

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

**REPORT TO:** Planning Committee

6 June 2012

**AUTHOR/S:** Planning and New Communities Director

**APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION**

1. To inform Members about appeals against planning decisions and enforcement action, and proposed hearing and inquiry dates, as at 21 May 2012. Summaries of recent decisions of importance are also reported, for information.
2. **Decisions Notified By The Secretary of State**

Ref.no	Details	Decision	Decision Date
S/2141/11/F	Mrs S Grove Ilex House Glebe Road Barrington Extension	Allowed  Delegated Refusal	09/05/12
S/2361/07/LDC	Mr A Jakes The Conifers Long Drove Gamlingay	Dismissed	10/05/12
S/2216/11/F	Mr & Mrs P Smith 10 Main Street Caldecote Two & Single storey extension and Front Porch	Delegated Refusal  Dismissed  Allowed	11/05/12
Plaenf.4816	Mr E Wells The Scholars Rectory Farm Road Little Wilbraham Operational Development	Dismissed  Enforcement Notice Upheld	15/05/12
Plaenf.4817	Mr E Wells The Scholars Rectory Farm Road Little Wilbraham Installation of a lantern roof-light. Installation of extraction flue and Air conditioning units	Allowed  Dismissed  Enforcement Notice Upheld	15/05/12
S/0828/11/F	MPM Properties Ltd The Plough High Street Shepreth C of U from	Dismissed  Delegated Refusal	16/05/12

	Restaurant to Dwelling House		
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### 3. Appeals received

Ref. no.	Details	Decision	Decision Date
S/0220/12/F	Lightwood Property 10 Burton End West Wickham Dwelling and new vehicular access	Delegated Refusal	25/04/12

### 4. Local Inquiry and Informal Hearing dates scheduled before the next meeting on 4 July 2012.

Ref. no.	Name	Address	Hearing
S/0010/11/F	Mr Walls	Plot 4 & 5 Pine Lane Smithy Fen Cottenham	Confirmed 20/06/12
S/1805/11	Van Stomp Ltd	Dernford Barn Sawston Road Stapleford	Confirmed 26/06/12

### 5 Summaries of recent decisions

#### **MPM Properties (Royston) Ltd – Change of use from restaurant to dwelling – The Plough, High Street, Shepreth – Appeal dismissed**

1. This appeal decision is important when considering the “Localism” agenda and the support for the involvement of all sections of the community in planning decisions which directly affect them. It followed the refusal of a planning application which would have seen the permanent loss of the former public house and its conversion into a dwelling. The main issue was the effect this would have on the provision of community services and facilities in the village.
2. The appeal was conducted by way of a hearing and held in the packed local village hall, attended by around 100 people. Representatives from the parish council, and local action group known as ‘Shepreth Ploughshare’ were among those who spoke at the hearing.
3. The Plough is centrally situated within the village and within the Shepreth Conservation Area. It has historically been used as a public house (Use Class A4) and more recently as a bar/restaurant (use Class A3). However, the property is currently vacant. Policy SF/1 of the Local Development Framework aims to protect village services and facilities where their loss would cause an unacceptable reduction in the level of community or service provision in the locality. The policy requires a number of matters to be considered in determining the significance of any loss including the established use, its existing and *potential*

contribution to the social amenity of the local population, the presence of other village services and facilities and the future economic viability of the use including, where appropriate, financial and marketing information.

4. It was accepted that the established use is that of a restaurant and that planning permission would be required to revert to pub use. Whilst local residents stated that they were able to use the bar without dining in the restaurant, the bar use was still ancillary to that of the restaurant. This use ceased in December 2010 and liquidators have removed the restaurant's fixtures and fittings - including the kitchen equipment. Thus the premises have not functioned in the manner normally expected of a public house for something in excess of seven years.
5. The Appellant suggested that The Plough should be regarded as a facility within a village rather than a village facility. As a restaurant, it had not functioned as a social hub for the village in the way that might normally be expected of a traditional pub. Nevertheless, the inspector opined that looking solely at the last use of the premises took a view which is rather too narrow and simplistic. Indeed, if the last use was taken as the sole determinative criterion, changing a pub to Use Class to A3 through permitted development would be a way of circumventing policy restrictions seeking to prevent the loss of pubs as community facilities. Regard must also be had to its potential contribution to the social amenity of the local population.
6. Although Shepreth does have a number of other services and facilities these are clearly limited. The only facility which can be regarded as providing a realistic alternative to the potential use of The Plough as a public house is the 'Green Man' pub. However, the inspector accepted that it is a considerable distance from the village centre and lies on the opposite side of the busy and fast A10 road. As such, the Green Man is unlikely to appeal to villagers, other than perhaps those prepared to travel by car. Its location would act against it becoming a social hub for the village and would not provide a comparable alternative to a pub sited in the village centre. The loss of a potential facility in a small village such as this would be acutely felt.
7. Both parties provided information on viability. The inspector concluded that The Plough is reasonably well located and with its garden and car park has appropriate facilities. Despite the need to re-equip the kitchens, he saw no reason to demur from the view that a viable business could be created. Policy SF/1 requires that consideration be given to the results of any efforts to market the premises for a minimum of 12 months at a realistic price. In the Council's view the initial asking price was somewhat ambitious and is likely to have discouraged serious applicants. It was also argued that it was surprising that no further reductions were made in light of the subsequent economic decline. Whilst the inspector was content that the property has been offered to the market for a reasonable period he was less convinced that the offer price was realistic throughout that period. In his view the marketing of the property cannot be without some criticism.
8. It was made clear at the hearing that there was considerable local opposition to the proposal. A number of local residents have formed a group known as 'Shepreth Ploughshare' with the intention of returning The Plough to a community-owned public house. However, as the 'Shepreth Ploughshare' does not appear to have passed much beyond its formative stages and does not appear to have sufficient funds in place with which to achieve its objective of purchasing The

Plough the inspector gave little weight to its intentions. Nevertheless, there was a strong local desire for The Plough to once again become a community facility.

9. The inspector confirmed that the recently published National Planning Policy Framework (NPPF) is clear that part of promoting a strong rural economy is the retention and development of local services and community facilities in villages, including public houses. The planning system can play an important role in facilitating social interaction and creating healthy and inclusive communities. Policies and decisions should plan positively for the provision of community facilities and a need for different land uses to support sustainable local communities.
10. Ultimately, the inspector saw the determination as being finely balanced. It was obvious that a substantial part of the community sees The Plough as a potentially valuable community facility and he felt approving the proposal was likely to result in the loss of that potential facility forever. He was also conscious of the weighty support offered by the NPPF to the retention and development of community facilities. Taking these considerations into account led him to conclude that the loss of The Plough as a potential contributor to the social amenity of the village would be unacceptable.

**Background Papers: the following background papers were used in the preparation of this report:** None

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