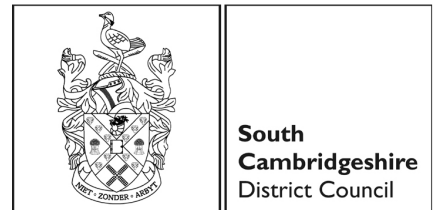


South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

t: 03450 450 500
f: 01954 713149

www.scambs.gov.uk



18 March 2015

To: Councillor Nick Wright, Portfolio Holder

Philippa Hart

Tumi Hawkins

Bridget Smith

Scrutiny Monitor and Opposition
Spokesman
Opposition Spokesman
Opposition Spokesman

Dear Sir / Madam

You are invited to attend the next meeting of **ECONOMIC DEVELOPMENT PORTFOLIO HOLDER'S MEETING**, which will be held in **MONKFIELD ROOM, FIRST FLOOR** at South Cambridgeshire Hall on **THURSDAY, 26 MARCH 2015 at 2.00 p.m.**

Yours faithfully
JEAN HUNTER
Chief Executive

Requests for a large print agenda must be received at least 48 hours before the meeting.

AGENDA		PAGES
PROCEDURAL ITEMS		
1.	Declarations of Interest	
2.	Minutes of Previous Meeting The Portfolio Holder is asked to sign the minutes of the meeting held on 10 December 2014 as a correct record.	1 - 4
DECISION ITEMS		
3.	Article 4 directions and public houses: a review of the results of the public consultation	5 - 26
4.	Heritage guardianship sites: Landbeach Tithe Barn and East Hatley Church	27 - 36
STANDING ITEMS		
5.	Work Programme To consider any items for inclusion in the Portfolio Holder's Work Programme.	
6.	Date of Next Meeting Members are asked to bring their diaries.	

OUR LONG-TERM VISION

South Cambridgeshire will continue to be the best place to live, work and study in the country. Our district will demonstrate impressive and sustainable economic growth. Our residents will have a superb quality of life in an exceptionally beautiful, rural and green environment.

OUR VALUES

We will demonstrate our corporate values in all our actions. These are:

- Working Together
- Integrity
- Dynamism
- Innovation

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

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Agenda Item 2

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of the Economic Development Portfolio Holder's Meeting held on
Wednesday, 10 December 2014 at 2.00 p.m.

Portfolio Holder: Nick Wright

Councillors in attendance:

Opposition spokesmen: Tumi Hawkins and Bridget Smith

Also in attendance: Anna Bradnam, Lynda Harford and Hazel Smith

Officers:

Nicole Kritzinger

Jo Mills

Ian Senior

Development Officer

Planning and New Communities Director

Democratic Services Officer

1. DECLARATIONS OF INTEREST

Councillor James Hockney (a Member for Waterbeach) declared a non-pecuniary interest as Chairman of the Working Group tasked with developing a business plan for securing a sustainable future for the Tithe in Landbeach (Minute 3 refers).

2. MINUTES OF PREVIOUS MEETING

The Economic Development Portfolio Holder signed, as a correct record, the Minutes of the Economic Development Portfolio Holder meeting held on 10 September 2014.

3. HERITAGE GUARDIANSHIP SITES: LANDBEACH TITHE BARN

The Economic Development Portfolio Holder considered a report updating him about the future of Landbeach Tithe Barn

Councillor James Hockney (a local Member) summarised the steps being taken to establish a Board of Trustees, and a Friends Group specific to the Barn. Development of a Business Plan was underway, and a number of funding streams were being pursued. Councillor Hockney referred to the Barn as unique and special, and said a number of uses were being considered. The Portfolio Holder reminded him that a surveyor's report as to the Tithe Barn's state of repair was needed as a matter of urgency.

Those present welcomed the progress made to date, and discussed a number of opportunities that the Barn might offer.

The Portfolio Holder stressed the essential nature of a surveyor's report, and importance of having a solid core of Trustees.

The Economic Development Portfolio Holder

- (a) **Noted** the progress that had been made regarding the future of Landbeach Tithe Barn, including development of an outline Business Plan;
- (b) **Agreed** further work; in association with local Members and other interested parties, to develop a robust proposal to enable the Council to lease the Barn to a local trust to be set up to restore and maintain the Barn; and

- (c) **Instructed** officers to present a further report to the Economic Development Portfolio Holder meeting in March 2015.

4. **COMMUNITY RIGHT TO BID: INTERNAL REVIEW PROCEDURE**

The Economic Development Portfolio Holder considered a report seeking his agreement to amend the South Cambridgeshire District Council Community Right to Bid Internal Review procedure.

The Portfolio Holder was pleased to see clarification as to an owner's right to compensation.

Those present discussed the new process, including options for internal review, judicial review and first tier tribunal hearings.

The Portfolio Holder said that the key issue for consideration was that of change of use.

Those present noted the risks involved; they said it would be useful to see some case studies.

The Economic Development Portfolio Holder **adopted** the proposed new procedure for Internal Reviews (Appendix A of the report), which continues to conform with the regulations, in accordance with the Department for Communities and Local Government's Community Right to Bid: Non-statutory advice note for local authorities (Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Regulations 2012).

5. **ECONOMIC DEVELOPMENT PROGRESS REPORT AND SERVICE PLAN PRIORITIES**

The Economic Development Portfolio Holder **considered** a report containing an update on progress with Economic Development actions.

Those present discussed a number of issues arising from the report.

The Economic Development Portfolio Holder

- (d) **Noted** progress;
- (e) **Endorsed** the Service Plan priorities for 2015-16;
- (f) **Endorsed** a tapered reduction to £15,000 over the next three years of grant to Visit Cambridge for tourism services, and transfer of savings to other Economic Development projects for 2015-16; and
- (g) **Instructed** officers to invite a representative of the Destination Digital project to attend the Economic Development Portfolio Holder meeting in March 2015 in order to clarify progress and timescales.

6. **ARTICLE 4 DIRECTIONS AND PUBLIC HOUSES: PROPOSAL FOR PUBLIC CONSULTATION**

The Economic Development Portfolio Holder considered a report seeking his views as to whether to hold a consultation on adopting the use of Article 4 directions to require planning permission prior to demolition and / or change of use of a select number of public houses in the district and, if so, his agreement of a format and timetable for consultation.

Those present considered the question of risk, and the Planning Team Leader (West) said it should be easier to assess this once the consultation was complete.

The Portfolio Holder accepted that there was no question of preserving pubs in perpetuity, but that the new process, if adopted, would enable Planning Committee to regulate the situation.

The Economic Development Portfolio Holder **agreed** the format and text upon which the public should be consulted (subject to minor amendments as required) and **approved** the programme for consultation.

7. GYPSY & TRAVELLER ISSUES UPDATE

The Economic Development Portfolio Holder **received and noted** a report about the range of issues and actions relating to the Council's services in relation to Gypsy and Traveller community in the District.

Those present noted the proposed creation of two new posts, as outlined in paragraph 9 of the report from the Planning and New Communities Director.

Some thought should be given to establishing a Travellers Consultation Group.

8. WORK PROGRAMME

The Economic Development Portfolio Holder **received and noted** the Work Programme attached to the agenda. He asked that, at each meeting, he should receive updates about Economic Development, and Gypsies and Travellers.

The Portfolio Holder requested that a report on the Right to Bid be presented to his meeting in March 2015.

9. DATES OF FUTURE MEETING

Those present noted that the next Economic Development Portfolio Holder meeting was on Wednesday 11 March 2015

The Economic Development Portfolio Holder agreed the following future meetings, all at 2.00pm:

- Wednesday 10 June 2015
- Wednesday 9 September 2015
- Wednesday 9 December 2015
- Wednesday 9 March 2016

The Meeting ended at 3.55 p.m.

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Agenda Item 3



South
Cambridgeshire
District Council

Report To: Economic Development Portfolio Holder
Lead Officer: Director of Health and Environmental Services

26 March 2015

Article 4 directions and public houses: a review of the results of the public consultation

Purpose

1. To review the results of the public consultation on the use of article 4 directions to require planning permission prior to the demolition and/ or change of use of public houses; to determine whether to recommend to the Planning Committee the adoption of this restriction for use in the case of a select number of public houses in the district.
2. This is a not a key decision because it does not directly effect communities living or working in the district; it is for the Planning Committee to determine the approach adopted by this district with respect to the use of article 4 directions.

Recommendations

3. It is recommended that:
 - (a) The Portfolio Holder makes a recommendation to Planning Committee that this Council adopts in principal the use of article 4 directions to restrict the development rights of pubs with respect to demolition and change of use on the basis of the results of the public consultation.
 - (b) The Portfolio Holder commissions the requisite research to substantiate the nominations resulting from the public consultation (see paragraph 29) and that an assessment is made of the potential claims for compensation which could arise.
 - (c) The Portfolio Holder requests a process to be put in place via which subsequent nominations for article 4 directions may be received and assessed.

Reasons for Recommendations

4. The public consultation has provided evidence of support for the use of article 4 directions among parish councils and the general public. The consultation revealed support for the principal of the removal of permitted development rights in respect of both demolition and change of use, irrespective of whether the pub was the last to remain in the village.
5. The Cambridge and District branch of the Campaign for Real Ale (CAMRA) made representation on behalf of its almost 4,000 branch members. They urged the council to adopt the use of article 4 directions with respect to demolition and change of use and believed this should not be limited to the sole remaining pub to serve a village.
6. Since responsibility for determining whether this council should adopt the use of article 4 directions lies with the Planning Committee, the results of the consultation

help provide the Economic Development Portfolio with the necessary information to present to the Planning Committee for their further consideration.

7. The recent experience of Islington Borough Council (see paragraph 25) suggests the Department for Communities and Local Government (DCLG) is prepared to accept the use of article 4 directions to address pressures towards a change of use where the local authority can demonstrate evidence that the exercise of permitted developments rights would harm local amenity.
8. The consultation results indicate the public values the contribution of pubs in terms of visual amenity and their contribution to the range of local amenities available to them and suggest the quality of village life would be greatly diminished without them. The consultation identifies numerous pubs where the public believes this applies.
9. There were 519 individual nominations made identifying a total of 132 pubs across the district. Further details of the pubs identified and the level of support for each is given in Appendix 2.
10. Given the threshold of evidence required, further research would be required to substantiate these nominations i.e. to describe the mix of amenities within each village to which the public houses identified contribute.

Background

11. There has been a progressive loss of village pubs across the district, mirroring a national trend as the industry contracts in response to macro-economic pressures and changes in drinking culture.
12. The resultant pressures on pub businesses has on occasion led owners to exercise their permitted development rights to change the use of pubs, or in certain cases (seen elsewhere in the country) to circumvent these restraints by demolition.
13. Government has relaxed permitted development rights in order to aid economic recovery (The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013). In a rural context this added flexibility may lead to an acceleration of the loss of village pubs, undermining the local objective to maintain mixed communities.
14. Article 4 directions are a tool available to local authorities to re-assert control with respect to this objective, providing a balance between local planning considerations and the economic drivers which propel the loss of village pubs.
15. Article 4 directions can also be employed where the exercise of permitted development rights could undermine the visual amenity of the area or damage the historic environment, a further consideration for this district where pubs often occupy key central locations within the villages.
16. DCLG guidance states "Local authorities should consider making article 4 directions only in those exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area".
17. A neighbouring authority has relatively recently authorised the use of article 4 direction. In January 2014 Cambridge City Council approved the use of article 4 directions for public houses and buildings of historic interest.

18. The Economic Development Portfolio Holder endorsed further work to develop a proposal and consultation timetable at his 10 September 2014 Portfolio Holder Meeting based on the proposals contained within a report to that meeting.
19. The text used for consultation interpreted the relevant paragraphs of the report "South Cambridgeshire District Council's Support for Village Pubs, (i.e. paragraphs 20 and 21) received at that meeting and can be found in Appendix 1.
20. The programme for consultation proceeded as set out below:

Article 4 direction public consultation programme	
Consultation opened	05 January 2015
Consultation closed	23 February 2015
Consultation responses analysed	February -March 2015
Preparation of report, ongoing	March 2015

Considerations

21. The consultation was conducted both in an online format, using the JDI online consultation system to capture responses through this council's website, and via written responses using a standard format. Responses were also accepted via e-mail and in letter format.
22. The following groups of consultees were specifically targeted:
 - Parish councils, via parish e-bulletin with link to online consultation
 - Members, via weekly bulletin with link to online consultation
 - Resident panel, via email with link to online consultation
 - CAMRA and the British Institute of Innkeeping

In addition the following consultees were approached by letter

- Existing licensed premises (using Licensing dataset) inviting participation, thereby targeting landlords and owners of pubs.
- PubCos and breweries with existing business interest in the district

Paper copies of response forms were distributed to Parish Councils, and also made available at the reception of the Council offices, South Cambridgeshire Hall.

23. The invitation to participate in the consultation remained on the front page of the SCDC website for the entire duration of the consultation period and the consultation was profiled in the local press and was featured in local radio broadcasts.
24. The results of the public consultation are summarised in Appendix 2. There were 519 individual nominations made identifying a total of 132 pubs across the district.
25. The consultation results indicate the public values the contribution of pubs in terms of visual amenity and their contribution to the range of local amenities available to them and suggest the quality of village life would be greatly diminished without them. The consultation revealed strong support for the principal of the removal of permitted development rights in respect of both demolition and change of use, irrespective of whether the pub was the last to remain in the village.
26. The consultation identifies numerous pubs where the public believes this applies. Further details of the pubs identified and the level of support for each is given in Appendix 2.

27. The consultation responses can form part of the evidence base on which a decision could be taken as to whether this council should pursue article 4 directions to support its objectives.
28. Given the threshold of evidence required, further research would be required to substantiate these assertions i.e. to describe the mix of amenities within each village to which the public houses identified contribute, the likely level of compensation claims which may arise should article 4 directions be made and a process by which future nominations of pubs for article 4 direction could be received and assessed.
29. Initially, a focus on the 15 pubs receiving repeated nominations (7 or more) through the public consultation could be the subject of these further investigations.
30. The recent experience of Islington Borough Council (see 41) suggests the Department for Communities and Local Government (DCLG) is prepared to accept the use of article 4 directions to address pressures towards a change of use where the local authority can demonstrate evidence that the exercise of permitted developments rights would harm local amenity.
31. The public consultation has provided evidence of support for the use of article 4 directions among parish councils and the general public.
32. The Cambridge and District branch of the Campaign for Real Ale (CAMRA) made representation on behalf of its almost 4,000 branch members. They urged the council to adopt the use of article 4 directions with respect to demolition and change of use and believed this should not be limited to the sole remaining pub to serve a village. Having reviewed all the South Cambridgeshire pubs within their branch area they suggest 118 of them should be subject to an article 4 direction.
33. All of those who identified themselves as owners of pubs, or as having owned pubs previously, objected to any restriction to permitted development rights for pubs.
34. Since responsibility for determining whether this council should adopt the use of article 4 directions lies with the Planning Committee, the results of the consultation help provide the Economic Development Portfolio with the necessary information to present to the Planning Committee for their further consideration.
35. In the midst of the consultation period, the government announced that all pubs listed as an Asset of Community Value (ACV) through the Community Right to Bid (under The Localism Act, 2011) will automatically have their permitted development rights curbed (26 January 2015, see the [Statement by Community Pubs Minister](#), Kris Hopkins), removing the entitlement to demolition and change of use through permitted development rights. The necessary secondary legislation will be brought into force 06 April 2015.
36. Although this reform to the legislation may afford protection to those pubs with an ACV listing, it pre-supposes that every public house that the public may wish to see protected in this way has been nominated and included on the register. There has been concerted effort on the part of this Council to promote the use of the Community Right to bid. At present there are 16 pubs on the asset register, but the community consultation identified additional pubs which are not presently on the asset register but which the public has suggested should be considered as candidates for article 4 directions.

37. Following a relevant disposal a local authority is obliged to remove a community asset from the register, producing a window of vulnerability during which the sale could be followed by a change of use (despite the community being able to re-nominate a pub following its removal from the list). As there are likely to be limitations on the longevity of the planning restrictions an ACV listing will afford therefore there is doubt as to whether this provision will in fact afford the expected safeguard.
38. The Secretary of State may overturn any decision to use an article 4 direction. The experience of Islington Borough Council is worth noting – this council published an article 4 direction in July 2013 to remove the permitted development rights allowing conversion from offices to flats (B1 (a) office to C3 residential) across the district. This was overturned by the then planning minister, Nick Boles. Islington Borough Council then proposed a reduced geographical area over which the Article 4 direction would apply, which was also refused, as it was judged to be “unacceptably expansive and unjustified”. Subsequently the DCLG has agreed (September 2014) with Islington Borough Council the use of an article 4 direction, much reduced in scope, applying to “the most strategically significant locations outside the Central Activities Zone (which is already protected from permitted development rights)”.
39. The use of article 4 direction to remove permitted development rights must work in concert with planning policy. There is an adopted policy in the Development Control Policies Development Plan Document which seeks to protect the services and facilities within villages in South Cambridgeshire and this includes village pubs. In the draft Local Plan this policy has been reviewed and additional services have been added to the list to be protected. The policy in the draft plan is as follows:

Policy SC/3: Protection of Village Services and Facilities

1. *Planning permission will be refused for proposals which would result in the loss of a village service, including pubs, shops, post offices, banks and building societies, community facilities, where such loss would cause an unacceptable reduction in the level of community or service provision locally*
2. *The following matters will be considered in determining the significance of the loss:*
 - a. *The established use of the premises and its existing and potential contribution to the social amenity of the local population;*
 - b. *The presence of other village services and facilities which provide an alternative, with convenient access by good public transport services, or by cycling or walking; and how these remaining uses will cope with displaced users; and any unacceptable impact of those alternative services or facilities;*
 - c. *The future economic viability of the use including the results of marketing of the premises for a minimum of 12 months at a realistic price and in appropriate cases financial information.*

This policy recognises the vital function in rural communities performed by village services and facilities. The National Planning Policy Framework (NPPF) advises that plans should guard against unnecessary loss of valued facilities and services, where this would reduce the community’s abilities to meet its day to day needs. During the consultation of the Proposed Submission Plan in the summer of 2013, the Campaign for Real Ale submitted a representation supporting the inclusion of public houses in the policy.

Options

40. The Portfolio Holder may agree
- (a) To make a recommendation to Planning Committee that this Council adopts in principal the use of article 4 directions to restrict the development rights of pubs with respect to demolition and change of use on the basis of the results of the public consultation and the specific pubs identified therein ; to commission the requisite research to substantiate these nominations (see paragraph 29) and the potential for claims for compensation; to request a process be put in place by which subsequent nominations may be received and assessed.
 - (b) To take no further action with regard to the use of Article 4 direction;
 - (c) To take no further action with the regard to use of Article 4 direction, accepting that ACV listing provides an acceptable safeguard and to intensify efforts to promote the Community Right to Bid to communities where pubs have been nominated.
 - (d) To agree that further detailed work should be undertaken to determine whether or not a positive recommendation to the Planning Committee is justified and to identify the pubs to which this might apply.

Implications

Financial

41. The use of article 4 directions may leave the local planning authority liable to pay compensation to those whose permitted development rights have been withdrawn. The extent of any likely liability could only be properly assessed once the pubs identified by public consultation thought to warrant protection via article 4 directions are known. Therefore, it is recommended this aspect is best explored in any subsequent report to Planning Committee should the use of article 4 direction be recommended or further research commissioned. If this requires unbudgeted resource the Portfolio Holder will be made aware.

Risk Management

42. There is a risk that the consultation may have raised public expectation regarding the strength of planning powers in respect of article 4 directions if adopted, namely creating the misapprehension that planning permission would inevitably be refused where an article 4 direction is in place. This can be mitigated by continuing to make clear the limitations of this power in any subsequent communications.
43. The use of article 4 directions may leave the local planning authority liable to pay compensation to those whose permitted development rights have been withdrawn if
- planning permission for development is refused which would have been permitted development if it were not for an article 4 direction
 - planning permission is granted subject to more limiting conditions, as a result of an article 4 direction being in place.

This matter is addressed above, in paragraph 41, as a financial implication.

Consultation responses

44. See paragraphs 24 to 26 of this report and results summary given in Appendix 2.

Effect on Strategic Aims

Aim 1 – Wellbeing – Ensure that South Cambridgeshire continues to offer an outstanding quality of life for our residents

45. For many of our communities the retention of the village pubs is an important aspiration, as they are felt to promote community cohesion and thereby wellbeing.

Aim 2 – Engagement – Engage with residents, parishes and businesses to ensure we deliver first class services and value for money

46. The public consultation allowed all sections of the community to have their voice heard as the council considers its approach to this planning matter. There will be further opportunities to engage with residents, parishes and businesses if further research is taken into this matter.

Background Papers

Economic Development Portfolio Holder's Meeting, 10 December 2014

<http://moderngov/ieListDocuments.aspx?CId=1060&MId=6338&Ver=4>

Economic Development Portfolio Holder's Meeting Wednesday, 10 September 2014

<http://scams.moderngov.co.uk/ieListDocuments.aspx?CId=1060&MId=6337&Ver=4>

Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5679/2160020.pdf

Statutory Instruments 2013 No. 1101 Town and Country Planning, England, The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

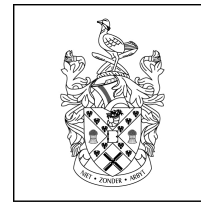
[http://www.islington.gov.uk/publicrecords/library/Planning-and-building-control/Publicity/Public-consultation/2013-2014/\(2013-05-30\)-The-Town-and-Country-Planning-\(General-Permitted-Development\)-\(Amendment\)-\(England\)-Order-2013.pdf](http://www.islington.gov.uk/publicrecords/library/Planning-and-building-control/Publicity/Public-consultation/2013-2014/(2013-05-30)-The-Town-and-Country-Planning-(General-Permitted-Development)-(Amendment)-(England)-Order-2013.pdf)

Statement by Community Pubs Minister Kris Hopkins, 26 January 2015

<https://www.gov.uk/government/speeches/community-pubs>

Report Author: Clare Gibbons- Development Officer
Telephone: (01954) 713290

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Appendix 1

South Cambridgeshire District Council is seeking views concerning the proposed use of article 4 directions to help retain village pubs.

The results of this consultation will help us decide whether article 4 directions provide an appropriate tool to achieve this and to identify specific rural pubs where the use of an article 4 direction would be appropriate.

What is an article 4 direction?

Article 4 directions allow the local planning authority to withdraw permitted development rights which would otherwise apply. At present a pub can change its use to a shop or an office, for example, without the need to seek planning permission. An article 4 direction does not prevent the development to which it applies, but instead requires that planning permission is first obtained for that development.

Should the district council apply article 4 directions to remove permitted development rights and require submission of a full planning application under any of the following circumstances?

- a) When it is thought demolition of a particular pub would undermine the look and feel of an area in which the particular pub is located (when the pub is outside a conservation area)
- b) When it is thought demolition and/or change of use would undermine the local objective of maintaining a balanced range of village services and facilities.
- c) When demolition and/or change of use of a particular pub would undermine the local objective of maintaining a range of village services and facilities because the particular pub is the only pub remaining in the village and/or when there is no alternative pub available to *displaced users* within an acceptable distance.

If you have answered yes to any of the circumstances above, please identify any pubs within the district of South Cambridgeshire which you think should be considered for protection using article 4 direction and state under which category (any combination of (a) ,(b) or (c)) it should be considered, giving your reasons.

You can find out more information about when a change of use is considered permitted development here

<http://www.planningportal.gov.uk/permission/commonprojects/changeofuse>

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Appendix 2

1. In total 256 responses were received, 240 of these were attributable to individuals, 16 were identified as responses of behalf of parish councils and one representation was received from the solicitors acting on behalf of a pub company.
2. The analysis of the responses revealed that of the 240 individuals who responded, 182 not only supported the use of article 4 directions in principal, but felt an article 4 direction would be warranted in all of the three circumstances described i.e.:
 - a. When it is thought demolition of a particular pub would undermine the look and feel of an area in which the particular pub is located (when the pub is outside a conservation area).
 - b. When it is thought demolition and/or change of use would undermine the local objective of maintaining a balanced range of village services and facilities.
 - c. When demolition and/or change of use of a particular pub would undermine the local objective of maintaining a range of village services and facilities because the particular pub is the only remaining pub in the village and/or there is no alternative pub available to displaced users within an acceptable distance.
3. Amongst those individuals who were supportive of the use of article 4 directions under a narrower definition,
 - a. 4 thought an article 4 direction would be acceptable only when applied to the last pub in the village.
 - b. 4 thought that visual amenity was an unacceptable reason for use of an article 4 direction (but were supportive of using article 4 directions to maintain a balanced range of services whether or not it was the last pub in the village).
4. Outright objections to the use of article 4 directions were received from
 - a. 9 individuals, who objected to the use of article 4 directions, on principal, under any of the circumstances listed. Three of these objectors self identified as the owners or former owners of public houses.
5. The collective responses received from Parish Councils support the use of article 4 directions in each of the circumstances described in the consultation.
6. The representation received from the solicitors acting on behalf of Punch Taverns (owners of 8 pubs in the district) is recorded as an objection. However, it appears the letter inviting them to participate in the public consultation was mistaken for notice having been served to include their pubs under an article 4 direction.

7. A total of 132 pubs were identified, as outlined in Table 1 below:

Pub	Parish	Number of nominations	Listed/C.A.	ACV	Parish council response
Pig and Abbot	Abington Piggots	40	Grade II listed		
The Hardwicke Arms	Arrington	20	Grade II listed		Arrington Parish Council supports the use of article 4 direction and nominates The Hardwicke Arms
The George	Babraham	2	Grade II listed		
The Bell	Balsham	1	Balsham Conservation Area		
The George	Balsham	1	Grade II listed		
The Fox	Bar Hill	1	None		
Royal Oak	Barrington	15	Grade II* listed		
The Three Hills	Bartlow	13	Grade II listed	ACV listed	
The Hoops	Barton	3	Grade II listed		Barton Parish Council supports the use of article 4 directions in all the circumstances listed.
The White Horse	Barton	1	None		
The Hoops	Bassingbourn	47	Grade II listed		Bassingbourn Parish Council supports the use of article of 4 direction under all the categories listed and nominates The Belle and The Hoops.
The Belle	Bassingbourn	29	Grade II listed		
The Willow Tree	Bourn	1	Bourn Conservation Area	ACV listed	
The Golden Ball	Boxworth	2	Grade II listed		
The Monkfield Arms	Cambourne	2	None		
The Cock Inn	Castle Camps	4	Castle Camps Conservation Area		

The Cross Keys	Caxton	1	Caxton Conservation Area	
The Three Horseshoes	Comberton	3	Comberton Conservation Area	
The White Swan	Conington	5	None	
The Plough	Coton	2	Coton Conservation Area	
The Chequers	Cottenham	2	Grade II listed	
The Hop Bind	Cottenham		Cottenham Conservation Area	
The Jolly Millers	Cottenham	2	Cottenham Conservation Area	
The Waggon and Horses	Cottenham	1	Cottenham Conservation Area	
The Queen Adelaide	Croydon	12	None	
The Black Horse	Dry Drayton	2	Grade II listed	ACV listed
The John Barleycorn	Duxford	1	Grade II listed	
The Plough	Duxford	1	Grade II listed	
The Wheatsheaf	Duxford	1	Duxford Conservation Area	
The Poacher	Elsworth	5	Grade II listed	ACV listed
The George	Elsworth	5	Elsworth	ACV

and Dragon			Conservation Area	listed	
The Ancient Shepherds	Fen Ditton	2	Grade II listed		
The Kings Head	Fen Ditton	1	Grade II listed		
The Plough	Fen Ditton	2	Fen Ditton Conservation Area		
The Three Tuns	Fen Drayton	2	Grade II* listed		
The Chequers	Fowlmere	3	Grade II listed		
The Queens Head	Fowlmere	2	Grade II listed		
The White Horse	Foxton	1	None	ACV listed	Foxton parish council supports the use of article directions in each of the circumstances and nominates The White Horse to be considered under all of the categories listed.
The Bakers Arms	Fulbourn	1	Fulbourn Conservation Area		
The Six Bells	Fulbourn	2	Grade II listed		
The White Hart	Fulbourn	2	Fulbourn Conservation Area		
The Cock Inn	Gamlingay	2	Grade II* listed		
The Wheatsheaf	Gamlingay	2	Grade II listed		
The George	Girton	2	None		
The Old Crown	Girton	2	None		
The Blue Ball	Grantchester	2	Grantchester Conservation Area	ACV listed	

The Green Man	Grantchester	1	Grade II listed	ACV listed	
The Red Lion	Grantchester	1	Grade II listed	ACV listed	
The Rupert Brooke	Grantchester	1	Grantchester Conservation Area	ACV listed	
The Three Horseshoes	Graveley	3	None		
The Three Tuns	Great Abington	5	Grade II listed		Great Abington Parish council supports the use of article 4 directions in each circumstance
The Pheasant	Great Chishill	1	Great Chishill Conservation Area		
The Hoops	Great Eversden	3	None	ACV listed	
The Plough	Great Shelford	1	Great Shelford Conservation Area		
The Square & Compass	Great Shelford	1	Great Shelford Conservation Area		
The Railway Tavern	Great Shelford	1	None		
The Carpenters Arms	Great Wilbraham	2	None		
The Blue Lion	Hardwick	1	Grade II listed		
Edward VII	Guilden Morden	7	Guilden Morden Conservation Area		
The Three Tuns	Guilden Morden	8	Grade II listed	ACV listed	
The Hare &	Harlton	5	Grade II listed		

Hounds						
The Blue Lion	Hardwick	1	Grade II listed			
The Wheatsheaf	Harlton	1	None			
The Pemberton Arms	Harston	1	None			
The Queens Head	Harston	1	None			
The Little Rose	Haslingfield	6	None	ACV listed		Haslingfield Parish Council supports the use of article 4 direction and nominates The Little Rose
						Hatley Parish Council fully supports the use of article 4 directions in each of the circumstances listed.
The King William IV	Heydon	1	Heydon Conservation Area			
The Pear Tree	Hildersham	6	Hildersham Conservation Area	ACV listed		Parish council supports the use of article 4 direction, accepting that this comes too late for The Pear Tree
The Red Lion	Hinxton	1	Grade II listed			
The Barley Mow	Histon	1	Histon and Impington Conservation Area			Histon and Impington Parish Council support the use of article 4 directions in each of the circumstances listed. It nominates the Railway Vue, The Boot Inn, The Red Lion, The Barley Mow and the Rose and Crown, to be considered under categories b and c
The Boot Inn	Histon	1	Grade II listed			
The King William IV	Histon	1	Grade II listed			
The Red Lion	Histon	3	Histon and Impington Conservation Area			
The Rose &	Histon	2	Grade II listed			

Crown					
The Railway Vue	Impington	1	None		
The Plough and Fleece	Horningsea	2	Grade II listed		
The Old Red Lion	Horseheath	1	None		
The Ickleton Lion	Ickleton	3	Grade II listed	ACV listed	Ickleton Parish Council support the use of article 4 directions – acknowledges that category is not relevant as there is already protection from demolition with respect to The Ickleton Lion which it nominates under category (b)
The Crown	Linton	2	Linton Conservation Area		
The Dog & Duck	Linton	3	Grade II listed		
The Waggon & Horses	Linton	2	Grade II listed		
The Red House	Longstowe	7	Grade II listed		
The Chequers	Little Gransden	2	None		
The Navigator	Little Shelford	2	Grade II listed		
The Hole in the Wall	Little Wilbraham	2	Grade II listed		
The Crown	Littlington	31	Grade II listed		Littlington Parish Council approves the use of article 4 directions in each of the circumstances listed and nominates The Crown under category (C).
The Green Man	Six Mile Bottom	1	None		
The Black Bull	Longstanton	1	None		
The Pavilion	Longstanton	1	None		

The Three Horseshoes	Madingley	1	Madingley Conservation Area
The Black Horse	Melbourn	2	None
The Dolphin	Melbourn	2	Melbourn Conservation Area
Herbie's American Bar and Grill	Melbourn	2	Melbourn Conservation Area
The British Queen	Meldreth	12	Grade II listed
The Jolly Brewers	Milton	4	Grade II listed
The Lion and Lamb	Milton	3	Grade II listed
The White Horse	Milton	3	Grade II listed
Osteria Waggon & Horses	Milton	2	Milton Conservation Area
The Queen's Head	Newton	7	Grade II listed
The White Horse	Oakington	2	None
The Chequers	Orwell	9	Grade II listed
The Admiral Vernon	Over	1	Over Conservation Area
The Exhibition	Over	2	None
Over Community Centre	Over	1	None

The Chequers	Pampisford	1	Pampisford Conservation Area		Pampisford Parish Council approve the use of article 4 directions
The Blackhorse	Rampton	1	Rampton Conservation Area	ACV listed	
The Black Bull	Sawston	2	Grade II listed		Sawston Parish Council approve the use of article 4 direction in each of the circumstances listed and nominates The Black bull, The White Lion, The Greyhound and the Kings Head
The Greyhound	Sawston	3	Grade II listed		
The Kings Head	Sawston	3	Grade II listed		
The White Lion	Sawston	2	Grade II listed		
The Plough	Shepreth	11	Shepreth Conservation Area	ACV listed	Shepreth Parish Council approves the use of article 4 direction in each of the circumstances listed and nominates The Plough and The Green Man
The Green Man	Shepreth	2	None		
The Three Horseshoes	Stapleford	2	None		
The Rose	Stapleford	1	None		
The Tree	Stapleford	8	None	ACV listed	
The Waggon and Horses	Steeple Morden	15	Grade II listed	ACV listed	Steeple Morden Parish Council supports the use of article 4 directions and nominates The Waggon and Horses under category (c).
The Missing Sock	Stow cum Quy	1	None		
The Wheatsheaf	Stow cum Quy	1	None		
The White Swan	Stow cum Quy	1	Grade II listed		
The White Horse	Swavesey	6	Grade II listed	ACV listed	

The Green Man	Triplow	5	Triplow Conservation Area
The Brewery Tap	Waterbeach	1	None
The White Horse	Waterbeach	1	Waterbeach Conservation Area
The Sun Inn	Waterbeach	3	Waterbeach Conservation Area
The Bridge	Waterbeach	1	None
The White Horse	West Wickham	2	West Wickham Conservation Area
The Chestnut Tree	West Wrating	2	None
	Wimpole		Wimpole Parish Council support the use of article 4 directions
The Bees in the Wall	Whittlesford	3	Grade II listed
The Tickell Arms	Whittlesford	2	Grade II listed
The Duke of Wellington	Willingham	2	Willingham Conservation Area
The Porterhouse	Willingham	1	None
The Bank Micropub	Willingham	1	None

8. Several pubs were repeatedly nominated (seven times or more) which do not currently have an ACV listing. Of these, the 11 pubs which received the highest numbers of nominations were the Pig and Abbots (Abington Piggots); The Hoops, Bassingbourn; The Belle, Bassingbourn; The Hardwicke Arms (Arrington); The Royal Oak, Barrington; The Queen Adelaide (Croydon), which was listed but

removed from the asset register following a relevant disposal; The British Queen, Meldreth; The Chequers, Orwell; The Edward VII, Guilden Morden; The Red House, Longstowe and The Queen's Head, Newton.
A further 4 pubs which have an ACV listing were also repeatedly nominated, The Three Hills, Bartlow, The Three Tuns, Guilden Morden, The Tree, Stapleford and The Waggon and Horses in Steeple Morden.

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Agenda Item 4



South
Cambridgeshire
District Council

Report To: Economic Development Portfolio Holder
Lead Officer: Director of Planning and New Communities

26 March 2015

Heritage Guardianship Sites: Landbeach Tithe Barn and East Hatley Church

Purpose

1. To provide an update regarding the future of Landbeach Tithe Barn and East Hatley Church.
2. This is not a key decision. The report is brought to this meeting at the request of the Portfolio Holder, at his meeting in December 2014.

Recommendations

3. It is recommended that the Portfolio Holder give, in principle, approval for:
 - (a) The Tithe Barn Trust to take on responsibility for the Landbeach Tithe Barn, subject to acceptable terms and conditions
 - (b) A partnership agreement to fund and manage the repairs programme, subject to acceptable terms and conditions
 - (c) Urgent works to safeguard the barn from further deterioration, including tarpaulin covers
 - (d) And, notes progress on transfer of St Denis Church, East Hatley.

Reasons for Recommendations

4. Further work has been undertaken locally to develop proposals for a new local trust to take on responsibility for Landbeach Tithe Barn, and a conditions survey has been completed. The Portfolio Holder is asked to endorse further work on the trust and measures to protect the barn. Progress has been made regarding disposal of St Denis Church.

Background

Landbeach Tithe Barn

5. Landbeach Tithe Barn is a Grade II listed building owned by the council since 1986. The barn had been leased to the Landbeach Society since 1975.
6. In May 2013, the Portfolio Holder agreed that the local community should be given the opportunity to put forward proposals for the future of the Barn, or that the Barn should be sold for conversion to residential use. In October 2013, the Portfolio Holder noted that a meeting had taken place with the Landbeach Society, Cambridge Past Present and Future (CambridgePPF), District Councillors and other local representatives; and allowed time for further discussions.

7. In March 2014, the Portfolio Holder:
 - (a) Endorsed work with external bodies to explore options for the future of the barn, and welcomed input from CPPF
 - (b) Requested that Councillor James Hockney use best endeavours to establish a Trust to take on responsibility for the barn
8. In September 2014, it was reported that there had been a seminar to consider options for the future of the barn, and that Landbeach Society had surrendered the lease. The Portfolio Holder agreed that there should be further work to establish a Trust and prepare a business plan.
9. In December 2014, it was reported that further progress had been made including formation of a shadow trust and development of an outline Business Plan. The outline Business Plan envisaged that the first stage would involve necessary repairs to the thatch and fabric of the barn. It was also reported that SCDC had commissioned a structural survey, and offered to provide some legal advice to the shadow trust. The Portfolio Holder agreed that further work be undertaken to develop a robust proposal to enable the Council to lease the Barn to a local trust to be set up to restore and maintain the Barn, and requested a further report in March 2015.

St Denis Church, East Hatley

10. St Denis Church is owned by the Council. It is a grade II* listed building and local nature reserve.
11. In October 2013, the Portfolio Holder agreed to transfer St Denis Church, East Hatley, to the Friends of Friendless Churches, subject to acceptable terms and conditions and appropriate support from the local community and recommended that the Finance and Staffing Portfolio Holder considered funding to support the maintenance of the church and facilitate the transfer. The Trustees of the Friends agreed to accept a contribution of £60,000 and further contributions have been committed by local people. On 27 February 2014, Council approved payment of £60,000 to the Friends of Friendless Churches, subject to acceptable terms and conditions and upon transfer of the Church.
12. In March 2014, a project plan for the transfer of the church was agreed, and this plan has guided work over the last twelve months.

Considerations

Landbeach Tithe Barn

13. The structural survey report has demonstrated that the barn is in slightly worse condition than anticipated, and as a result the cost of necessary works is also higher. The report lists essential works that are required urgently and also those that are not so urgent. The surveyor recommends that all the works be undertaken as one project, in order to put the building back in sound condition quickly.
14. The cost of the urgent works is estimated at £80,000 and, in summary, the urgent works are:
 - (a) Strip back the thatch and re-thatch
 - (b) Provide support to the whole frame in order to allow access for inspection

- (c) Frame repairs, including inspection and appropriate repair of the weatherboard
 - (d) Timber treatments as necessary
 - (e) Repairs to floors to remove trip hazard.
15. The other recommended works have an estimated cost of £40,000, and consist of:
- (a) Other frame works
 - (b) Plinth capping
 - (c) Repairs to doors and joinery
 - (d) Completion of repairs to weatherboarding
 - (e) Further timber treatments, as required
 - (f) General tidy up internally
 - (g) Removal of redundant timbers, if advised
 - (h) Repairs and finishing to the floors
 - (i) General redecoration of the weatherboard externally.
16. The survey confirmed that the barn is not watertight, and there is some water damage to timbers. Therefore immediate works are recommended to safeguard the barn from further deterioration, through use of tarpaulin. These works are required as part of the Council's responsibility for its listed building.
17. Over the last three months, a joint working group between the Shadow Trust and SCDC has been set up, and has met several times. Six trustees are 'firmly on board', and the group aims to have at least eight by the end of April. They have a treasurer who is a professional accountant, and are advertising for trustees based on skills needs that were identified through a gap analysis.
18. The Shadow Trust has agreed a name, Tithe Barn Trust, and has a draft vision statement and objects in place (see appendix). The Shadow Trustees have arranged a bat and owl survey, and hedge-cutting, both were completed free of charge. The Shadow Trustees have also planned a set of events and continued to develop a communications plan, as listed in the appendix.
19. The Shadow Trust is unable to collect donations or open a bank account as it has no formal status. The Council's legal officer is providing advice on options for the group to have a legal interest in the barn and therefore be able to secure funding and charitable status. In the meantime substantial funding pledges have been made. The Shadow Trust has asked that SCDC consider a partnership agreement for the repair works, as this arrangement would provide financial efficiencies, and also to consider the principle of providing capital funding akin to a dowry.
20. In summary, a good momentum has been established; and ideas and project details are being developed.
21. Separately, SCDC Historic Buildings Officer is liaising with the owner of the neighbouring rectory, seeking to improve working relationships as the barn and boundary of the rectory are adjacent.

St Denis Church, East Hatley

22. There has been progress, over the last three months, regarding the transfer of St Denis Church to the Friends of Friendless Churches (FOFC). The Church Commissioners have recently agreed to vary the deed of covenant, and discussions are now underway on the wording of the grant agreement. The transfer should be concluded very soon.

Options

23. The recommended option is give, in principle, approval for:
- (a) The Tithe Barn Trust to take on responsibility for the Landbeach Tithe Barn, subject to acceptable terms and conditions
 - (b) A partnership agreement to fund and manage the repairs programme, subject to acceptable terms and conditions
 - (c) Urgent works to safeguard the barn from further deterioration, including tarpaulin covers.
24. An alternative option is for the Barn to be sold with residential planning consent.

Implications

25. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

Financial

26. There are a range of financial implications arising from Landbeach Tithe Barn and they will be considered further in a future report. The estimated cost of recommended repairs is £120,000, including urgent repairs estimated at £80,000. There is no budgetary provision for the re-thatching of the Barn or repair of timbers.
27. The cost of urgent works to safeguard the Barn from further deterioration can be funded from existing approved budgets.

Legal

28. Legal officers are providing advice on setting up a Trust for the Landbeach Tithe Barn.

Staffing

29. None

Risk Management

30. The Landbeach Tithe Barn is covered by the Council's Insurance Policy in order to mitigate financial risks arising from damage to the Barn.

Equality and Diversity

31. None.

Climate Change

32. There are no climate change implications arising from this report.

Consultation responses (including from the Youth Council)

33. The Tithe Barn Working Group has a communications plan to raise awareness of the Barn, and this includes email shots, a Facebook page, articles in the Landbeach magazine and Cambridge News.

Effect on Strategic Aims

Aim 1 – We will listen to and engage with residents, parishes and businesses to ensure we deliver first class services and value for money

34. This report is based on discussions with local residents regarding the future management of the heritage asset in their neighbourhoods.

Aim 2 – We will make sure that South Cambridgeshire continues to offer an outstanding quality of life for our residents

35. This report outlines progress regarding proposals to secure the future of an historic asset, thereby contributing to the quality of life of residents.

Background Papers

Heritage and Guardianship Sites and Closed Churchyards – reports to Planning and Economic Development Portfolio Holder on 10 September 2014, 20 March 2014, 22 October 2013, 28 May 2013 and 18 December 2012.

Report Author: Jo Mills- Director of Planning and New Communities
Telephone: (01954) 713350



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The Tithe Barn – Landbeach

	<p>Brief Update</p>
<p>1</p>	<p>Governance</p> <ul style="list-style-type: none"> Name of charity agreed: Tithe Barn Trust Draft vision statement and draft objects now in place – see Appendix 1 Application to Charity Commission – draft data in discussion and final submission expected by end March 2015; likely to use CIO-model of a charity (final advice to be taken) 6 trustees now firmly on board with varied background (ref skills & experience), more trustees being advertised based on skills identified in gap analysis; anticipated to have at least 8 trustees in place (max. 10) by end April 2015 treasurer – now in place (a professional accountant) good momentum now established with tasks being completed by emerging trust group and ideas and project details being developed and prioritised.
<p>2</p>	<p>Procurement of Works</p> <ul style="list-style-type: none"> historic building survey undertaken by specialist (procured by SCDC); works required outlined and initial repair costs estimated as £240K incl VAT (some professional consultants advice missing, thus final will be costs higher) Detailed joint works schedule (SCDC and Tithe Barn Trust) to be devised to illustrate restoration works, essential consultants work and those items which can be undertaken by volunteers (based on surveyor’s report), fundraising works etc; partnership working with SCDC would be beneficial in some areas during restoration phases and close liaison with SCDC Project Officer throughout envisaged Bat & owl survey – free survey completed by ecologist from Conservation Construction Ltd (Littleport), no bats nor owl found, recommendation made to remove owl box and close any gaps in façade (to be completed in March); an offer of donated owl box received and suggested locations at Common and also Worts Meadow => liaison with SCDC Ecology Officer and relevant neighbouring landowners to be undertaken Hedge cutting completed – pro-bono by neighbouring farmer Liaison with neighbouring land owner underway (Old Rectory) to explore options works as well as further enhancement works benefitting community usage of the barn and its surroundings
<p>3</p>	<p>Setting up supporters – update by GO:</p> <ul style="list-style-type: none"> Currently membership as part of a friends group under consideration; also to include patrons and corporate support options
<p>4</p>	<p>SCDC</p> <ul style="list-style-type: none"> Several meetings held with SCDC project officer, conservation officers, legal officer (17 and 25th February 2015) – minutes taken and joint working group is going well Legal officer will advice on current covenants/ easements regarding title deeds of Tithe Barn – this will give a better understanding of the land holding’s constraints and opportunities Lease/ ownership of building needs to be clarified before any grant application can be made summer 2015 onwards (currently suggested a 2 phase contract covering initially restoration phase then followed by a quasi management phase) – good practice to be learned from other charities with similar set-up Procurement of works discussed – need to consider best value of money and resources throughout Revised joint programme of works (covering preparation works, restoration/construction works, consultants, community involvement, SCDC committee timetable etc) under preparation Initial works to include temporary protection of the building using well pinned down/ secured tarpaulin sheets covering areas of leaks within thatch too prevent further deterioration within the next year and whilst fundraising is underway <p>Agenda items for next joint meeting – draft:</p> <ul style="list-style-type: none"> Joint project plan/ programme – first draft; legal insurance (building and liability – need written proof);



	access rights (barn and Old Rectory); Site visit – surveyor and representatives of ET and SCDC
5	<p>Finances & fundraising</p> <ul style="list-style-type: none"> • Currently finalising the pledge document – to be rolled out widely by mid March • alternative pledge/ donation routes under investigation • Savings account set up with local bank (Cambridge Building Society) • Charity Aid Foundation – to host main bank account and currently being set up • List of local individual donors and organisation donors in preparation and “asks” being prioritised • In kind/ pro-bono donation list being developed • Meeting with major donor (anonymous) held and significant pledge expected
6	<p>Media & PR</p> <ul style="list-style-type: none"> • Facebook – events page set up and linked with wider contact list of local people and organisations • Twitter account set up – going live with the “big ask “ – everybody to complete a pledge • E-mail account set up • April event promoted (local community newsletter, posters) • talk to Parish Council’s Annual Meeting planned for Thur 30 April @7:30 Village Hall – update on progress to date of the emerging Trust • e-news – 2nd issue in preparation for issue week commencing 9 March 2015 • a logo for the trust is being developed – in house. 
7	<p>Events</p> <ul style="list-style-type: none"> • January Open Day – 2 hour morning session was attended by 25 people and very useful contacts made including with at least one major donor • Cleaning Day – March 2015 – local company Cosworth are keen and hopefully can help as part of team building exercise • Saturday 11 April Open Day - 10:30am – 13:00pm – family fund day with various activities now widely promoted via posters, local community newsletter etc • Summer event – larger event in planning • Stalls at local fairs and fetes – summer 2015 

Appendix 1

Tithe Barn Trust

last revised 27 February 2015

Vision

Working for a vibrant, diverse and sustainable future of the Tithe Barn and its surroundings to safeguard their unique heritage features for the benefit and enjoyment of local people.

Objects

- to sympathetically restore and maintain the remarkable site – the Tithe Barn, its land and its wider surroundings
- to maximise public access for all to the site for local communities and from further afield and to value it being part of the local heritage and leisure provisions
- to deliver sustainable, efficient and effective core activities and management for the site to generate income to support its long-term upkeep
- where beneficial to develop sustainable and effective partnerships with others
- to raise awareness of the site’s unique and special qualities and character – in terms of heritage, landscape and culture
- to carry out exemplar educational events/community-based and/ or income generating activities and to enable full interpretation of the site's diverse heritage

- to help interested communities, groups and individuals or similar to aid the upkeep of the site.

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