

Freemasons Arms and 4&6 Vicarage Fold, Wiswell BB7 9DF

LPA ref No: 3/2016/0366

Our ref No: DAL15/15

Informal Hearing Statement

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Introduction

1. The appeal statement is made on behalf of Borton Ltd, the company which own the Freemasons Arms public house and restaurant and the 2 adjacent terraced houses, Nos.4&6 Vicarage Fold ('the appeal site'). This appeal which is made following the refusal of consent (LPA ref No: 3/2016/0366) for an extension to the kitchen of the pub and change of Use (CoU) of the 2 x 3bed houses into 4 bedrooms for hotel accommodation by Ribble Valley Borough Council (RVBC).
2. Copies of the application forms, plans, drawings and supporting reports etc. originally sent with the application and the officer's report to committee and decision notice are enclosed with this appeal. Also enclosed are 3 further plans to add clarity to the original drawings and assist in the understanding of the site - Plans Illust 10A and 11A and plan Illust 12A shows the internal kitchen layout. These are attached at Appendix A.

Background

3. The appellants have owned the appeal site since 2008 and have built up a successful business there. The Head chef, Steven Smith is a celebrated regional chef who is also a partner in the business. The food served in the pub is of such a high calibre, that they have succeeded in becoming the No 1 gastro pub in the UK in the Good Food Guide and have retained that position for the last 3 years. The aspiration now is to achieve a Michelin Star. However, the pub kitchen is cramped and the available space and layout imposes huge constraints on the staff and business. The plan Illust 12A (see Appendix A) shows the cramped conditions. There is only 42m² to work within the kitchen and this causes many practical problems for the business, including a need to prepare food in an entirely different building (No.6) and then carry it outside and back into the kitchen to be cooked. (This is unacceptable to the business as well as in the terms of Environmental Health standards, as will be explained in more detail below).
4. The proposed extension, which is the subject of this appeal would create an additional area of 34.77 m² within the pub kitchen itself almost doubling the area, as shown on the plan Illust 12A (see Appendix A). This is of vital importance and will make a significant difference to the business and efficiencies, since due to space constraints, food preparation and cooking cannot be done together which significantly impacts on the efficient operation of the kitchen. Moreover, the development being proposed is considered essential for the business to continue to thrive and progress.

Site location and description

5. Wiswell is a predominantly dormitory village about 2 miles south of Clitheroe and a about a mile east of Whalley. The Freemasons Arms is the only pub and community facility in the village.
6. The appeal site is located on the NE side of Vicarage Fold within the village of Wiswell in the Ribble Valley. It lies within the designated boundary of the Wiswell Conservation Area as defined by RVBC.
7. The Freemasons Arms and Nos. 4 and 6 Vicarage Fold are two-storey, traditional structures. The building that houses the current pub predates the terraced houses

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which are late nineteenth century. The public house is separated from No. 6 (the house at the north-west end of a terrace of three properties) by a narrow alley or ginnel that gives access to the rear of the buildings. At the north-east end of this ginnel there is part of a fire escape stair that provides a route from the first floor of the public house, across the flat roof of the existing kitchen, to Vicarage Fold.

8. The areas to the rear of Nos. 4 and 6 Vicarage Fold are defined by walls and/or fences, although the boundary wall between the yards of Nos. 4 and 6 Vicarage Fold is badly damaged. These rear areas are generally concealed from public view; the only public views into the area of the Appeal Site that would be occupied by the proposed kitchen extension are from Vicarage Fold, along the ginnel, and from a narrow lane to the east of No. 2 Vicarage Fold. There are also some private views towards the site of the proposed extension; these are predominantly from the first floor rooms of a limited number of surrounding dwellings, most notably No2 Vicarage Fold and 5,7 & 9 Pendleton Rd. Because of the height of the boundary walls and vegetation to the north of the Appeal Site, there are very limited opportunities, if any, for views of the Appeal Site from the private garden areas on this side.
9. A variety of rear extensions dating from the twentieth century cover the whole of the area to the rear of the historic element of the public house. These include two large flat-roofed sections of the building that accommodate the toilets and kitchen. Part of the former garden of the Freemasons Arms (to the north-east of the Appeal Site) was sold off by a previous owner some years ago, and is in separate ownership. The rear yards of Nos. 4 and 6 Vicarage Fold remain undeveloped, with only a small historic outbuilding close to the northern boundaries of the two properties.
10. Within the Council's *Wiswell Conservation Area Appraisal* (October 2005) The Freemasons Arms and Nos. 2 to 6 Vicarage Fold are identified as Buildings of Townscape Merit and they are described (on page 12 of that document) as follows:

Freemasons pub, Vicarage Fold: 19th-century public house, of rendered rubble under a slate roof, with simple sandstone window and door dressings and an original moulded timber door canopy.

Nos 2 to 6 Vicarage Fold: late 19th-century row of cottages of squared rusticated sandstone under slate, with chamfered door and window lintels, gutter brackets, stone doorsteps and sandstone flag paving.

However they are not listed.

Reasons for refusal

11. There are two reasons for refusal which are set out in full on the decision notice.
12. The first reason for refusal indicates that (in the Council's assessment) the proposed development would be harmful to the character and appearance of the Wiswell Conservation Area.
13. The second reason for refusal indicates the proposal would be detrimental to the amenities of the neighbouring properties and conflicts with the council's policy DMG1.

Grounds of appeal

14. The Council has decided that the proposed development would result in 'less than substantial harm' to the character and appearance of the Wiswell Conservation Area (see Section 6.1 of the Council's committee report). However, it is considered that

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when weighing the planning balance the Council has not given sufficient weight to the heritage and economic benefits of the proposed development.

15. In the committee report it is clearly stated by the Council's officer that he does not consider there was any harm to amenity. The proposal would not be detrimental to the amenities of the surrounding properties as defined under the 'Amenity' section of RVBC CS policy DMG1 General Considerations. Therefore, the second reason for refusal which was added by the committee members is not justified at all.

BUSINESS CASE

16. The appellants have owned and run the Freemasons Arms since 2008. Head chef Steve Smith has been central to the success of the pub having achieved national as well as local recognition as the UK's top Good Food Guide pub for 3 consecutive years. He has won many other awards as shown in the timeline attached at Appendix B. As a result of these successes and awards Mr Smith has been invited as a guest chef to various prestigious events and has represented Lancashire and the NW and this has attracted not just locals but also customers and food critics from around the UK. The business raises the economic and visitor/tourist profile of the Ribble Valley.
17. The need for the extension to the kitchen of the public house arises from the fact that the existing kitchen is very small - a huge constraint on the business - and food preparation is currently done next door in No.6 (an entirely different building), then it has to be carried outside across a yard to be then cooked in the pub kitchen. This is unsatisfactory as noted by RVBC's environmental health team. (Appendix C)
18. Furthermore, in a business sense this lack of a contiguous food preparation and cooking areas is limiting and unsatisfactory and has a number of implications which the extension will resolve.
19. Due to there being inadequate food preparation areas in the pub kitchen itself, all food preparation must currently be done prior to service between the hours of 8-11am and 3-5pm as there is no room to cook for guests and prepare food at the same time in the kitchen. A combination of space in the pub kitchen and No6 has to be used for food preparation because of the lack of adequate space in the pub kitchen, which is unacceptable, atypical and unsatisfactory for a business of this type. This means staff have an intensive workload and limited time which means stress and high staff turnover. The pub is closed lunchtimes on Mondays and Tuesdays yet 2 chefs still have to work both those days to do food preparation which means additional costs on utilities and unsociable hours for the staff.
20. By having the preparation and cooking areas under one roof the staff will have extra workspace, more normal hours and a better working environment. The level of staff will remain unchanged but their working environment will be greatly improved.
21. The currently constrained space means there is not enough space for the number of chefs it takes to operate the kitchen which is not a good environment to work in, meaning high staff stress levels due to lack of space.
22. The present position is that the cooking is done in the pub kitchen; there is a small washing up area in a through route to the kitchen but the preparation is all done in the kitchen of No6 purely down to the lack of space.
23. Even the hot drinks have been incorporated in the bar area as there is insufficient space for a separate facility. The bar needs to operate as a bar and the hot drinks making area needs its own separate space.

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24. The present kitchen accommodation does not have enough room to stack used crockery in order to allow staff to clear tables and seat new guests. Therefore, tables remain 'dirty' and capacity is lost until that table can be cleared. The extension would allow what is known as 'backfill' bookings in the trade at quiet times enabling the pub to operate to the capacity allowed, which it cannot do currently. More space in the kitchen would therefore increase the businesses capacity.
25. Since the original kitchen was built/designed new rules and regulations have been introduced and the current kitchen space does not allow any scope to accommodate these changes and to address the recommendation of RVBC Environmental Health as set out in Appendix C. For instance, they now must have 2 vac pac machines and all bags must be kept separately but due to the lack of space this is difficult to achieve and further constrains the work area. The current space means insufficient space for fridges and wash hand basins. The extension will enable these issues to be addressed and will also improve the overall hygiene standards of all aspects of the preparation facilities as everything will be in a single building under one roof and the preparation and cooking areas will be directly contiguous.
26. The current storage areas do not live up to the new standards, so currently the pub only have a score of 4 out of 5. Their goal is to achieve a 5 which will not be possible without the additional space in the proposed extension. For a pub of this size and recognition, and to address the matters raised by Environmental Health, the additional space is imperative.
27. Additional equipment is urgently required. This must include 2 vac pac units, 5x600L capacity fridges and a freezer of the same size as well as a 35kg blast chiller, a meat preparation area and a central preparation work table.
28. Because of the current lack of storage food deliveries have to be made 7 day a week. The proposed scheme, with the additional storage, means deliveries will reduce to 3 days a week.
29. The two large bins which are multi use for all waste will be placed in the outside alleyway between the pub and No.6 and rotated once full. They are collected three times a week currently and that will remain the case.
30. Since opening The Freemasons Arms has become No1 food pub in the UK, but the kitchen space is not big enough to sustain this position over time. Retaining this position brings visitors to the area and other local attractions and ensures a successful ongoing rural business and employment is retained.
31. The business cannot currently go any further financially or operationally as it stands. Aspirations for the business include trying to achieve a Michelin star. The additional kitchen space which is an RVBC Environmental Health requirement and the conversion of Nos4 & 6 to rooms for accommodation are both needed for the survival of this village pub. The appellants are regularly asked if they have accommodation, as there are no such facilities in Wiswell. The CoU of Nos 4 & 6 would provide this offer and add a further employment dimension and would attract visitors and further tourism to the area.
32. As noted in the officer's report to committee the proposal has the support of his Environmental Health colleague and also, that he is 'satisfied that the proposals will not result in an unacceptable impact upon highway safety and highway capacity.'
33. He further notes that the proposal will enhance the economic benefits to the village economy. The proposal is consistent with the RVCS policy and key statement EC1 in encouraging rural business, supporting the rural economy and key statement EC3 supporting the tourism economy. It is an important local and tourism resource.

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34. The appellants would be investing about £350,000 in the additional new kitchen equipment and in building and refurbishment works.
35. This is a successful business. The proposal means everything is contained within the building, cannot be seen from outside and is a significant benefit to the business. It would enable the business to improve its food offer and service, keep up with the competition and continue to fight to retain its No.1 Gastropub status, whilst striving towards the standard required to achieve a Michelin star.

Planning History

36. There have been 4 previous applications on this site as set out below. We have been unable to track any more detail regarding LPA ref No. 6/10/52. The other applications' decision notices and officer reports to committee are attached at Appendix D.
 - 6/10/52 – proposed additions. Planning permission granted 23 May 1949. Case Officer unknown
 - 3/2008/0140/P – proposed new toilets and store and first floor garden room (The Freemasons Arms). Planning permission granted 18 June 2008. Case Officer Sarah Westwood. As the case officer notes in her report the proposal comprised:
 'This application proposes a number of works to a public house within Wiswell. To the rear there is an existing two storey and single store pitched roof projection with courtyard areas to either side. As part of this proposal these courtyard areas would be built over to provide toilet facilities and kitchen stores and these structures would be flat roofed to the height of approximately 2.5m. There is also to be a first floor garden room over the newly formed ground floor works with this aspect having undergone numerous revisions since the original submission. In its latest form it would project approximately 3.7m beyond the existing rear wall to take approximately 0.5m beyond the two storey projection already on site. '
 She states the: 'Matters for consideration in the determination of this application are the visual impact of the works, potential impact on surrounding residential amenity and highway safety. '
 Her main concern was the proposed first floor extension. In regard to the ground floor element she states:
 'The rear yard area of the pub is enclosed by high walls and thus from outside the confines of the site, the visual appearance in respect of this element will be the same as at present, i.e. the new roofs will be no higher than existing boundary walls.... However, I am of the opinion that this extension would not prove significantly detrimental to the visual characteristics of the Conservation Area.'
 ...and she concludes in recommending approval:
 'Therefore, having carefully assessed all the above factors I am of the opinion that in its revised form, the scheme would not prove significantly detrimental to the Conservation Area, nearby residential amenity or highway safety. '

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- 3/2010/0234/P – retrospective change of use of two first floor rooms from residential accommodation to a licensed area (The Freemasons Arms, 8 Vicarage Fold). Planning permission granted 19 March 2012 subject to a unilateral undertaking and condition restricting the number of covers to 81. Case Officer John Macholc
The appellants do not seek any amendment to this in regard to this appeal.
- 3/2015/0604/P – Single and two storey extension to rear of The Freemasons Arms and 6 Vicarage Fold; change of use of 4 and 6 Vicarage Fold to form four letting bedrooms. Planning permission refused 15 January 2016. Case Officer Adrian Dowd
The case officer notes in his report to committee:

‘The main considerations in the determination of this planning application are the impact upon the character and appearance of Wiswell Conservation Area, the impact upon the setting of listed buildings (Vicarage House and Barn 50m from Vicarage House), benefits to the rural economy, impact upon residential amenity, highway safety and loss of dwelling houses.

In my opinion, the proposals have a harmful impact upon the character and appearance of Wiswell Conservation Area and the setting of the listed buildings.’

He further concludes in respect of residential amenity that:

‘However, in my opinion, the revised scheme (enclosed ‘corridor’) and the opportunity to attach conditions to limit overlooking would ensure that the proposed development did not have significant overlooking, overbearing or overshadowing impacts. Similarly, (and mindful of the reassurances of the applicant), the initial comments of RVBC Environmental Health (further information requested; full response will be reported to Committee) do not suggest that at this stage noise and odour concerns cannot potentially be overcome by condition/amendment.’

As noted above, the committee report includes a single reason for refusal on heritage grounds, whilst the final decision adds a second reason on impact on residential amenity specifying increased overlooking, noise and disturbance contrary to policy DMG1 of the RVBC Core Strategy.

RELEVANT NATIONAL AND LOCAL POLICIES

Planning (Listed Building and Conservation Areas) Act 1990

37. The Conservation Area is designated under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as an area of special architectural and/or historical interest. Section 72 of the Act requires decision makers to give special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Ribble Valley Core Strategy (RVCS) (adopted Dec 2014)

38. The relevant RVCS policies for this appeal are:

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Key Statement EC1 – Business and Employment Development

‘Developments that contribute to farm diversification, strengthening of the wider rural and village economies or that promote town centre vitality and viability will be supported in principle.

Proposals that result in the loss of existing employment sites to other forms of development will need to demonstrate that there will be no adverse impact upon the local economy.’

Key Statement EC3 – Visitor Economy - proposals that contribute to and strengthen the visitor economy of Ribble Valley will be encouraged.

Key Statement DS1 – Development Strategy

Wiswell is identified as a Tier 2 settlement in such settlements ‘*development will need to meet proven local needs or deliver regeneration benefits.*’ Account should also be taken of specialist designations and ‘Through this strategy, development opportunities will be created for economic, social and environmental well-being and development for future generations.’

Key Statement EN5 – Heritage Assets

Key Statement EN5 of the *Ribble Valley Core Strategy* indicates that there will be a presumption in favour of the conservation and enhancement of the significance of heritage assets.

Policy DMB1 – Supporting Business Growth and the Local Economy

This policy aims to do precisely that. It states:

‘THE EXPANSION OF EXISTING FIRMS WITHIN SETTLEMENTS WILL BE PERMITTED ON LAND WITHIN OR ADJACENT TO THEIR EXISTING SITES, PROVIDED NO SIGNIFICANT ENVIRONMENTAL PROBLEMS ARE CAUSED AND THE EXTENSION CONFORMS TO THE OTHER PLAN POLICIES OF THE LDF.’

39. Policy DMG1 – General Considerations

This policy lists the general considerations for development in determining applications in relation to design, access, amenity, environment, infrastructure etc. Of these the environment section has a bearing on the first reason for refusal and the amenity section is the element to consider regarding the second reason for refusal.

The 4 aspects to consider for Amenity being:

- ‘1. NOT ADVERSELY AFFECT THE AMENITIES OF THE SURROUNDING AREA.
2. PROVIDE ADEQUATE DAY LIGHTING AND PRIVACY DISTANCES.
3. HAVE REGARD TO PUBLIC SAFETY AND SECURED BY DESIGN PRINCIPLES.
4. CONSIDER AIR QUALITY AND MITIGATE ADVERSE IMPACTS WHERE POSSIBLE.’

The third bullet point in relation to Environment states that all development must protect and enhance heritage assets and their settings.

40. Policy DMG2 – Strategic Considerations

‘WITHIN THE TIER 2 VILLAGES AND OUTSIDE THE DEFINED SETTLEMENT AREAS DEVELOPMENT MUST MEET AT LEAST ONE OF THE FOLLOWING CONSIDERATIONS:

1. THE DEVELOPMENT SHOULD BE ESSENTIAL TO THE LOCAL ECONOMY OR SOCIAL WELL BEING OF THE AREA.
2. THE DEVELOPMENT IS NEEDED FOR THE PURPOSES OF FORESTRY OR AGRICULTURE.

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3. THE DEVELOPMENT IS FOR LOCAL NEEDS HOUSING WHICH MEETS AN IDENTIFIED NEED AND IS SECURED AS SUCH.
4. THE DEVELOPMENT IS FOR SMALL SCALE TOURISM OR RECREATIONAL DEVELOPMENTS APPROPRIATE TO A RURAL AREA.
5. THE DEVELOPMENT IS FOR SMALL-SCALE USES APPROPRIATE TO A RURAL AREA WHERE A LOCAL NEED OR BENEFIT CAN BE DEMONSTRATED.
6. THE DEVELOPMENT IS COMPATIBLE WITH THE ENTERPRISE ZONE DESIGNATION.'

41. *Policy DME4 – Protecting Heritage Assets*

This policy includes a section relating to proposals within conservation areas, which states that proposals will be required to conserve and where appropriate enhance the character and appearance of conservation areas.

National Planning Policy Framework (NPPF)

42. Paragraph 7 of NPPF notes: 'There are three dimensions to sustainable development: economic, social and environmental.' Para 8 goes on to note: 'These roles should not be undertaken in isolation, because they are mutually dependent.'
43. Paragraph 14 of NPPF states a presumption in favour sustainable development and that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
44. Para 17 of NPPF sets out core planning principals including:
 - proactively drive and support sustainable economic development
 - secure high quality design and a good standard of amenity
 - supporting thriving rural communities
 - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations
 - actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
 - take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
45. Para 28 of NPPF deals with supporting a prosperous rural economy:
 - 'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.
 - promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.'
46. Para 70 also notes LPAs should guard against unnecessary loss of local services and facilities
47. Para 131 of NPPF states:

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

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

48. Para 134 of NPPF notes:

'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 securing its optimum viable use.'

49. Para 186 states: 'Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development.'

National Planning Practice Guidance (NPPG)

50. NPPG notes: '*Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use to as yet undiscovered, undesignated buried remains of archaeological interest.*'

SPD – Retention of Public Houses in Rural Areas

51. This is an undated RVBC document which from references to the Local Plan and various surveys in the 1990's rather than the Core Strategy policies is assumed to pre-date 2014. Its main concern is the loss of rural/village pubs as they have such significant social, economic, visual and environmental benefits. The SPD states:

'This is especially important where there are no other pubs or meeting facilities within the village.'

As is so in Wiswell.

52. The benefits the SPD notes pubs offer and with which we concur include:

'important community benefit'

'meeting place for the villagers'

'source of employment, in the pub and to other local trades'

'Pubs also play a vital tourism role.'

'They provide an important service, offering accommodation, food etc. to tourists and can provide a visitor attraction in their own right.'

'assist the local farming industry, through direct sales of local produce.'

'cuts down the need for extra travel'

'promotion of access to the countryside,'

'provisions for recreation and tourism.'

'The pub also plays an important role in the visual appearance of the village. This is particularly true where the pub is located within a conservation area. The pub

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provides a vitality and attractiveness to the village and also affords a visible social focus which marks the centre of the village.’ (para 3.3)

Wiswell Conservation Area Appraisal (Appendix E)

53. The Council has adopted an appraisal of the Wiswell Conservation Area but has not withdrawn permitted development from houses within the designated area, as recommended within that document to prevent the replacement of historic doors and windows.

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Application of Policy

54. The planning policies relevant to this appeal have been set out above. In this section the application of those policies to the proposed development are considered.
55. As already noted the main aim of this proposal is to address a number of concerns including the request of RVBC Environmental Health officers to have the preparation and cooking processes contiguous and under one roof.
56. The Freemasons Arms is long established as a public house and is now a successful gastro pub. The proposal which is the subject of this appeal is being progressed to ensure the continuing success of the business which is further demonstrated by the fact they have been the Good Food Guide best pub in the UK for the last 3 years. They have and will continue to add to and strengthen the visitor economy in Ribble Valley with the improved work area for the chef and his staff and to the visitor accommodation on offer with the proposed CoU of Nos 4&6. The proposal is fully compliant with key statements EC1 and EC3 as it will strengthen the rural village economy and the tourist/visitor sector in line with these policies.
57. The pub is the only community facility in the village and the largest employer there too. It is valued and used by both locals and visitors alike. The proposed extension and additional workspace will also add to the wellbeing of the staff. Further as everything will be contained within a single area it will have a beneficial, not adverse, impact on the surrounding residential properties. The proposal is fully compliant with key statement DS1 as it will create economic, social and environmental well being and development for future generations.
58. The proposed development also accords with Key Statement EN5 of the RVCS, as, on balance, it results in an enhancement of the Wiswell Conservation Area (see assessment under ‘Reason for Refusal One’ below).
59. In relation to the detailed policies of the RVCS, it is considered that the proposed development accords with Policy DMB1 as no environmental problems would be caused and, in fact the proposal will resolve a currently unsatisfactory issue identified by the Council’s Environmental Health officers.
60. The proposed extension is single storey & flat roofed to match the existing rear extensions on the pub and will be faced with stone as described on the proposed plans. The topography of the site as already noted means the extension will be hidden from general view by the existing boundary walls and established vegetation. There are no windows in the extension and two doors. There will be no change to the current kitchen extraction machinery or position of said extractors. The new area is for food preparation only and as noted in the officer’s report to committee his colleagues in RVBC Environmental Health supported the proposal:

‘The proposed extension would be very welcome from an Environmental Health point of view, in that it will provide the necessary space to allow the safe storage and preparation of food.

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Currently the need to use the adjacent dwelling as a preparation and storage room is far from being a satisfactory arrangement.'

61. In addition, the proposed development accords with Policy DMG1 as it would not cause any harm to amenity and would protect and enhance heritage assets.
62. This proposal also accords with Policy DMG2 in that it meets at least one of the considerations set out in that, (it actually meets points 1 and 4). As the only pub in the village it is essential to the local economy and is the social hub of the village. The pub and the proposed 4 bedrooms is an appropriate small scale of tourism development for the village. There is currently no tourist accommodation in Wiswell. Whilst consent was granted in 2014 for a B&B at the Eaves on Pendleton Road, Wiswell this use has not been implemented, at the time of writing this statement. A search online through the Ribble Valley tourism site, Trip Advisor and Air B&B show there is no tourist accommodation in the village. The nearest options are Clitheroe and Whalley.
63. The proposed development would also accord with Policy DME4 as it would result in an enhancement of the Wiswell Conservation Area.
64. For similar reasons (see 63 above) the proposed development also accords with the relevant sections of the NPPF and the objective of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

REASON FOR REFUSAL ONE

65. The first reason for refusal indicates that (in the Council's assessment) the proposed development would be harmful to the character and appearance of the Wiswell Conservation Area. A number of elements of the proposal are cited as leading to this conclusion, namely:
 - incongruous design and siting;
 - loss of historic walling and yard enclosure; and
 - obscuring important architectural elements of Nos. 2-6 Vicarage Fold.
66. It is accepted by the appellant that some aspects of the proposed development (the location of the kitchen extension) would result in some harm to the character and appearance of the Wiswell Conservation Area. However, other aspects (the restoration of the windows of Nos 4&6 Vicarage Fold) would lead to enhancement. It is considered that when balancing the harm and benefits to Conservation Area the Council has not given sufficient weight to the heritage benefits of the proposed development.
67. It is accepted that the proposed extension (but not the proposed use and internal alterations to No.6) would result in 'less than substantial harm' to the character and appearance of the Wiswell Conservation Area (see Section 6.1 of the Council's committee report). However, it is considered that when weighing the planning balance the Council has not given sufficient weight to the heritage and economic benefits of the proposed development.
68. Initial consideration is therefore given to the Council's approach to the relevant heritage policies. This is followed by an assessment of the character and appearance of the Wiswell Conservation Area, before considering the impact of the elements of the proposed development identified as harmful by the Council. The heritage benefits of the proposed development are then assessed in order to provide the overall heritage impact of the proposed development. Finally, the other heritage issues that will need to be considered by the Inspector are considered.
69. This consideration of the first reason for refusal should be read in conjunction with the Heritage Statement that was submitted as part of the application.

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The Council's approach to the relevant heritage policies

70. Key Statement EN5 of the *Ribble Valley Core Strategy* indicates that there will be a presumption in favour of the conservation and enhancement of the significance of heritage assets. However, this is not an absolute as the third bullet point of that statement indicates that the Council would seek to avoid any 'substantial harm' to a heritage asset (there is no indication of how the Council would approach proposals that would result in 'less than substantial harm'). This accords with the overall approach in the *National Planning Policy Framework* (the 'Framework'), which indicates in paragraph 134 that 'less than substantial harm' can be outweighed by the public benefits of a proposal and the desirability of securing its optimum viable use.
71. Unfortunately, the wording of Policies DMG1 and DME4 of the *Ribble Valley Core Strategy* are expressed as absolutes, with no allowance for the balancing of harm against benefits required by the Framework.
72. Section 6.1 of the Council's committee report on the application that is the subject of this appeal misinterprets Section 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* by suggesting that it requires conservation to be kept free from harm. This is inaccurate as Section 72 actually says (underlining added):

In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in sub-section (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

73. It is therefore considered that the Council's approach does not allow for the balancing exercise between harm and benefits that is at the heart of both the relevant statute and the Framework.

Character and appearance of the Wiswell Conservation Area

74. Historically, Wiswell was a small agricultural settlement set in the uplands of Lancashire but it has subsequently become a predominantly commuter village, with limited employment opportunities within the immediate locality. This is reflected in the later (often larger) houses that have been constructed around the historic core.
75. The earlier buildings (pre-twentieth century) of the village generally form a dense pattern of development within the historic core, particularly around Vicarage Fold and Chapel Fold, and along the south-east side of Old Back Lane and the north-west side of Pendleton Road. Later developments, generally to the north and south, are much looser in form, predominantly consisting of detached houses in relatively large gardens.
76. As a result of the pattern of buildings and high walls (around yards and gardens) within the historic core of the village there is a strong sense of enclosure of the public realm along Vicarage Fold and Chapel Fold, with very limited views into private gardens and yards. There are very few gaps permitting a view because it is very dense. This contrasts with the extensive views out over the agricultural land around the village that are possible from Old Back Lane and Pendleton Road. The lower density of the later developments to the north and south of the historic core provides the opportunity for more open views between buildings and across private gardens. Thus, trees and other soft landscaping are a more dominant feature of these later areas of development.

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77. The majority of the buildings within the historic core of the village are constructed with walls of gritstone rubble and have roofs of Welsh slate. Several of these buildings are rendered. A wider variety of materials have been used for the later houses.

The Council's concerns

Incongruous design and siting

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78. The proposed kitchen extension to the public house would be a single-storey, flat-roofed structure, constructed to the south-east of the existing flat-roofed kitchen of the public house and extending across the ginnel and the rear of No. 6 Vicarage Fold. This form of extension was selected because it is similar to the existing kitchen extension and limits the height of the new structure. A more traditional, pitched roof form (similar to some of the other rear extensions to buildings around the Appeal Site) would result in a more dominant structure that would have a greater impact.
79. It is noted that when planning permission was granted for the existing kitchen and toilets extensions to the public house in 2008 (see above), the case officer concluded that, as a result of its flat-roofed form and the surrounding walls, the visual appearance would be the same as at present and, therefore, the extension would not prove significantly detrimental to the visual characteristics of the Conservation Area. We believe that same conclusion should be applied to the current proposal.
80. The external walls of the proposed extension would be constructed of rubble stonework and would extend above the roof level to form low parapets. Thus, from ground level they would appear similar to the many garden walls in the area. The existing fire escape stairway at the east corner of the existing kitchen (the lower part of which forms the north-east end of the ginnel) would be re-configured as a straight stair alongside the north-east elevation of the extension. A new timber gate is proposed towards the south-west end of the ginnel, close to Vicarage Fold.
81. The alterations to Nos 4 and 6 Vicarage Fold are largely internal and therefore they will not be seen from outside; the principal external alterations to these two cottages (apart from the construction of the kitchen extension across the ground floor section of the rear elevation of No. 6) would be the replacement of the modern window units with timber, vertical sliding sashes. These would restore the late-nineteenth-century appearance of the cottages.
82. The location of the proposed extension is dictated by the need to extend the existing kitchen and, as the existing kitchen is constrained on its other sides, any extension has to be located to its south-east (as proposed). The size of the proposed extension is the result of analysis by the operator of the public house of the way in which the kitchen would operate (see above). Consideration has been given to a smaller extension and other options using the existing buildings, but none of these result in a satisfactory solution to the problems of the existing operation.
83. In view of the discrete location of the proposed extension at the rear of the public house and No. 6 Vicarage Fold, and the nature of the existing kitchen extension, it is considered that the design and siting of the proposed extension is appropriate and any harm to the character and appearance of the Wiswell Conservation Area would be limited and would be outweighed by the public benefits of the proposal.

Loss of historic walling and yard enclosure

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84. The proposed development does involve the loss of the boundary walls on each side of the rear yard of No. 6 Vicarage Fold and the loss of the vacant/open nature of that yard. The rear yard of No. 4 will remain open.
85. These walls are however in poor condition, with the wall between the ginnel and the rear yard of No. 6 Vicarage Fold being of a mix of materials including some old concrete rendering. There is a significant gap in the wall between the rear yards of Nos. 4 and 6 Vicarage Fold. The proposed kitchen extension would restore the enclosure of the rear yard of No.4.
86. These yards and their boundary walls are contemporary with the Nos. 2 to 6 Vicarage Fold, which is a short terrace of three cottages that date to late-nineteenth century (they are shown on the Ordnance Survey map of 1893 - see Fig. 2 below). Prior to their construction, the pattern of buildings and enclosures to the south-east of the public house was very different, with buildings at right angles to Vicarage Fold (see Fig. 1). The historic nature of these walls does not therefore pre-date the late-nineteenth century.



Fig. 1 Extract from 1st edition Ordnance Survey 1:10,000 - 1848

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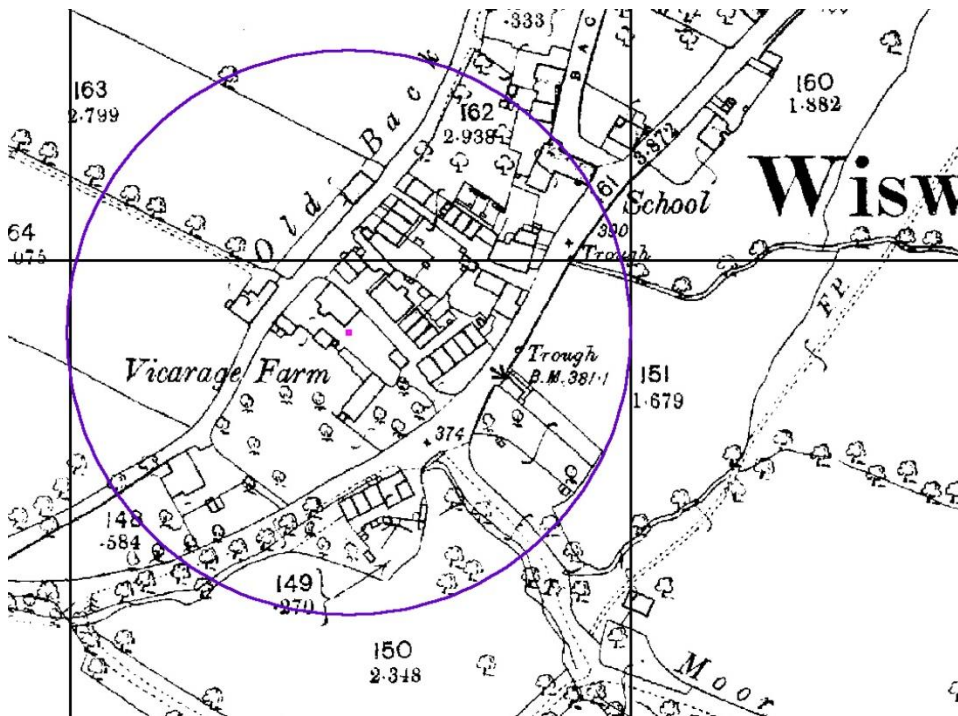


Fig. 2 Extract from Ordnance Survey map - 1893

87. Whilst it is accepted by the applicant that the loss of these boundary walls would result in some harm to the character and appearance of the Wiswell Conservation Area it is considered that this harm is minimal and would be outweighed by the public benefits of the proposal.

Obscuring important architectural elements of Nos. 2-6 Vicarage Fold

88. The proposed kitchen extension would result in the door and ground floor window openings at the rear of No. 6 Vicarage Fold being obscured. It is noted that the door and windows in these openings date from the late twentieth century and it is therefore only the openings that are of any historic interest. No architectural elements at first floor level of No. 6 would be obscured and the proposed extension will not affect any architectural elements at the front of No. 6, nor at the front or rear of Nos. 2 and 4 Vicarage Fold.
89. It is therefore considered that the impact of the proposed extension on the rear of Nos. 2-6 Vicarage Fold is limited and would be outweighed by the public benefits of the proposal.

Heritage benefits

90. As part of the proposed development the modern window units to Nos. 4 and 6 Vicarage Fold would be replaced with timber, vertical sliding sashes. The Council's appraisal of the Wiswell Conservation Area indicates that modern windows units of this type have eroded the historic character and appearance of the village. Restoring the historic form of these windows would be beneficial to these buildings that have identified by the Council as Buildings of Townscape Merit (see above) as it would reinstate their late-nineteenth-century appearance.

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91. As the front elevations of these cottages are prominent in Vicarage Fold it is considered that this element of the proposed development represents a significant enhancement of the Conservation Area and is a heritage benefit.

Overall heritage impact

92. As a result of its size and flat-roofed form, together with the loss of the ground floor door and window openings to No. 6 Vicarage Fold and the loss of the remaining sections of the boundary walls, it is considered that the proposed kitchen extension would cause very limited harm to the character and appearance of the Wiswell Conservation Area. In relation to the distinctions set out in paragraphs 133 and 134 of the Framework, this is considered to be 'less than substantial harm'. As this harm would be almost entirely concealed in public views and would only be experienced in a small number of private views, it is considered that it would be close to the lower end of the range of 'less than substantial harm'.
93. The proposed alterations to the windows of Nos. 4 and 6 Vicarage Fold would result in a significant enhancement of these two Buildings of Townscape Merit and would therefore result in a significant enhancement of the Wiswell Conservation Area.
94. In order to make an overall assessment of the impact of the proposed development on the Wiswell Conservation Area, it is necessary to balance the limited harm that would be caused by the proposed kitchen extension against the enhancement of Nos. 4 and 6 Vicarage Fold. It is noted that enhancement of these two cottages would be prominent from the public realm (principally from Vicarage Fold), whilst the harm from the kitchen extension would be only appreciated from a limited number of private locations. As a result, it is considered that 'on balance' the proposed development would enhance the character and appearance of the Conservation Area.

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Impact upon adjacent listed buildings

95. In assessing a previous application for the extension of the kitchen of the public house (LPA Ref: 3/2016/0604/P – see above), the Council considered that there would be some harm to the setting of the two listed buildings on the south side of Vicarage Fold. In relation to this appeal proposal, there is no suggestion from the Council that there would be any harm to the setting of any listed building.
96. As the proposed kitchen extension is located to the rear of the public house and No. 6 Vicarage Fold, it would have no visual impact on views to and from any of the three listed buildings within the village. In addition, no other aspect of the proposed development is considered to result in any harm to the significance of these listed buildings.

REASON FOR REFUSAL TWO

97. This second reason for refusal of being detrimental to the amenities of surrounding residents was added by the councillors. Not for the first time in regard to this site (see LPA ref No.3/2016/0604/P). We also note the modified wording. Furthermore, this is contrary to the officer's report wherein he states:

'The impact of the proposed development on residential amenity is not significantly different to that of the existing restaurant and public house and is acceptable.'

98. This echoes the view of his colleague in her comments on the 2008 consent (LPA ref No. 3/2008/0140/P) when she notes the rear yard area is enclosed by high walls

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and so the visual appearance from outside the site will be as at present thus she was satisfied

‘...that this extension would not prove significantly detrimental to the visual characteristics of the Conservation Area.’

99. The concerns of the objectors relate to unacceptable overlooking, overshadowing or overbearing impacts. We refute these. This is a single storey extension and has no windows so there can be no overlooking. By natural topography it is set down below the level of the gardens to the rear. The extension is to the rear of the pub and No6 only. It is over 23m away from the rear of the properties on Pendleton Road to which it is at right angles and No4 divides it from the rear of No2 which already has an existing approximately 1.8m high stone wall on the mutual boundary.

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CONCLUSIONS

1. The extension is needed to address the business operating issues, including having to prepare food in a separate building to the one it is cooked and served in and to address the issues RVBC's Environmental Health officers have identified.
2. The pub is a keystone of the village both socially and economically.
 - It is the main employer in Wiswell.
 - It supports the economic, social and environmental needs of the local community.
 - The proposal will improve the staff workplace environment
 - The CoU of Nos4 &6 will add a further economic/employment dimension.
3. It is a tourist attraction in Ribble Valley due to its standing as No1 Good Food Guide pub in the UK for 3 years running. They want a Michelin star. This proposal will help them aim for that.
4. The proposal will not have a detrimental effect on the amenity of the surrounding properties.
5. In reaching an overall assessment of the impact of the proposed development on the Wiswell Conservation Area, it is necessary to balance the limited harm that would be caused by the proposed rear kitchen extension which would be only appreciated from a limited number of private locations against the enhancement of Nos. 4 and 6 Vicarage Fold which would be prominent from the public realm (principally from Vicarage Fold). As a result, it is considered that 'on balance' the proposed development would enhance the character and appearance of the Conservation Area.
6. The scheme complies with national and local policy as set out in this statement of case. In particular para 134 of NPPF as has been shown this development proposal will lead to less than substantial harm to the significance of a designated heritage asset in this case the Wiswell Conservation Area and this harm has been weighed against the public benefits of the proposal, which are to retain a successful business and provide a social hub ensuring and securing its ongoing optimum viable use. It will enable a successful economic use to continue and also keep Buildings of Townscape Merit in viable use.
7. The Inspector may disagree with the appellant's conclusions in relation to the impact of the proposed development upon the Wiswell Conservation Area and conclude that there would, on balance, be 'less than substantial harm' to the Conservation Area. Nevertheless, the proper application of paragraph 134 of the NPPF requires that that such harm be balanced against the public benefits of the proposed

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development. In this case, it is considered that the public benefit of resolving the environmental health issues of the current kitchen of the public house (thus ensuring the continued success of an important local business and village asset) should outweigh any harm to the heritage asset.

8. It is compliant with NPPF offering sustainable development which preserves and enhances the environment and does not detract from the setting of the identified Listed Buildings nor from the Wiswell Conservation Area.
9. For these reasons this appeal should be allowed.

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