNCIL TOWN & COUNTRY PLANNING ACT 1990 SECTION 192 (AS AMENDED BY SECTION 10 OF THE PLANNING AND COMPENSATION ACT 1991) TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT PROCEDURE ORDER 2015 : ARTICLE 24 CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT	Town Planning Ref.No. 17/01263/1PUD
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To : Mr Tomlinson
22 High Street
Kimpton
Herts
SG4 8RJ

Date of Receipt of Application: 19/06/2017 Site: 22 High Street, Kimpton, Hitchin, SG4 8RJ Description of development: Proposed use of 3 rooms at first and second floor levels for class A2 purposes
--

The North Hertfordshire District Council, in pursuance of their powers under the above-mentioned Act and the associated Orders and Regulations, hereby CERTIFY that on the date of receipt of the application the use described above in respect of the afore-mentioned land and edged in red on the plan attached hereto, would have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended).

The reason for this determination is as follows :-

The use of part of the the building for office / business use falling within A2 uses would be incidental to the primary and established use of the building as a public house and therefore would be would ancillary to that primary use and would not require a separate planning permission.

Signed:



Simon Ellis
Development & Conservation Manager

Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Date: 14 July 2017

NOTES

1. The certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the matter specified taking place on the land described would have been lawful, on the specified date and, thus, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the matter described and to the land specified and identified on the attached plan. Any matter which is/are materially different from that/those described or which relate(s) to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.



APPENDIX 3: Decision Notice Application Ref.21/01018/FP & 21/01019/LBC



NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order
2015

DECISION NOTICE

Correspondence Address:
Michael Collins Architect LLP
12 Purwell Lane
Hitchin
SG4 0NE

Applicant:
Mr Ross Tomlinson

PARTICULARS OF DEVELOPMENT

Application: 21/01018/FP

Proposal: 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.

Location: The White Horse Public House, 22 - 24 High Street, Kimpton, Hitchin, Hertfordshire, SG4 8RJ,

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 30 March 2021.

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).

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed:



Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Simon Ellis
Development & Conservation Manager
Date: 22 July 2021

The Council's Privacy Notice is available on our website: <https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr>.

NOTES

- 1 If you are aggrieved by the decision of your local planning authority to refuse

permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



NORTH HERTFORDSHIRE DISTRICT COUNCIL

Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1992

DECISION NOTICE

Correspondence Address:

Michael Collins Architect LLP
12 Purwell Lane
Hitchin
SG4 0NE

Applicant:

Mr Ross Tomlinson

PARTICULARS OF DEVELOPMENT

Application: 21/01019/LBC

Proposal: Demolition of existing rear shed, lean-to and rear portions of the property and construction of external annex to proposed dwelling. Various external and internal works to main building comprising various structural works, replacement floors and walls, subdivision and replacement of the main roof and existing windows and other internal alterations. Provision of entrance gate to carriage entrance.

Location: The White Horse Public House, 22 - 24 High Street, Kimpton, Hitchin, Hertfordshire, SG4 8RJ

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE LISTED BUILDING CONSENT** to the works described above and proposed by you in your application received with sufficient particulars on 30 March 2021.

The reasons for the Council's decision to refuse Listed Building Consent are:

1. By reason of the design and scale of the extensions proposed including the rear Annex extension, the proposed development will occasion harm to the host listed building,

thereby, failing to satisfy the provisions of Sections 16(1) and 72(1) (for the LBC) 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).

Signed:



Development & Conservation Manager

Date: 22 July 2021

Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

The Council's Privacy Notice is available on our website: <https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr>

NOTES

- 1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Suite C, 4th Floor, Spectrum Building, Bond Street, Bristol, BS1 3LG or online at www.planningportal.gov.uk/planning/appeals

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



APPENDIX 4: Delegated Report Application Ref.21/01018/FP

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
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.	The White Horse Public House 22 - 24 High Street Kimpton Hitchin Hertfordshire SG4 8RJ

Submitted Plan Nos

Location plan Extract and waste plans Floor plans Public drinking/bar area Block Plan 039 -06 039 -050 039 -05 039 -04 039 -035 039 -033 039 -032 039 -031 039 -030 039 -03 039 -029B 039 -028B 039 -027A 039 -02 039 -01 039 -001 039-020F

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

2.0 Policies

2.1 North Hertfordshire District Local Plan No.2 with Alterations

Policy 5: Excluded Villages
Policy 16: Areas of Archaeological Significance and other Archaeological Areas
Policy 26: Housing Proposals
Policy 55: Car Parking standards
Policy 57: Residential Guidelines and Standards

2.2 North Hertfordshire Local Plan 2011 – 2031 Proposed submission (September 2016) incorporating the Proposed Main Modifications (November 2018) and Further Proposed Modifications (May 2021).

- 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 2021

Section 5 – Delivering a sufficient supply of homes

Section 8 - Promoting healthy and safe communities

Section 12 – Achieving well-designed places

Section 15 – 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 89 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.

?	Objection to the loss of a valued local facility / community asset
?	Contrary to the listing of the premises as an Asset of Community Value
?	Kimpton is a growing village that needs community facilities
?	Micropub is a token gesture that will fail resulting in all of the building going to residential use
?	Not in the long term interests / needs of the village
?	Excessive height and length of rear extension
?	Scale of works is unjustified and unsympathetic to the listed building
?	Not in keeping with neighbouring properties
?	Risk to integrity of boundary wall
?	Neglect to Grade II listed building
?	No realistic business plan
?	Loss of character of the premises / building is deteriorating
?	Retention of the pub is important for the health and wellbeing of the community
?	Contrary to national and local planning policy
?	No viability evidence has been

produced to demonstrate that the premises is not viable as a pub
No benefit to the community

The Save Our White Horse Group advise that they wish to acquire the building through negotiation with the owner and to secure the future of the building for the community.

There is one letter of support registered on the Council's web site although this representation (Mr A. Marr) appears to be in support of the retention of the pub as a whole rather than the current proposal as a part residential unit / part micropub business.

Kimpton Parish Council:

Advise that the Parish Council **object** to the application and approve the comments of the Planning Working Party. The Kimpton Parish Council Planning Working Party comments include 13 general comments and 20 other comments raising material considerations. Overall, the comments conclude that the proposed development is not compliant with Emerging Local Plan policies and the policies in the National Planning Policy Framework. The full detail of the Parish Council / Working Party Comments are published on the Council's web site.

NHDC Conservation officer :

Does not comment specifically on the planning application 21/01018/FP but raises an objection to the associated listed building consent application ref: 21/01019/LBC.

Hertfordshire County Council Highways

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

Hertfordshire County Council Archaeology

No comments received

NHDC Planning Policy Officer:

Advises that the proposal for the change of use of the former public house to a residential property, office and micropub is acceptable in principle in policy terms.

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.

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), 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

4.3 Key Issues

- 4.3.1 The key issues for consideration are as follows:

- ☐ Principle of the changes 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. Calculated approximately, the dwelling would occupy about three quarters of the overall floorspace (including external space) and the pub use about one quarter. There would be a small amount of floorspace shared (as lobby / storage use) and an office use. The parking area at the rear of the premises is dedicated solely for the residential use. The effect of the proposal is that the residential use would become the dominant use at the site with the micropub use a relatively minor element.

- 4.3.4 There are no relevant policies in the saved local plan that safeguard the loss of public houses (or part loss of pub floorspace). As such the primary policy guidance is set out in the National Planning Policy Framework (2021) and this is set out in paragraph 93 which 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.*

- 4.3.5 This application has generated significant interest from the local community with the vast majority of 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.
- 4.3.6 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 propose layout and floorspace for the micropub is practical from an operational perspective. The report, prepared by Trinity Solutions Consultancy Limited, concludes that the proposed micropub is not a viable or sustainable business proposition and its operation would be further hampered by the restrictive floorspace and limited facilities to service the micropub.
- 4.3.7 The Trinity Solutions 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.
- 4.3.8 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 93 of the NPPF.

- 4.3.9 In addition to the NPPF guidance is the key relevant policy in the Emerging Local Plan 2011 – 2031 - Policy ETC7 'Local community shops and services in towns and villages'. The policy, as drafted in the latest version of the ELP (including Modifications May 2021) states the following:

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.

- 4.3.10 In this case, part of the premises will be retained for pub use although the viability of this is in question following the review by Trinity Solutions Ltd. Setting this aside, in terms of criterion a) there is another pub in the village (The Boot) therefore this criterion is met. In terms of criterion b) the change of use to a residential unit is considered to complement the function and character of the area given that there are residential properties in the immediate area of the White Horse. On the face of it, the proposals in so far as they potentially result in the complete loss of a pub, do not conflict with ELP Policy ETC7.
- 4.3.11 The applicants have referred to an appeal decision in Whitwell (the former Maidens Head pub) which was granted for a change of use to residential on appeal in May 2018 (LPA ref: 17/00442/1). In this appeal the Inspector considered significant weight could be given to Policy ETC7 as the ELP had reached an advanced stage and decided that that proposal should be decided in accordance with the emerging policy.
- 4.3.12 The Maidens Head appeal decision is comparable to this application. Whitwell is not far from Kimpton and of a similar size. The Maidens Head was a listed building and also listed as an ACV and one of only two pubs remaining in the village. It had also been closed for some time, similar to the White Horse. The fact that the appeal Inspector considered Policy ETC7 relevant three years ago and since then the Emerging Local Plan has progressed through the Examination in Public and is even closer to adoption underlines the significant weight that can be applied to Policy ETC7 now.
- 4.3.13 The application is clearly not contrary to ELP Policy ETC7 and therefore cannot be used as grounds to refuse planning permission in terms of planning policy. That said, given the uncertainty of the viability of the proposed micropub use and the significant community objection to this proposal there is a case to argue that the proposals are in conflict with paragraph 93 of the NPPF. This and other material planning considerations are considered in the Planning Balance at the end of this report.
- 4.3.14 Impact on neighbouring property

4.3.15 The proposals include significant extensions to the property in particular with the proposed three bay home office / storage / studio space / garage located along the western boundary at the rear of the property. This structure will have a maximum height of 7.5 metres and length of around 10 metres, will be located on the property boundary and will include a mezzanine level. Mini wind turbines are proposed on each of the three ridges to the structure further increasing the visual impact .

4.3.16 Policy D3 of the Emerging 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 is considered out of scale with the context of the site at the rear where it abuts residential gardens and has the potential to have an overbearing impact on those occupiers.

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

4.3.18 Paragraph 199 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.

4.3.19 In this case the Council's Conservation officer has set out in his formal comments on the associated listed building application (21/01019/LBC) that he has a number of concerns at the proposed development relating to the following aspects:

- ☐ The extent of demolition
- ☐ The size, scale and footprint of the 'Annex' at the rear
- ☐ The form and design of the rear extension
- ☐ The extent of internal alterations and demolition
- ☐ The location of the bin store at the front of the site.

As such the Conservation officer considers that the proposed development would occasion harm to the listed building.

4.3.20 Paragraph 197 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 202 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.

- 4.3.21 There is some doubt, as evidenced by the Trinity Solutions report, as to whether the micropub element would be a viable use consistent with the conservation of the building and whether that use would make a contribution 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'.
- 4.3.22 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 no public benefits to outweigh this harm and therefore the development would conflict with paragraph 202 of the NPPF.
- 4.3.23 Overall, it is concluded that there are unsatisfactory elements of the scheme in terms of alterations to the building including extensions and the location of the bin store that will have a negative impact on the heritage assets i.e. the listed building and the Kimpton Conservation Area.
- 4.3.24 Parking, access and refuse / recycling matters
- 4.3.25 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.
- 4.3.26 The extract and service plan 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.
- 4.3.27 The key area of concern is the location of the bin store for the pub at the front of the site next to a seating area and immediately adjacent the High Street footpath. Although this provision may be convenient for refuse collection operators, this is not ideal in terms of the adverse visual impact of the storage area and the amenity of customers of the pub. The storage area in this location emphasises the operational impracticality of the proposed pub use.
- 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 Emerging 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 mini wind turbines, ground source heat pump and photovoltaic roof panels on the Annex. Full

details of these features could be secured by condition.

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 not engaged.

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 2021) is 1.5 years. In this situation however the benefit of a single dwelling will not make any meaningful impact on local housing supply and 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 proposed development would fail to maintain an adequately high standard of environment for existing residents through inappropriately scaled extensions. There would be a 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. Finally, there would 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 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).

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Simon Ellis Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 22 July 2021	