



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 12/04/10

Appeal Decision

Site visit made on 12/04/10

gan/by Mr A Thickett BA(Hons) BTP MRTPI DipRSA

**Arolygydd a benodir gan Weinidogion
Cymru**

**an Inspector appointed by the Welsh
Ministers**

Dyddiad/Date 27/04/10

Appeal Ref: APP/H6955/A/10/2120581

Site address: Worthenbury Arms, Church Road, Worthenbury, LL13 0AN

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by G Walker Properties against the decision of Wrexham County Borough Council.
- The application Ref WOR P/2009/0632, dated 20 June 2009, was refused by notice dated 7 December 2009.
- The development proposed is the conversion of public house to two residential units with no retained public house element.

Decision

1. The appeal is allowed and planning permission granted subject to the conditions set out in the schedule at the end of this decision.

Main Issue

2. The main issue is whether the proposed development conflicts with national and local policies regarding the retention of community facilities in rural areas.

Reasons

3. Planning permission was granted in 2005 for the erection of 4 dwellings on the car park of the Worthenbury Arms and the conversion of around half of the public house to residential. It was proposed that the remainder would be retained as a public house with a managers flat above. The pub closed in 2007. The 4 houses are built but the part conversion has not been implemented.
4. Ministerial Interim Planning Policy Statement 02/2005, Planning for Retailing and Town Centres (MIPPS 02/05) recognises that public houses can play a vital role in rural areas and that their loss can be damaging to a local community. Policy S9 of the Wrexham Unitary Development Plan 1996-2011 (UDP) resists the loss of commercial facilities outside Wrexham Town Centre. The loss of such facilities will only be permitted where it can be shown, amongst other things, that the use is no longer viable (Policy S9(a)) and that its loss would not prove detrimental to the social and economic fabric of the community (Policy S9(c)). Policy CLF1 also resists the loss of community and leisure facilities.

5. The Council and residents recall a time when the public house was popular and successful but details submitted by the appellant show that it was not a viable concern prior to its closure in 2007. Those details relate to the whole of the public house and nothing is submitted to show that what is left following the permitted conversion could be operated as a going concern. The public house was placed on the market in April 2007. Between then and December 2009 there were 14 enquiries and 3 viewings but no offers. The appellant's agents confirmed in February 2010 that there had been 4 enquiries and one viewing between October 2009 and February 2010 but again no offer was made.
6. The Council and local residents argue that prospective occupiers would have been put off by the poor condition of the building. Externally, walls are in need of a coat of paint and small sections of lost render need to be patched up. Inside, part of a ceiling to the rear single storey addition appears to need replacement as does part of the ceiling to the kitchen. The furnishings and decoration is dated and clearly work would need to be done before a new venture could open for business. However, from my albeit limited inspection, it would not appear to require major works and I would expect the condition of the building to be a matter which would influence negotiations on price.
7. I am aware that the Council hoped that the development of the 4 houses and part conversion would ensure the retention of a public house in the village. However, the committee report for that proposal contained the following warning '*Members should be aware that it (the proposed development) gives no guarantee that it (the public house) will prove viable even in its reduced form*'. The property has been on the market for a period well in excess of that required by Policy S9, there have been no takers and I am satisfied that the appellant has demonstrated that the public house is not viable. I conclude, therefore that the proposal complies with Policy S9(a) of the UDP.
8. Villagers point to the lack of anywhere for them to socialise and the permanent loss of the public house would have a detrimental impact on the community. However, according to the Chief Planning Officer's report to committee, the public house was not fully supported when it was open. The loss of Worthenbury's only public house is regrettable but the evidence before me indicates that there is little or no prospect of it reopening. I agree with the Chief Planning Officer that the proposal would '*result in a fully renovated building, to a beneficial use and result in an improvement to the local area and an enhancement to the Conservation Area*'. In my view, these benefits together with the evidence relating to viability and marketing outweigh the conflict with UDP Policies S9(c) and CLF1.

Conditions

9. I have considered the Council's suggested conditions in the light of the advice in Circular 35/95. It is necessary, in the interests of the visual amenity of the area and highway safety, to impose conditions relating to materials, landscaping and parking.
10. The Circular advises that permitted development rights should not be removed save in exceptional circumstances. The Council do not explain why the relationship between the proposed dwelling and adjoining properties warrants the removal of all permitted development rights and I do not consider this

relationship to amount to an exceptional circumstance. The Circular also advises that conditions requiring development to be carried out in accordance with the approved plans often fail the test of need. The reason given is to ensure that the development complies with appropriate policies and standards but nothing is submitted to indicate that this is not the case. The Council would be able to enforce against any material change to the permitted scheme and I see no need for a condition requiring the proposed development to be carried out in accordance with the approved plans.

Conclusions

11. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed.

Anthony Thickett

Inspector

Schedule

Appeal Ref: APP/H6955/A/10/2120581

I allow the appeal and grant planning permission for the conversion of public house to two residential units with no retained public house element at Worthenbury Arms, Church Road, Worthenbury, LL13 0AN in accordance with the terms of the application, Ref WOR P/2009/0632, dated 20 June 2009 and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) The external materials to be used in the conversion hereby permitted and or making good of the building shall match those used in the existing building.
- 3) The development hereby permitted shall not be occupied until the access, parking and turning area shown on the site plan have been constructed. The car parking spaces and turning area shall remain available for their designated use for as long as the development hereby permitted remains in existence.
- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.