

PLANNING CONTROL COMMITTEE: THURSDAY 20 JULY 2017

Additional briefing note from the Save the Cabinet Action Group

Reasons for refusing planning permission for change of use



This document supplements our briefing note circulated on Monday 17 July.

Councillors may find it helpful to have to hand a list of reasons why the application for planning permission for change of use should be refused. These are taken from the formal objection submitted on behalf of the Action Group by Dale Ingram on 31 May – one of the documents to be found at this link: <https://tinyurl.com/cabinet-objections>. (See pages 9 and 10 for the summary; the reasoning is set out comprehensively in the body of the submission.)

- The application for change of use neither preserves nor enhances the principal building nor the Reed Conservation Area and consequently is contrary to both s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- The loss of the public house use, which is of sufficient value to the community to be proposed and recognised by the Local Authority as an Asset of Community Value, represents harm to the social dimension, contrary to emerging Local Plan¹ ETC7 explanatory text 5.36 and Framework² policies 28, 69 and 70.
- The loss of commercial and employment use constitutes harm to the economic dimension of sustainability. This is contrary to the requirement in ETC7 that the premises must be marketed during the period of closure 'for similar uses'³. Notably, not the same use, but a similar use. NHDC's own planning framework identifies that Reed is an unsustainable location for new development because 'it has no shop'¹.
- The applicant has provided no evidence that the Cabinet has been offered for sale during his tenure (i.e. not in the past 2 years), contrary to the exception in ETC7 that the premises be marketed during its closure period and the requirement in P133 of the Framework which requires evidence that charitable or other ownership is demonstrably not possible.
- The evidence proffered in the two Culverhouse reports that we have seen, and that of Trinity Solutions Ltd, that the use is unviable is absolutely unconvincing, and our own expert opinion and evidence has roundly rebutted this. Unviability has not been proven, contrary to the policy in ETC7 and Framework policy 134.

¹ <https://www.north-herts.gov.uk/sites/northherts-cms/files/Proposed%20Submission%20Local%20Plan.pdf>

² National Planning Policy Framework

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

³ Note additionally that the Action Group has submitted evidence of reasonable offers in the period The Cabinet has been closed, demonstrating that the test, "all reasonable attempts to sell or let the premises for a similar use in the time period have failed" has not been met.

- The permanent loss of the pub from Reed will render the village even less sustainable as a location for new development than it already is, limiting the potential for further minor windfall development to meet housing development targets.
- The applicant has failed to follow the local authority's guidance on biodiversity and the Habitats Regulations. That it cannot be demonstrated that there is no harm to wildlife or protected species, or that where there is harm, that it can be suitably mitigated is of itself sufficient grounds to refuse consent. We have been alerted to the potential for the pond to contain Great Crested Newts by a previous staff member who worked at the Cabinet until 2011.
- The continuing use of the premises as a dwelling is unlawful, and we invite the local authority to refuse consent both for the change of use and the works, and to follow Bath/North-East Somerset DC's example in issuing an Enforcement Notice to cease the residential use⁴ and a Listed Building Enforcement Notice to reverse the harmful alterations wherever possible and replace missing fabric.

CONTACTS FOR FURTHER INFORMATION

⁴ The suggestion in the Officer's Report that the applicant may need to be rehoused appears misinformed. Councillors may find the Companies House online information about the applicant's directorships informative: <https://tinyurl.com/richardnewman>