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HEAL
PLANNING & DEVELOPMENTS

PLANNING STATEMENT

SITE: Glynde Railway Station, Station Road, Glynde, East Sussex, BN8 6SS

APPLICANT: Mr. P Duffy, Steamworks (Glynde) Ltd

Application Description:

Change of use of former paragliding shop/office/classroom with onsite café to a licensed Restaurant/bar use Class E(b) and Sui Generis

Previous application:

A previous application reference SDNP/24/00706/FUL was submitted and subsequently refused on the 11th April 2024 for the following reasons:

1. Notwithstanding the documents and plans submitted, the nature of the proposed use is not clear and there are inconsistencies between the proposed use class and the intended use. As such the development is deemed harmful to amenity and the character of the locality, contrary to policies SD4 (Landscape Character), SD5 (Design), SD12 (Historic Environment), SD13 (Listed Buildings) and SD15 (Conservation Areas) of The South Downs Park Local Plan, and Paragraphs 128,135, 139, 182, 200, 201, 203, 205 and 208 of the National Planning Policy Framework (2023). **The proposed use is now clarified within this submission.**

2. The proposed development is outside any settlement boundary and does not meet any of the exceptional circumstances for such a development. As such, the proposal is considered to be contrary to policy SD25 (Development Strategy) of the South Downs Local Plan. **The building is existing and currently vacant, the nearby Public House closed down in 2017 and has not successfully been remarketed and therefore this proposal is providing a community facility where one has been lost. The public house did not result in any harm to neighbouring amenity and is closer to the majority of the residential dwellings than the proposal herewith. There is also an active, busy train line separating the main village from the property and clearly the noise of trains coming through the station at regular intervals during the day will be far more significant than the noise created by a restaurant/bar.**
3. The proposed development would, by nature of its use and siting, create undue noise and disturbance resulting in a loss of residential amenity to neighbouring residential occupants and the surrounding area, and would adversely impact the conservation area, which would be neither preserved nor enhanced, and the setting of a listed building. As such the development is contrary to policies SD4 (Landscape Character), SD5 (Design), SD7 (Relative Tranquillity) SD12 (Historic Environment), SD13 (Listed Buildings) and SD15 (Conservation Areas) of The South Downs Park Local Plan 2019, and paragraphs 128, 135, 139, 182, 200, 201, 203, 205 and 208 of The National Planning Policy Framework (2023). **The use will not result in any greater noise than the public house that used to run nearby or indeed the trains coming through the station at regular intervals. The proposed use of the building is as a licensed restaurant with bar facility and therefore predominantly caters to people sitting in and eating, not just drinking. It therefore will not result in the same noise levels that**

a public house would and unlikely to result in a significant number of intoxicated people leaving the site. In addition to this, the site is an active train station that attracts people to the site to stand and wait for trains on the platform at regular intervals through the day and night and therefore there is already an element of noise created by people outside chatting and this will not be exacerbated by the proposed use here. A condition could be imposed to restrict the opening hours and a management plan put in place to ensure people are not able to stand around outside creating noise.

4. Due to a lack of sufficient information, and by virtue of application inconsistencies, the applicant has failed to demonstrate that the proposed development would not result in unacceptable harm on the character and appearance of the site and the Glynde Conservation Area, which would be neither preserved nor enhanced. As such the development is contrary to policies SD4 (Landscape Character), SD5 (Design), SD12 (Historic Environment), SD13 (Listed Buildings) and SD15 (Conservation Areas) of The South Downs Park Local Plan 2019 and paragraphs 128, 135, 139, 182, 201,203, 205 and 208 of The National Planning Policy Framework (2023). **Given the positive Heritage Impact Assessment submitted as well as the positive comments from the Conservation officer in relation to this application, it is difficult to understand the reasoning behind this refusal reason. However, for additional support a new independent heritage impact assessment is being submitted as part of this application.**

Supporting Information:

The application site once formed the waiting room for the associated train station, however this use has not been in existence for a significant number of years. In 1997 permission was granted for the change of use to a paragliding shop/office/classroom. Therefore, the previous application, having been described as a change of use from a station waiting room was incorrect and an assessment on the basis of an incorrect base use cannot be considered accurate. In addition to this, the previous refusals concentrated on the building being a bar first with a secondary use as serving food which is not correct. The proposal is for a licensed restaurant which falls within Use Class E(b) and therefore falls within the same use class as the previous lawful use. The Bar element then falls within the Sui Generis, however this is a minor element of the proposal and will not create such a significant impact above that which is deemed lawful so as to warrant a refusal. A separate lawful development certificate is being submitted alongside this application as it is considered permission is not required for the change between the previous use and the proposed licensed restaurant element and this will be the fallback option should an application and subsequent appeal fail. In addition to this, an appeal is being submitted to the Planning Inspectorate against the previous refusal. However, in approving this application, the local authority is gifted the ability to impose conditions that cannot be done via a certificate of lawful development.

The property is a single storey building attached to a two-storey dwelling which was the former station master's property. This is the only residential dwelling that could potentially be affected by the proposal and this application seeks to demonstrate how this will not be the case.

Appropriateness of Use

There are a number of train station waiting rooms across the country that have been converted into restaurants or cafes following their closure, most of which are within very close proximity to residential dwellings. Clearly therefore this is an appropriate use for both this type of building and within residential areas. A few of these are listed below:

- Bay Railway Station, Station Road, West Bay, Dorset, DT6 4EW
- The Old Railway Station, Petworth, West Sussex, GU28 0JF
- The Old Station Restaurant, Station Road, Spean Bridge, PH34 4EF
- Warmley Waiting Room Bristol and Bath Railway Path Warmely BS30 5JB
- Booking Hall Café, Station House Road, Rayne CM77 6RX

<https://www.beyonradio.co.uk/news/local-news/plans-to-reopen-lancaster-train-station-waiting-rooms-for-restaurant-long-overdue/>

Plans to reopen Lancaster train station waiting rooms for restaurant "long overdue"

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Tuesday, 3 October 2023 10:36

By Greg Lambert [@greglam72](#)



Plans to revitalise a long-closed platform and waiting rooms at Lancaster Railway Station - ideally for a new restaurant - have been welcomed by local heritage champions.

Lancaster Civic Vision has supported a major restoration project mooted for the lower floors under the ticket office at the station, which were once used as waiting rooms.

The Grade II listed building is located on platform 6 which has been shut for more than 50 years.

A planning application was submitted last month to restore and alter the building to get it ready for a new tenant, ideally a restaurant.

"Lancaster Civic Vision is pleased to support the application," said Hugh Roberts of Lancaster Civic Vision, in a statement sent to Lancaster City Council as part of the planning process.

"Proposals for a new use for this building are long overdue, and are welcomed."



The disused platform 6 at Lancaster railway station

Furthermore, restaurants and public houses across the country regularly function directly adjacent to residential properties without resulting in harm provided the appropriate mitigation measures are put in place which have been satisfactorily addressed within the NIA submitted.

Noise Impact

The area of the restaurant nearest the neighbouring dwelling is allocated as restrooms which will provide an additional level of protection between the main use of the site and this neighbour. It is also important to consider the age of the property and the resultant thickness of the walls and construction methods which will provide far more protection in relation to noise than a more modern building would. This neighbouring property's rear wall is also directly on the platform to the train station and therefore is in extremely close proximity to both passengers waiting for trains and the trains themselves when passing/stopping.

The applicant does not intend to have live music or entertainment running from the site and therefore any previous concerns in relation to noise impact from this should now be disregarded as indeed they should have been previously.

A Noise Impact Assessment has been submitted previously and will also accompany this statement which demonstrates that the proposal will not result in any harm in relation to noise with acceptable mitigation measures suggested. These could be conditioned as part of any approval. The Environment Health officer has raised concerns in relation to the impact of live music events or 'other entertainment' and this is wholly unreasonable behaviour given that the planning statement submitted previously clearly confirms there is no intention to

have live music or entertainment at the property. The officer has confirmed that the proposal is acceptable in relation to background music and the extraction equipment suggested.

In relation to the points raised regarding the impact of people potentially standing outside, 'smoking/laughing/coughing/chatting', noise impact is measured at various different levels and coughing and smoking cannot reasonably be considered as resulting in noise nuisance and any laughing or chatting will be short lived as people walk to and from their cars. A management plan could also be conditioned as part of any approval to ensure that clients are asked not to congregate outside and to leave the building in a quiet and respectful manner, as happens with many eating and drinking establishments.

When assessing noise levels, the starting point is clearly a level where no noise is perceivable. As the noise increases it will cross the 'no observed affect' level. However, any noise above this level will be considered to not result in any harm provided it does not cause any change in behaviour, attitude or other physiological responses of those affected by it. This level of noise may slightly affect the acoustic character of an area but not to the extent there is a change in quality of life. It is argued that people eating inside a building and talking outside on their way to and from their cars would fall within this level of noise and would not result in the need for the adjacent occupiers to change their behaviour in response to this level of noise, again taking into account the existing noise levels on site from the use of the land as a train station.

However, the next level is the 'lowest observed adverse effect', any noise above this level is noise that may start to result in small changes in behaviour and attitude such as having to turn up the volume of the television or speaking more loudly in order to be heard above the noise. At this point mitigation measures are suggested to minimise the impact of this level of

noise. Given that the use of the building as a restaurant can reasonably, at the very most, be considered to result in this level of noise, then the mitigation measures suggested in the NIA should be considered appropriate. Trading times can be conditioned as part of any approval to ensure that people are not entering or leaving the site after a certain time at night, for example 22.30. As with most establishments such as this in residential areas, the applicant will control the level of noise of clients when leaving the building by posting signs requesting that people are respectful of the neighbours when leaving and asking customers not to congregate outside of the building. As there will always be staff on site when customers are visiting, this is something that can be controlled easily.

It is also important that a balance is struck between the economic and social benefits being derived from the proposed activity and the actual effect that the noise has on the area. In this case it is clear that the social and economic benefits clearly outweigh any purported harm. The business will pay business rates, thereby contributing to the local economy and will support local farmers and food and drink producers as per the applicant's ethos statement. This is therefore supporting other local businesses which further contributes to the economy. The social benefits are in providing a place for people to go to socialise, creating a new local facility to replace the public house that has been lost in recent years. It will also attract tourists which is also an economic benefit. In addition to this the actual conversion of the property will provide local trades people (builders, electricians, plumbers, roofers, plasterers and decorators) with business, further contributing to the local economy and will employ people from the area thereby providing employment opportunities locally.

Class E includes a wide range of uses that could have the potential for customers, deliveries, collections and servicing vehicles which could potentially harm the living conditions of the

occupiers of neighbouring properties. However, the application site is within an existing mixed-use area whereby occupiers of the neighbouring dwelling are subjected to noise associated with the various commercial uses such as the train station, the spiral staircase business opposite and the previous office uses as well as associated vehicle noise.

Conditions restricting the opening hours of the proposed restaurant and the times when deliveries, collections and servicing are undertaken would ensure that any adverse noise and disturbance would not occur early in the morning or late at night. While people congregating in front of building could occur, this is unlikely to happen after closing and will result in no greater impact than people standing on the platform to the rear of the building. There is no evidence to suggest that a restaurant/bar use would be any more disruptive than any other Class E use.

Local Planning Policy Context:

The relevant parts from the Council's Local Plan with commentaries under each are set out below: Please note, only the policies included in the previous refusal have been included at this point as the development was considered compliant with the remainder of the policies it was measured against.

In line with paragraph 11 of the NPPF, the most important policies for determining the appeal need to be identified. It is clear from the judgement *Wavendon Properties Ltd v SoSoHCLG & Milton Keynes Council* [2019] EWHC 1424 (Admin), that the collection of most important policies should be considered in the round.

Most important policies should only be those that govern the development proposed in a particular area. More generic policies that can apply to multiple types of development should

not logically be considered as most important policies. This approach is adopted in the below assessment of the refusal policies.

South Downs Park Local Plan 2019

Policy SD4: Landscape Character

1. Development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that:
 - a) They are informed by landscape character, reflecting the context and type of landscape in which the development is located;
 - b) The design, layout and scale of proposals conserve and enhance existing landscape and seascape character features which contribute to the distinctive character, pattern and evolution of the landscape;
 - c) They will safeguard the experiential and amenity qualities of the landscape;
and
 - d) Where planting is considered appropriate, it is consistent with local character, enhances biodiversity, contributes to the delivery of GI and uses native species, unless there are appropriate and justified reasons to select non-native species.
2. Where development proposals are within designed landscapes, or the setting of designed landscapes, (including historic parkscapes and those on the Historic England Register of Historic Parks and Gardens) they should be based on a demonstrable understanding of the design principles of the landscape and should be complementary to it.

3. The settlement pattern and individual identity of settlements and the integrity of predominantly open and undeveloped land between settlements will not be undermined.
4. Green and blue corridors will be safeguarded. Development proposals should identify and take opportunities to create and connect green and blue corridors.
5. The restoration of landscapes where features have been lost or degraded will be supported where it contributes positively to landscape character.

In relation to the above policy, consideration needs to be given to the fact that the building and surrounding area is an existing development. The main alterations will be taking place internally with only minor external alterations which have been deemed acceptable by the Council's Conservation Officer. There are no alterations being made that will impact upon the landscape and therefore no reasoned justification for refusing the application on design grounds. The proposal is therefore fully compliant with the above policy.

Policy SD5: Design

1. Development proposals will only be permitted where they adopt a landscape-led approach and respect the local character, through sensitive and high-quality design that makes a positive contribution to the overall character and appearance of the area. The following design principles should be adopted as appropriate:
 - a) Integrate with, respect and sympathetically complement the landscape character by ensuring development proposals are demonstrably informed by an assessment of the landscape context; **See point above under previous policy.**

- b) Achieve effective and high-quality routes for people and wildlife, taking opportunities to connect GI; **This proposal will not impact any of the above.**
- c) Contribute to local distinctiveness and sense of place through its relationship to adjoining buildings, spaces and landscape features, including historic settlement pattern; **The building is existing and there are no external alterations proposed. In relation to the use the Conservation Officer, has in fact stated that the proposal in its entirety would result in a positive enhancement to the area.**
- d) Create high-quality, clearly defined public and private spaces within the public realm; **This proposal does not propose any private spaces and the public spaces are already functioning as such.**
- e) Incorporate hard and soft landscape treatment which takes opportunities to connect to the wider landscape, enhances GI, and is consistent with local character; **Not relevant to this proposal as there are no external alterations proposed.**
- f) Utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials, night and day visibility, elevational and, where relevant, vernacular detailing; **Not relevant to this proposal as there are no external alterations proposed.**
- g) Provide high quality, secure, accessible, and where possible, integrated storage for general and recycling waste, heating fuel, and transport related equipment; **The proposal will provide the appropriate storage of the above.**
- h) Provide high quality outdoor amenity space appropriate to the needs of its occupiers or users; **Not relevant to this proposal.**

- i) Ensure development proposals are durable, sustainable and adaptable over time, and provide sufficient internal space to meet the needs of a range of users; **Not relevant to this proposal.**
- j) Give regard to improving safety and perceptions of safety, and be inclusive and accessible for all; and **The station is already accessible having a rating of B3 – step free access and therefore access to the proposed restaurant is also accessible.**
- k) Have regard to avoiding harmful impact upon, or from, any surrounding uses and amenities. **The surrounding use is an active train station which will not be impacted upon by the proposal. The nearest residential dwelling is directly adjacent to the train line and therefore the use as a restaurant will not impact upon these neighbours as the site cannot be deemed as tranquil as a starting point for measuring noise.**

Again, in relation to the above policy, consideration needs to be given to the fact that the building and surrounding area is an existing development. The main alterations will be taking place internally with only minor external alterations which have been deemed acceptable by the Council's Conservation Officer. Therefore, once again, there is no reasoned justification for refusing the application on design grounds. As a result, the proposal is considered fully compliant with the above policy.

Policy SD7: Relative Tranquility

1. Development proposals will only be permitted where they conserve and enhance relative tranquillity and should consider the following impacts:

- a) Direct impacts that the proposals are likely to cause by changes in the visual and aural environment in the immediate vicinity of the proposals; **There are no visual impacts from this proposal and any aural impacts must be considered in relation to the existing uses on the site which clearly were not taken into account during the assessment of the previous application.**
 - b) Indirect impacts that may be caused within the National Park that are remote from the location of the proposals themselves such as vehicular movements; **and the site already functions as a working train station and therefore there are a number of vehicle movements existing on site. The building was previously used as a commercial property attracting customers to the site and this use will not have any impact on this.**
 - c) Experience of users of the PRow network and other publicly accessible locations. **There are no nearby PRow that will be affected by this proposal.**
2. Development proposals in highly tranquil and intermediate tranquillity areas should conserve and enhance, and not cause harm to, relative tranquillity. **The site is an active train station on a busy train line, it cannot therefore be considered as being a tranquil area as a starting point for assessing noise impact. In addition to this it must be noted that many restaurants function in close proximity to residential dwellings as they are not considered to result in unacceptable harm to amenities in relation to noise.**
3. Development proposals in poor tranquillity areas should take opportunities to enhance relative tranquillity where these exist. **Not relevant to this proposal.**

1. Development proposals will only be permitted where they conserve and enhance the historic environment, including through the safeguarding of heritage assets and their setting.
2. Applicants will be required to provide a Heritage Statement sufficient to allow an informed assessment of the impact of the proposed development on the significance of the heritage asset(s).
3. Development proposals which affect heritage assets (whether designated or non-designated) or their setting will be determined with regard to the significance of the asset, including the long-term conservation and enhancement of that asset.
4. Development proposals will be permitted where they enhance or better reveal the significance of heritage assets, particularly where they are considered to be at risk of irreversible harm or loss.
5. Development proposals which appropriately re-use redundant or under-used heritage assets with the optimal viable use, which secures their long-term conservation and enhancement, including of their setting, will be supported.
6. Development proposals for enabling development that would otherwise conflict with other planning policies but which would secure the future conservation of a heritage asset will be permitted provided:
 - a) The proposals will not materially harm the heritage values of the asset or its setting;
 - b) It can be demonstrated that alternative solutions have failed;
 - c) The proposed development is the minimum necessary to protect the significance of the heritage asset;

- d) It meets the tests and criteria set out in Historic England guidance Enabling Development and the Conservation of Significant Places⁵⁰;
- e) It is subject to a legal agreement to secure the restoration of the asset; and
- f) It enables public appreciation of the saved heritage asset.

A positive Heritage Impact Assessment was submitted with the refused application and indeed the Conservation officer themselves deemed the proposal appropriate in its entirety stating that it would actually result in a positive enhancement to the area. It is not clear why the Planning Officer then chose to ignore the views of two experts in this field and refuse the application based on purported harm to the CA. A new Heritage Impact Assessment is being submitted as part of this application to further support this argument. The property is therefore considered policy compliant in this regard.

Policy SD13: Listed Buildings

1. Development proposals which affect a listed building or its setting will only be permitted and listed building consent granted where:
 - a) They preserve and enhance the significance of the listed building and its setting by demonstrating that loss of historic fabric and detail of significance, including internal features, floor plans and the integrity of the rooms, is avoided; or
 - b) Harm to the significance of the listed building or its setting is considered to be outweighed by public benefits by the Authority, when appropriate mitigation measures will be expected, including archaeological investigation (including a written report) or recording.
2. Development proposals will be refused planning permission and/or listed building consent where they cause substantial harm to a listed building or its setting.

Once again, the design of the building is not changing. The covered bin store, can be further controlled by way of an appropriately worded condition. The building is existing and therefore it is only the use that is to be considered here, this cannot reasonably be considered as resulting in harm to nearby listed buildings and therefore the proposal is considered policy compliant in this regard.

Policy SD15: Conservation Areas

1. Development proposals within a conservation area, or within its setting, will only be permitted where they preserve or enhance the special architectural or historic interest, character or appearance of the conservation area. Sufficient information to support an informed assessment should be provided on the following matters:
 - a) The relevant conservation area appraisal and management plan;
 - b) Overall settlement layout and relationship to established landscape setting;
 - c) Historic pattern of thoroughfares, roads, paths and open spaces, where these provide evidence of the historic evolution of the settlement, and the historic street scene;
 - d) Distinctive character zones within the settlement;
 - e) Mix of building types and uses, if significant to the historic evolution of the settlement;
 - f) Use of locally distinctive building materials, styles or techniques;
 - g) Historic elevation features including fenestration, or shop fronts, where applicable;
 - h) Significant trees, landscape features, boundary treatments, open space, and focal points; and

- i) Existing views and vistas through the settlement, views of the skyline and views into and out of the conservation area.
2. Within a conservation area, development proposals which involve the total or substantial demolition of buildings or structures will only be permitted where it is sufficiently demonstrated that:
- a) The current buildings or structures make no positive contribution to the special architectural or historic interest, character or appearance of the conservation area; and
 - b) The replacement would make an equal or greater contribution to the character and appearance of the conservation area. **Again, it is only the use of the building that is up for consideration here. As there are no physical changes to the building it cannot reasonably be stated that the proposal results in harm to the Conservation Area, this is especially important given that the Conservation Officer and Heritage Experts who have assessed the proposal have all deemed it appropriate. There is no clear justification therefore why the Planning Officer chose to go against the opinions of the experts in their field and it is considered that the application is compliant with this policy.**

Policy SD25: Development Strategy

1. The principle of development within the following settlements, as defined on the Policies Map*, will be supported, provided that development:
- a) Is of a scale and nature appropriate to the character and function of the settlement in its landscape context;

- b) Makes best use of suitable and available previously developed land in the settlement; and
- c) Makes efficient and appropriate use of land

<p>Western Downs</p> <ul style="list-style-type: none"> ■ Chawton ■ Cheriton/Hinton Marsh ■ Itchen Abbas 	<ul style="list-style-type: none"> ■ Farringdon (Lower and Upper) ■ Stroud
<p>Western Weald</p> <ul style="list-style-type: none"> ■ Binsted ■ Easebourne ■ Fernhurst ■ Fittleworth ■ Greatham ■ Liss (including Liss Forest and West Liss) ■ Lodsworth ■ Midhurst 	<ul style="list-style-type: none"> ■ Milland ■ Northchapel ■ Petersfield ■ Petworth ■ Rogate ■ Sheet ■ South Harting ■ Stedham

<p>Scarp Slope</p> <ul style="list-style-type: none"> ■ Buriton ■ Bury ■ Cocking ■ Ditchling ■ East Meon ■ Graffham 	<ul style="list-style-type: none"> ■ Poynings ■ Selborne ■ Steep ■ Washington ■ West Meon
<p>Dip Slope</p> <ul style="list-style-type: none"> ■ Compton ■ Corhampton and Meonstoke ■ Droxford ■ East Dean and Friston ■ Findon ■ Hambledon 	<ul style="list-style-type: none"> ■ Owslebury ■ Pyecombe ■ Singleton ■ Slindon ■ Twyford
<p>Coastal Plain</p> <ul style="list-style-type: none"> ■ Funtington ■ Lavant (including Mid Lavant and East Lavant) 	<ul style="list-style-type: none"> ■ West Ashling
<p>River Arun Corridor</p> <ul style="list-style-type: none"> ■ Amberley ■ Coldwaltham 	<ul style="list-style-type: none"> ■ Watersfield
<p>River Ouse Corridor</p> <ul style="list-style-type: none"> ■ Kingston near Lewes ■ Rodmell 	<ul style="list-style-type: none"> ■ Lewes
<p>River Cuckmere Corridor</p> <ul style="list-style-type: none"> ■ Alfriston 	

2. Exceptionally, development will be permitted outside of settlement boundaries, where it complies with relevant policies in this Local Plan, responds to the context of the relevant broad area or river corridor, and:
 - a) It is allocated for development or safeguarded for the use proposed as part of the Development Plan; or

- b) There is an essential need for a countryside location; or
 - c) In the case of community infrastructure, there is a proven need for the development that demonstrably cannot be met elsewhere; or
 - d) It is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park.
3. In considering development proposals outside settlement boundaries within rural estates and large farms, positive regard will be had to the following:
- a) The development proposals are part of a Whole Estate Plan that has been endorsed by the National Park Authority; and
 - b) The development proposals deliver multiple benefits in line with the purposes and the special qualities of the National Park and in regard to ecosystem services

The building is already in situ and has a lawful Class E use on it, therefore its siting outside of a settlement boundary is completely irrelevant here and this policy should never have been considered in assessing this case.

National Planning Policy Framework 2023:

There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development and approve all individual proposals wherever possible.

Para 2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements. This is confirmation that the NPPF is a material planning consideration and so the following sections are considered as presenting considerable material planning support to the application and should be acknowledged as such. It presents the Local Authority with sufficient enough grounds to accept this application, in particular, the references made within the NPPF to achieving sustainable development and “meeting the needs of the present without compromising the ability of future generations to meet their own needs”.

Para 3. The Framework should be read as a whole (including its footnotes and annexes). General references to planning policies in the Framework should be applied in a way that is appropriate to the type of plan being produced, taking into account policy on plan-making in chapter 3. This demonstrates how the NPPF must be considered as a whole and equally by implication the same should apply to the application of individual policies contained within the LDP.

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection. **This proposal is sustainable in that it is utilising an existing**

building for a commercial purpose that will provide economic, social and environmental benefits.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure; **The proposal will create revenue and in turn business tax that will contribute to the local economy as well as supporting local food and drink producers assisting in the success and viability of those businesses. In addition to this the actual conversion of the property will provide local trades people (builders, electricians, plumbers, roofers, plasterers and decorators) with business further contributing to the local economy and will employ people from the area thereby providing employment opportunities locally.**

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; **The proposal will provide a space for people to socialise, it will support other local businesses and will attract tourists to the area. The proposed business would provide the local**

community with a much-needed facility in which to meet and relax in a high-quality environment.

- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. 10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. **The proposal is utilising an existing building with a lawful Class E use and therefore does not require any new construction to be undertaken to provide the service elsewhere. The business will support local farmers and food and drink producers meaning that deliveries will not be coming from a great distance which in turn improves the carbon footprint of the business thereby meeting the environmental objective.**

11. Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The proposal accords with the Council's LDP, utilising an existing building for a wholly appropriate use. This is therefore a sustainable development and a presumption of allowing the development can apply. There are no adverse impacts resulting from this proposal that cannot reasonably be controlled by a suitably worded condition in line with Paragraph 55 of the NPPF and therefore a presumption in favour should have been made here.

139. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local

design guidance and supplementary planning documents such as design guides and codes.

Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. **Whilst the officer has quoted this paragraph from the NPPF within their refusal reason, there are no design elements to be considered here and therefore this is not relevant.**

55. Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. **There are no adverse impacts resulting from this proposal that cannot reasonably be controlled by a suitably worded condition in line with Paragraph 55 of the NPPF.**

182. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads⁶³. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimize adverse impacts on the designated

areas. **Again, there is no physical development proposed so no visual impact upon any heritage assets. The use is a wholly appropriate use as demonstrated within this statement and both the Conservation Officer and Heritage Experts have confirmed that the proposal is appropriate in relation to the heritage assets. Therefore, this paragraph of the NPPF is wholly complied with.**

201. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

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

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

205. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

208. 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, where appropriate, securing its optimum viable use.

In relation to the above paragraphs from the NPPF, the same point is relevant for all of them – There is no physical development proposed here and therefore no visual impact upon any heritage assets. The use is a wholly appropriate use as demonstrated within this statement and both the Conservation Officer and Heritage Experts have confirmed that the proposal is appropriate in relation to the heritage assets. Therefore, this paragraph of the NPPF is wholly complied with.

Conclusions:

It is felt that the planning officer who dealt with the application previously behaved unreasonably in going directly against the views of the heritage experts and allowing a refusal on noise that is based on an objection to live bands and music which does not form part of the proposal, this will be reflected in any future appeals going forward.

It is not considered that this proposal requires planning permission for the licensed restaurant element as the property is already in Class E use and the proposed licensed restaurant will also fall within the same use. It is therefore only the bar element that may require planning permission and it is considered that this will not result in such harm above the licensed restaurant use that can justifiably warrant a refusal. The use as solely a licensed restaurant will be the fallback position should this application not be granted and for this reason, a Certificate of Lawfulness has been submitted in addition to this application. However, it should be noted that in allowing the bar element, it will provide a social public benefit to the

local community who may not want to eat out every time they want a drink but may rather just enjoy popping out for a drink now and again.

The applicant has already invested a significant amount of money into this business and therefore the aim is to get permission as quickly as possible so that the use can begin, thereby mitigating any further loss of money. Therefore, in addition to the Certificate of Lawfulness application already submitted, an appeal against the refusal is being made to the Planning Inspectorate and this new application is being submitted once again to the Authority.

Whilst we cannot foresee any reason why the LDC would be refused, this new application gifts the Council the ability to approve the use with appropriately worded conditions which cannot be done on a certificate application.

It is therefore requested that this application be granted without any further delay.

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