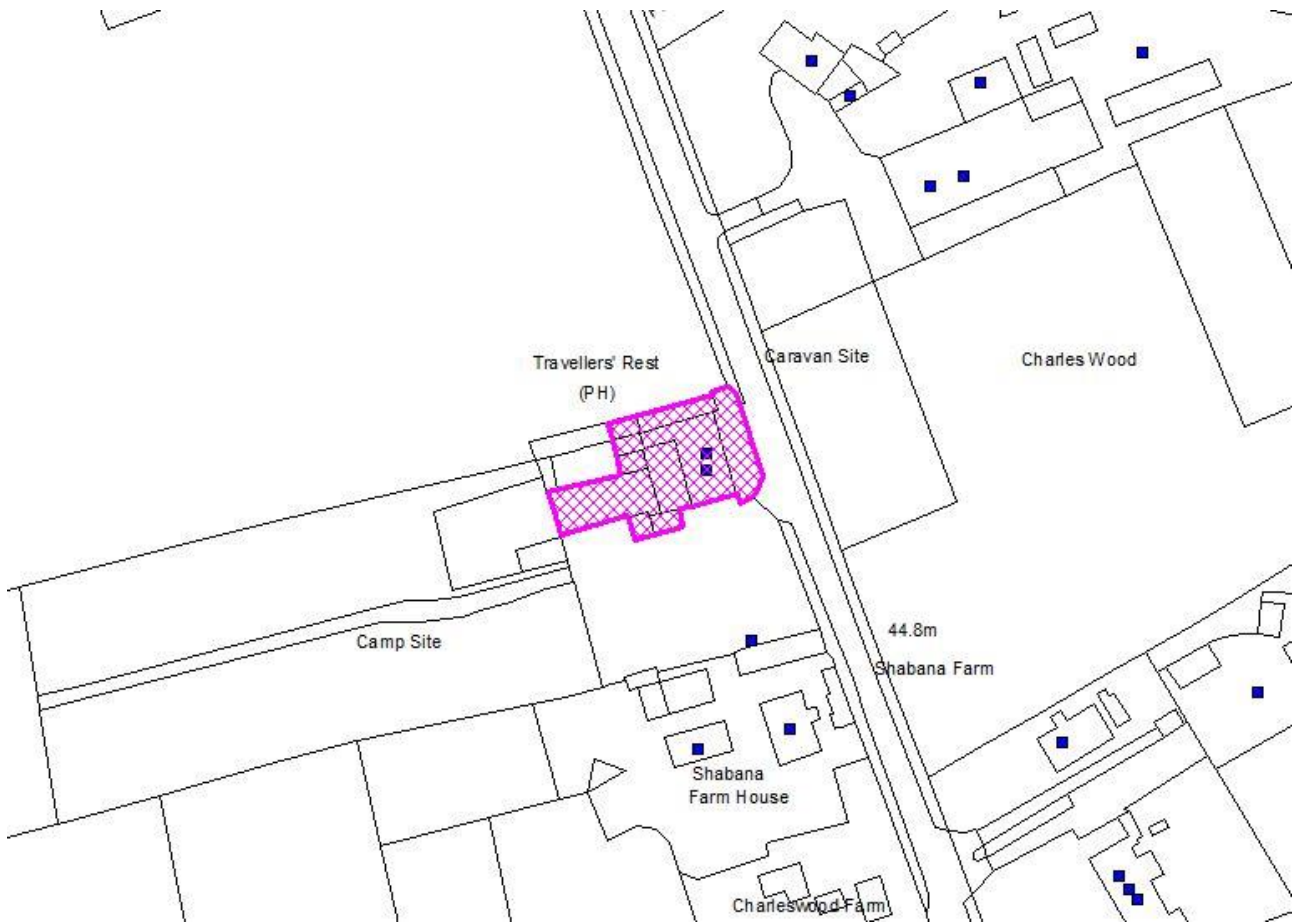


WINCHESTER CITY COUNCIL
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Case No: 23/01496/FUL
Proposal Description: Change of use from Sui Generis (Public House and Flat) to mixed C3/ E (Cafe[Tea Room] / House)
Address: The Travellers Rest Church Road Newtown Fareham Hampshire
Parish, or Ward if within Winchester City: Soberton Parish Council
Applicants Name: Mr & Mrs Kerry Wakefield
Case Officer: Cameron Taylor
Date Valid: 31 July 2023
Recommendation: Refuse
Pre Application Advice No

Link to Planning Documents

[Link to page – enter in reference number 23/01496/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation.

The development is recommended for refusal as it is considered that the change of use from public house to tea room has no significant justification for the loss of the community facility which has not been justified. In addition, the proposal would result in the formation of a new residential development within the countryside which is contrary to countryside policies. The proposal would also cause harm to the Solent SPAs without any mitigation proposed. It is therefore contrary to policies MTRA3, MTRA4 and CP6 of the LPP1 and DM23 of the LPP2.

General Comments

The application is reported to Committee due to the number of supporting comments received contrary to the Officer's recommendation.

Amendments to Plans Negotiated

None

Site Description

The application site is located to the west of Church Road and comprises of a Public House. This includes a flat which is associated with the public house and a camp site. The site is located in a small cluster of buildings, where the development line ends at The Travellers Rest, with a large gap between the public house and Wykeham Lodge. The wider area consists of open fields in adjacent land and the wider area has uses for agriculture, a cattery and caravan storage along with sporadic residential dwellings.

Proposal

-The proposal is for the change of use from sui generis (Public House and Flat) to mixed C3/E use class for a cafe (tea room) and a residential dwelling. The proposal does not affect the scale or external appearance of the existing building.

Relevant Planning History

- 21/02623/FUL- Conversion of Car park to Caravan Storage Area- Withdrawn- 07.03.2022
- 20/01944/FUL- Proposed erection of a replacement outbuilding, to achieve the provision of a two-bedroomed holiday-let.- Permitted- 11.12.2020
- 00/00504/FUL- Removal of condition 1 of Planning Permission W10246/04 (use only for storage purposes ancillary to the adjacent public house and for no other purpose)- Refused- 06.06.2000
- 99/02040/FUL-Retention of outbuilding for ancillary storage- Permitted- 17.12.1999
- 94/01057/OLD-Single storey extensions to provide new kitchen and cellar/toilet block- Permitted- 31.08.1994
- 93/00941/OLD- Upgrading of sewer treatment system-Permitted- 15.06.1993
- 91/01039/OLD-Single storey rear extension- Permitted 25.06.1991

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- 87/02067/OLD-Erection of extension to provide replacement toilets and lobby- Permitted 03.12.1987

Consultations

None

Representations:

Soberton Parish Council- No Objection

“Soberton Parish Council is happy for this application to be dealt with by the assigned planning officers under delegated powers.”

16 Objecting Representations received from different addresses citing the following material planning reasons:

- Loss of a public service and amenities to the local area
- Formation of a new residential dwelling
- Not providing the type of employment under policy DM10
- Loss of a historic use of the site
- Not closed due to lack of viability.

Not relevant to planning and therefore not considered in this report'

- Discussions between applicant and members of the public

17 Supporting Representations received from different addresses citing the following material planning reasons:.

- Would be a benefit and provide amenities to the local community
- Lack of customers for current use
- Provide local jobs
- Ample parking

Non-material

- Retain ability to sell alcohol

Relevant Government Planning Policy and Guidance

National Planning Policy Framework

Section 4 Decision Making

Section 8 Promoting healthy and safe communities

Section 16 of the National Planning Policy Framework 2021

National Planning Practice Guidance

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

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Planning Obligations

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1).

Policy DS1 – Development Strategy and Principles

Policy MTRA3– Other Settlements in the Market Towns and Rural Areas

Policy MTRA4 – Development in the Countryside

Policy CP6 – Local Services and Facilities

Policy CP13 – High Quality Design

Policy CP16 – Biodiversity

Policy CP18 – Settlement Gaps

Winchester District Local Plan Part 2 – Development Management and Site Allocations

DM1 – Location of New Development

DM2 – Dwelling Sizes

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Development Principles

DM18 – Access and Parking

DM23 – Rural Character

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Any village design statement?

Other relevant documents

CLIMATE EMERGENCY DECLARATION CARBON NEUTRALITY ACTION PLAN 2020 – 2030

Statement of Community Involvement 2018 and 2020

Biodiversity Action Plan 2021

Planning Considerations

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2023) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is located outside of a defined settlement boundary and as such is on land designated countryside. In such areas, the introduction of additional residential units is not acceptable in principle.

Policy MTRA4 of the Local Plan Part 1 allows for development should there be an operational need for it to be within the countryside, this includes the reuse of existing rural building for employment, tourist accommodation, community use or affordable housing.

The existing flat within the building is associated with the public house as an ancillary part of that use (which is common within public houses). The application seeks to introduce a café (the principle of which is discussed further in the report) and modify the building to

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enlarge the residential unit onto the ground floor. The submission does not suggest any physical tie with the café and the proposed floor plans show they are physically two separate units. In addition, a café does not require an ancillary residential unit in the same way that a public house has a traditional requirement for accommodation.

As a result, the proposal would result in a separated residential unit no longer tied to the public house and there is no demonstrable requirement for a supporting residential unit for the café. As a result, the proposal results in an unjustified additional residential unit in the countryside, contrary to policy MTRA4 of the LPP1.

It is acknowledged that Policy MTRA3 of the Local Plan Part 1 allows for development which consists of infilling of small sites within a continuously developed road frontage where this would be of a form compatible with the character of the village and not involve the loss of important gaps between developed areas. Newtown is listed as a settlement where this policy applies.

In this case the site cannot be described as 'infilling of a small site' because of the large gap over 140 metres in place between the public house and Wykeham Lodge to the northwest. The site therefore cannot be described as being part of a 'continuously developed road frontage' and the principle of allowing an additional residential unit in this location is not permitted by the requirements of policy MTRA3.

Policy CP6 of the LPP1 ensures that *Local Services and Facilities* are encouraged and protected. It notes that development proposals should not threaten or result in the loss of premises unless criteria outlined in the policy is met.

The Travellers Rest is considered a community facility as a public house and until recently was classified as an Asset of Community Value. The proposal results in the loss of this facility. The application has not been supported by any viability or marketing information to demonstrate that the building is no longer viable as a public house. It is acknowledged that the public house has changed owners and has not opened long-term in recent years, however the lack of supporting information to indicate the public house is not viable in the future results in conflict with the requirements of policy CP6 and the unjustified loss of a community facility.

It is acknowledged that the application proposes a tea room as an alternative. However, the change of use to a tearoom also reduces the amount of floor area to the building used for service to the community which is around a 59% decrease in floor area. The loss of the service in its current format as a public house does not have significant justification with no marketing information submitted to demonstrate the reasons for the loss of the public house and replacement with a reduced service. Therefore, the proposal does not comply with policy CP6 of the Local Plan Part 1.

The change of use for the proposed dwelling includes the change from existing public house floor area which is a loss of around 59% of the available floor area..

To conclude, the proposal results in the loss of a community facility without justification. In addition, the enlarged residential dwelling which takes floorspace away from the community facility no longer has an associated tie with the public house and therefore results in the creation of an additional residential unit in the countryside. The proposal is

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therefore not acceptable in principle and is contrary to policies CP6 and MTRA4 of the LPP1.

Assessment under 2017 EIA Regulations.

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

Impact on character and appearance of area

The application site is located to the west of Church Road and comprises of the Public House of The Travellers Rest with its associated flat and a camp site associated with the Public House. The site is located in a small cluster of buildings, where the development line ends at The travellers Rest with a large gap between the public house and Wykeham Lodge. The planning statement notes that the site has not operated as a public house since March 2020. The proposal is for the change of use from sui generis (public house/flat) to mixed C3/E for a cafe/tearoom and a house.

There is no change to the footprint of the building itself with the only external changes proposed replacing an external double door with a single door and window. These changes are not considered to impact the character of the area. The only element that affects the character of the area is the change of use that increases the residential presence within the area, however it is considered to not cause significant harm to the character of the area as a result of the change and therefore accords with DM15, DM17 and DM23 in this respect.

Development affecting the South Downs National Park

The application site is located 450m to the east from the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF). The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

The proposal uses an existing building with no external changes or additional windows. The proposal therefore does not harm the special qualities of the National Park and does cause harm to the Dark Night Skies.

In Conclusion therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

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No Impact, the works do not affect a statutory Listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting.

Neighbouring amenity

The proposal does not affect the footprint of the building, nor does it include any additional window openings. Therefore, an adverse overbearing, overshadowing and overlooking impact is not identified.

-Based upon the above assessment, the development is considered to accord with policy DM17 of the Local Plan Part 2..

Sustainable Transport

The proposed site has a large parking area which served the public house and utilises the existing access. The parking is shown within the same ownership of the applicant and the site contains sufficient parking and will not result in harm to the safety of the surrounding highways.

The development therefore accords with policy DM18 of the Local Plan Part 2.

Ecology and Biodiversity

The proposed development is within Winchester District where foul water is distributed into the European designated areas Solent SPAs/Ramsar sites via water treatment plants. In accordance with advice from Natural England and as detailed in Policy CP16 of the Winchester City Council Local Plan Part 1 Joint Core Strategy a net increase in housing development within Winchester District is likely to result in impacts to the integrity of those sites through a consequent increase in nutrients (in this case, nitrates). A nitrate figure has not been provided and mitigation has not been proposed so an assessment with regard to the developments potential impact upon the Solent SPAs cannot be undertaken. It is therefore considered that the proposal would result in harm to the Solent SPAs contrary to policy CP16 and the Habitat regulations 2017 (as Amended).

Whilst the proposal seeks a new residential dwelling in the Winchester District, as the proposal is contrary to the policies in regard to new residential dwellings in the countryside an appropriate assessment was not undertaken as the principle of a residential dwelling is not acceptable.

Therefore the proposal fails to comply with policy CP16 of the LPP1.

Sustainable Drainage

The proposal does not affect the footprint of the public house, therefore the site benefits from its existing drainage connections. The proposal is therefore considered to not have an adverse impact upon the drainage to the site.

Therefore the proposal complies with policy DM17 of the Local Plan Part 2.

Other Topics

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the

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process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Planning Balance and Conclusion

The site as existing has an associated ancillary flat for the public house. The proposal separates this tie and results in a new unjustified dwelling in the countryside.

In addition, the proposal results in the loss of a local facility which has not been justified by marketing or viability information, contrary to policy CP6.

With no nutrient figures being provided, a new residential dwelling would likely cause an increase in nutrients entering the water system and harming European designated areas Solent SPAs/Ramsar sites.

The proposal therefore fails to comply with policies MTRA3, MTRA4 and CP6 of the Local Plan Part 1 and policies DM10 and DM23 of the Local Plan Part 2.

Recommendation

Refusal for the following reasons(s):

1. The proposal results in the loss of a public house which is listed as a protected local facility/service within the Development Plan. The loss of the facility negatively impacts the surrounding rural community and the application has not justified the proposed removal of the facility. The proposal is therefore contrary to Policy CP6 of the Local Plan Part 1.
2. As a result of the formation of a separated residential unit of accommodation not connected to the public house, the proposal is contrary to policy MTRA4 of the Local Plan Part 1 (Joint Core Strategy) in that it results in an additional residential dwelling with no operational or essential need for a countryside location.
3. The proposed development is contrary to Policy CP15 and CP16 of the Winchester District Local Plan Part 1 - Joint Core Strategy, in that it fails to protect and enhance biodiversity across the District by failing to make appropriate mitigation in regard to increased nitrates into the Solent SPAs. As a result, it is considered that the proposed development would result in significant harm to the Special Protection Area (SPA) and the species that it supports, therefore contravening the legal requirements of the Wildlife and Countryside Act 1981, the Habitat Regulations.

Informatives

1. The Local Planning Authority has taken account of the following development plan policies and proposals:-

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Winchester Local Plan Part 1 – Joint Core Strategy (LPP1).

Policy DS1 – Development Strategy and Principles
Policy MTRA3– Other Settlements in the Market Towns and Rural Areas
Policy MTRA4 – Development in the Countryside
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Winchester District Local Plan Part 2 – Development Management and Site Allocations

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DM16 – Site Design Criteria
DM17 – Site Development Principles
DM18 – Access and Parking
DM23 – Rural Character

2. In accordance with the NPPF, Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,
- updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.