

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

3<sup>rd</sup> October 2007

**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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**S/0878/07/F - HARLTON**  
**Removal of Condition 3 of Planning Permission S/0464/04/F**  
**for Mr Daish at the Hare and Hounds Public House, 60 High Street, Harlton**

**Recommendation: Approval**

**Date for Determination: 10<sup>th</sup> July 2007**

**Notes:**

**This Application has been reported to the Planning Committee for determination because the officer recommendation is contrary to that of the Parish Council.**

**Site and Proposal**

1. Harlton is a village of a linear character with the High Street running through the centre of the village east to west. The site lies on the southern side of the road within the defined village framework. It is adjacent the Cambridge Green Belt which surrounds the village. The application site is located to the rear of the local village public house, The Hare and Hounds.
2. The Hare and Hounds Public House is an eighteenth century, cream render and thatch Grade II listed building that is positioned on the back edge of the footway. Land immediately east of the building is a large gravel car park. The land immediately south is the application site, the bounded residential curtilage for the site and the remaining public house garden.
3. The residential property to the rear of the public house comprises a 1.5 storey dwelling house, clad in dark stained timber with an integral garage. Internally the approved scheme comprises 2 double bedrooms and bathroom at first floor and living room, study, kitchen/dining room an additional shower room at ground floor.
4. The application received 15<sup>th</sup> May 2007 seeks to remove Condition 3 of Planning Consent reference S/0464/04/F which reads as follows:

*The occupation of the dwelling shall be limited to a person solely or mainly employed at the Hare and Hounds Public House, Harlton, or any widow or widower of such a person, or any resident dependants.*

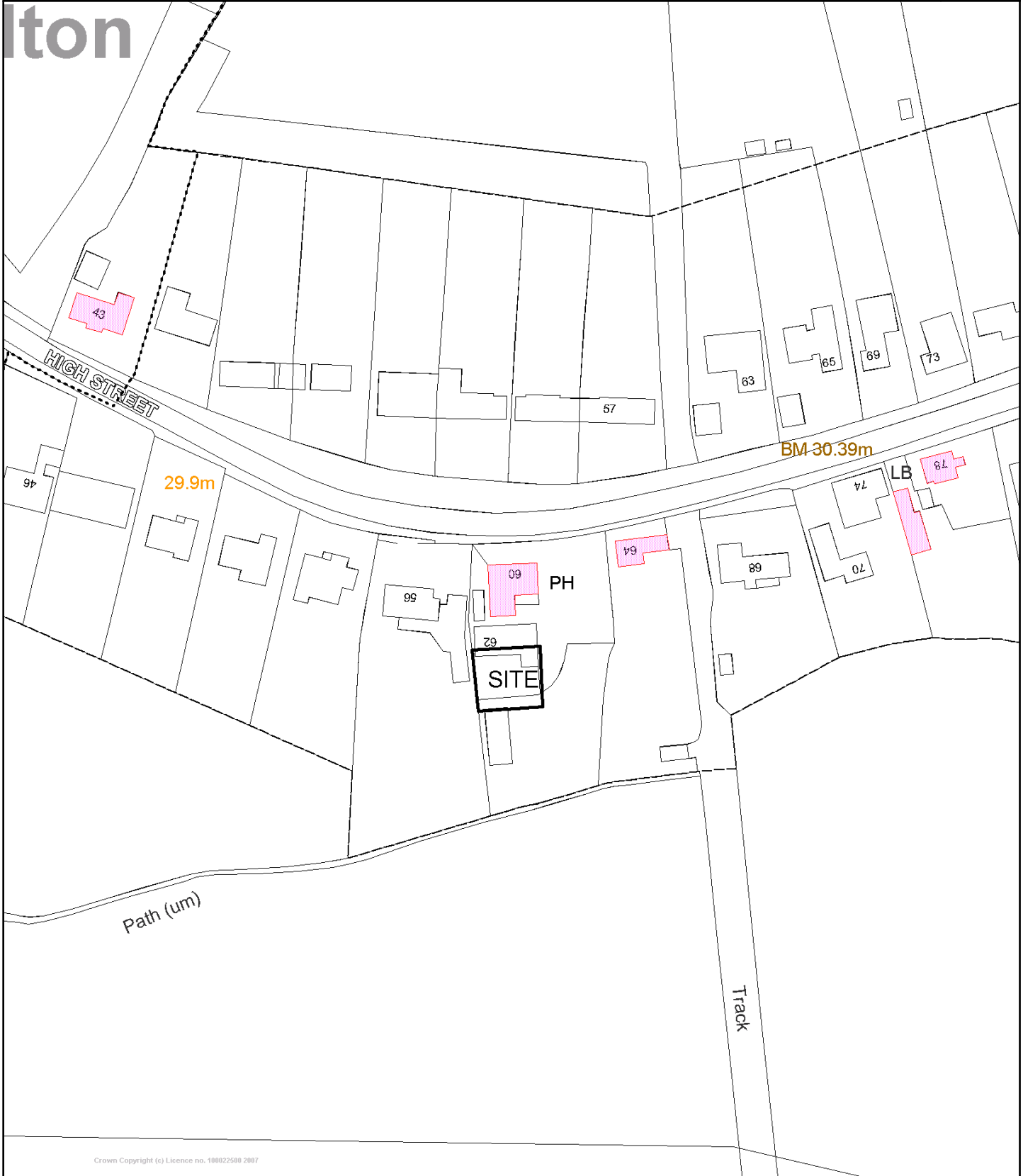
(Reason – To protect the amenity of the neighbouring properties.)

**Planning History**

5. In 2000 planning permission was refused for an extension to the public house (S/1843/99/F.)



# lton



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6. In 2002 a full planning application (**S/1478/02/F**) was submitted to build an additional dwelling within the curtilage of the public house, a 6.8 metre high chalet style dwelling located 35 metres back from the road in the rear public house gardens. This was refused. As a material consideration in the appeal statement the appellant made a strong case about the limited accommodation within the public house, comprising of only 3 bedrooms and a lounge at first floor with no kitchen, WC, bathroom or dining room, stating that the occupiers had to use the public house bar and kitchen for their own residential purposes as well as for working. It was also stated that the appellants were willing to accept a condition tying the public house to the occupation of the dwelling to prevent separate occupation and subdivision of the property. The case was dismissed at appeal.

7. The appeal decision in paragraphs 16 and 17 considers the above information submitted by the appellant and reads as follows:

*I sympathise with the needs of the appellants, whose living accommodation within the public house is very restricted, who have no separate kitchen or bathroom facilities, and who take their meals within the public rooms. There is to my mind a possibility that the future of the public house could be in jeopardy if additional living accommodation is not provided. I am aware that the council have refused previous applications to extend the building itself.*

*Nevertheless I consider that the case such as this should be given to the effect of the proposal on the character of the listed building and its curtilage, in accordance with the Councils policy. The needs of the appellants and the business do not in my view outweigh the objections to the appeal proposal in terms of its effects on the setting of the listed building and its relationship with its surroundings.*

8. In 2004 another application (S/0464.04/F) was submitted for a dwelling on the site. This was the result of ongoing discussions between the planning officers and the Conservation Manager, finding a possible solution to the inadequate accommodation within the public house and addressing the impact on the listed building. It is this application that was approved and the said condition that was put in place, tying the public house to the dwelling and preventing separation of the properties.

### **Planning Policy**

9. **Cambridgeshire and Peterborough Structure Plan 2003**

**Policy P1/3** 'Sustainable Design in Built Environment' states that a high quality of design will be required for all new developments and promotes more compact forms of development through higher densities.

**Policy P7/6** 'Historic Built Environment' states Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.

10. **South Cambridgeshire Local Development Framework Development Control Policies adopted July 2007**

**Policy SF/1** 'Protection of Village Services and Facilities' sets out the criteria for the protection of village services and facilities.

**Policy DP/3** 'Development Criteria' sets out the criteria for all development within the district.

**Policy CH/4** 'Development within the Curtilage or Setting of a Listed Building' sets out the requirements for development within the curtilage or setting of listed buildings.

### **Consultation**

11. **Harlton Parish Council** – Recommends refusal.

*Unanimous decision (absence of 1 Councillor due to conflict of interests), separation of house and public house does not make sense. The Parish Council thinks that keeping them together is more likely to keep the public house in the village.*

12. **Corporate Manager (Health and Environmental Services)** – Has no objection from an environmental health standpoint.

### **Representations**

13. A supporting statement was submitted as part of the application. The main reason for the removal of the condition stems from the applicant having a change in personal circumstances, the applicant now wishing to sell the public house and find alternative employment. The statement also questions the validity of the occupancy based condition against Circular 11/95, "The use of conditions in Planning Permissions.

### **Planning Comments – Key Issues**

14. The key issues to be considered in this application are as follows;

#### ***The impact of the removal of the condition on the neighbouring properties***

#### ***Impact on neighbouring properties***

15. The reason for the condition reads as follows ***To protect the amenities of the occupiers of neighbouring properties.*** The building was designed so to appear as an ancillary outbuilding to the main public house and therefore it is situated extremely close to the rear projection of the listed building. In light of the already dismissed appeal it was clear that the earlier scheme, set so far back in the surrounding grounds detracted from the listed building and its setting, therefore the new design approach was very carefully considered.
16. The condition was put in place to tie the two units together, however this is not reflective in the reason for the condition. Though the condition still has a strong and valid reason I am of the opinion that it does not reflect the requirement to protect the viability of the public house and therefore can not be part of the discussions in not allowing the said condition 3 to be removed.
17. The comments from Environmental Health Officer are positive despite the proximity of the buildings. Each application is judged individually on its merits and though there is sufficient history with regards to this site and the question of viability and protection of the public house as a fundamental reason for the consent being granted, I am confident that if this application were to be assessed at the appeal process the reason for the condition would not stand the relevant tests of circular 11/95.

### **Conclusion**

18. Firstly, the statement included with the application, amongst other things, focuses on condition 3 and its relevance to planning. In paragraph 4.10 it suggests that officers

fail to acknowledge the Inspectors decision and resulted in undue weight being attached to the applicants' personal circumstance. It also suggests that the significant material considerations for allowing the dwelling to be built should have continued to be related to those identified by the Inspector during the earlier appeal not personal circumstance. To this point I would like to reiterate that all applications are judged individually on their merits and I believe to be an unfair statement.

19. I am of the opinion that the statement fails to recognise the ongoing discussions and negotiations which took place between the applicant and the LPA. I am of the opinion the applicant would not have addressed the reasons for the appeal dismissal inclusive of his apparently much needed requirement for accommodation without this input.
20. Had the applicant wanted the wording of the condition altered to better suit his 'personal circumstances' this could also have been dealt with via an application. The tie was not put in place to restrict the applicant in a 'normal adult life' as indicated in paragraph 4.16 of the statement, but to ensure the public house and the dwelling remained as one unit. Moreover, I am of the opinion that in light of the inspectors earlier comments personal circumstances should not be outweighed by material planning considerations one of which has regard to the protection of village services and facilities, specifically village pubs.
21. However whether the dwelling is occupied by a public house employee or not should not impact either way on the amenity of neighbouring properties. There is no evidence to substantiate the reason for the condition. Moreover paragraph 101 of circular 11/95 states that conditions tying the occupation of dwellings to that of a separate building should be avoided. An exception might be made in regard to an existing business in the countryside. That circumstance does not apply in this case. For these reasons the application is supported.

## **Recommendation**

Approval

## **Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003:**
    - P1/3** (Sustainable design in built development)
    - P7/6** (Historic Built Environment)
  - **South Cambridgeshire Local Development Framework Development Control Policies 2007**
    - Policy SF/1** (Protection of Village Services)
    - Policy DP/3** 'Development Criteria'
    - Policy CH/4** 'Development within the Curtilage or Setting of a Listed Building'
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
  - Residential amenity

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework 2007
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/1478/02/F, S/0464/04/F and S/0878/07/F

**Contact Officer:** Saffron Garner – Senior Planning Assistant  
Telephone: (01954) 713082