

Stansted
Pilgrims With Ightham

18 FEBRUARY 2026

TM/25/01596/PA

Location: Black Horse Inn, Tumblefield Road, Stansted, TN15 7PR

Proposal: Proposed change of use of part of the public house to form 2 x 1-bed and 2 x 2-bed apartments with associated parking, amenity space and use of existing access.

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1. Description of Proposal:

- 1.1 Planning permission is sought for the change of use of part of the existing public house to form 2 x 1 bed and 2 x 2 bed apartments.
- 1.2 The part change of use would involve the conversion of part of the ground floor of the public house (dining room, kitchen and store) to form 2 no.1 bed studio apartments. These apartments would be accessed via an existing door on the southern elevation.
- 1.3 Alterations to the existing 4-bed accommodation at first floor level (above the public house) to form 2 no. 2-bed apartments. These apartments would be accessed via the western elevation. The entrance would be formed by changing an existing window to a door.
- 1.4 A small area immediately to the rear would form a communal open space for the benefit of the occupants of the apartments.
- 1.5 The layout of the existing parking area would be upgraded to provide 13 demarcated car parking spaces, which would serve both the proposed flats and the remaining public house.
- 1.6 The remaining ground floor commercial space, which would comprise the bar area with seating area, two further seating areas, toilet facilities and basement/seller would form the reduced public house. Access to the rear terrace / beer garden remains the same.
- 1.7 The entrance to the public house would be via the existing entrance. Outdoor seating to the front of the reduced public house would remain.

2. Reason for reporting to Committee:

- 2.1 The application is presented to committee at the request of Councillor Betts as the proposal would remove this asset from the community by virtue of viability to continue to operate a public house within the significantly reduced floor space. There is insufficient viability evidence for either the new proposed area for the continuation

of a public house or indeed to support the case for reducing the size of the existing public house. It is also considered the design is poor and not in keeping with the local vernacular.

3. The Site:

- 3.1 The site comprises a detached public house located on the western side of Tumblefield Road within the Countryside and Metropolitan Green Belt. To the southern end of the site is a car parking area associated with the public house, together with an open car port structure. To the north is detached single garage. There is level beer garden area to the rear, the remaining beer garden area then falls away to the west and north.
- 3.2 The public house has been closed since October 2024, and the entire site has been vacant since July 2025.

4. Planning History (relevant):

- 4.1 Whilst the site has some historic applications none are considered to be relevant to the scheme proposed.

5. Consultees:

- 5.1 The statutory comments listed below have been summarised, this is to ensure that the committee report is kept to a manageable level. All comments have been viewed in full by the Case Officer and can be viewed via the Council's website.

5.2 Stanstead Parish Council: Object

- The result of the application would be to leave the public house with a small 65 sqm bar with no kitchen and no ancillary manager accommodation in a rural location and the loss of tourist accommodation.
- The (PC) Heritage Impact Assessment concludes that the Black Horse Public House is a non-designated heritage asset (NDHA) of high local significance, it is a Positive Building within the Stansted Conservation Area (CA), as formally recognised in the Conservation Area Appraisal (2002).
- The Parish Council has submitted an offer to the owner of the public house based on a true market value for the existing building and land.
- The Parish's ability to purchase and run community facilities has been demonstrated by the recent acquisition of the Grange Park School. The Parish also runs a monthly pop-up community pub at the Village Hall, attended by up to 120 people, to seek to keep the spirit of the former public house a key feature within the local community.

- Regardless of any proposed noise attenuation, the juxtaposition of these two uses and the operational reductions, is highly likely to lead to conflict between the two uses.
- The viability report prepared by WTS confirms that the proposed operational size of the reduced public house would not be commercially viable.
- Four other local pubs have closed in recent years as referred to by WTS. This is only one left within the local catchment.
- Without any evidence from the application to support its contention that the public house is not viable, the Council cannot make a sound determination as to whether an alternative owner could make a successful operation of the public house.
- The application makes no provision or statement about retaining the car parking used by St Mary's Church, a valuable community use to the Church and local community.
- The application site is not Grey Belt as it fails to meet the NPPF Glossary definition, footnote 7 and paragraphs 155 and 156 of the Framework, with no provision for affordable housing.

5.3 Conservation Officer: No Objection

While allowing for some level of change, the proposal has little impact on the locally distinctive qualities of the Stansted conservation area or the special interest of the neighbouring listed building. The significance of the designated heritage assets remains unharmed and there is no objection in terms of TMBC Historic Environment Conservation Policy.

5.4 Environmental Health: Noise – No objection – observations made and an informative suggested.

5.5 Waste Services: Standard information

5.6 KCC Heritage Conservation: No comments received

5.7 South East Water: No comments received

Interested Parties:

5.8 As with statutory consultees, third party comments have been summarised and categorised. All comments have been viewed in full by the Case Officer and can be viewed via the Council's website.

Loss of Asset of Community Value

- It's also an absolute shame that the local community should lose the pub as for many years the pub has been a focal point for the local residents to meet and this type of establishment brings a community together.
- The community will lose an important social amenity.
- The scheme would harm a valued community asset, reduce viable pub space and facilities, and undermine policies intended to protect local services.
- The Black Horse is listed as an Asset of Community Value. That status recognises its social importance and means its ongoing role must be a central factor in any decision. For years it has served residents and visitors, including families, walkers, cyclists and guests linked to the London Golf Club and The Black Barn. Cutting the pub to a token operation with reduced floorspace, limited facilities and shorter hours would make it commercially unviable and defeat the purpose of the ACV.
- We have lost two pubs locally due to fire and this one was a real community centre for this area and this village which is such a thriving close nit community.
- I would often stop at the pub for refreshments when in the area on cycling days out into Kent. It was a very nice pub in a very nice village.
- The pub is an integral part of the village which is slowly losing its soul with the loss of the School the Pub and the Church are hugely important to bring the village together and create the community we have. This should not be run as anything other than a Pub.
- Although I live in Essex, I am a frequent visitor to Kent for family reasons. I have enjoyed visiting the pub on a regular basis, particularly at Christmas time.

Viability

- An independent viability report indicates the reduced pub would not survive. It dismisses the market need for a proper food offer, adequate seating and visitor accommodation. Removing the existing B and B rooms further weakens its role in the local visitor economy.
- An independent report says the reduced pub would not be commercially viable, is a suboptimal size, ignores current market requirement to include a food offer and ignores the local and sub-regional market for a successful public house in Stansted that could serve tourist and guest requirements.
- The viability of the business has been damaged by poor management during the most recent ownership.
- The reduction in size of the public house is considered not to improve the viability of the business as it will not have a food offering which is essential for a rural pub.
- Using the rooms as bed and breakfast accommodation is far better for the local economy and would make the pub more viable.

- The applicant's plan to reduce the size of the public house is fundamentally flawed and ignores clear evidence. An independent report confirms that the reduced pub would not be commercially viable, would be a sub-optimal size, and fails to meet current market expectations, particularly the essential requirement for a food-led offer.

Noise complaints

- The design places small pub operations beside new homes, almost guaranteeing noise complaints and operational curbs that would push the pub toward closure.
- The close proximity of the apartments adjacent to the revised public house is highly undesirable primarily due to noise transfer.

Heritage

- The Black Horse is a defining element of the Stansted Conservation Area.
- The public house contributes significantly to the village's historic character and identity. Its conversion to flats would alter the traditional appearance and function of the building, detracting from the heritage and aesthetic appeal of the area.
- The Black Horse Public House is officially recognised as an asset of community value, which means its social importance must be a key factor in any planning decision. The application does not adequately address this status. The public house is a designated and non designated heritage asset, being located within the Stansted conservation area and historic building. The application harms the character and appearance of that area.

Parking

- The scheme also removes community parking used by St Marys Church,
- The provision of just 13 parking spaces is not sufficient for 4 apartments, pub, staff and customers.
- The plan does not mention keeping car parking used by the nearby church, which is important for the community.

Other

- The National Planning Policy Framework (NPPF, Paragraph 93) emphasises the importance of retaining facilities that enhance the sustainability and social well-being of communities. Approving this change of use would run contrary to that principle.
- The site does not qualify as Grey Belt, and there is no provision for affordable housing included.
- The national planning policy framework, paras 88,98 and 200, and emerging local plan supports keeping accessible local and community services. This pub is

that and with many others closing where there's a viable option to sell to the village that should be considered.

- The emerging Local Plan includes Policy INF4, which aligns with NPPF 2024 and requires demonstration that the pub is no longer needed, viable or there is adequate provision elsewhere locally.
- With the loss of several other local pubs in the vicinity it is even more necessary for there to be a public house with accommodation in Stansted.
- Biodiversity Net Gain is a legal requirement of any application and nothing is proposed in this application which argues BNG exemptions by limiting the red line boundary of the application site and removing any existing habitat within the red line boundary
- The limited size will no longer be able to host the monthly Charity Quiz Nights
- Just because the owners' marketing campaigns and running of the pub over the last 3 years wasn't effective doesn't mean it's not valued or needed.
- Removing this pub will significantly reduce opportunities for social interaction among residents. In rural and semi-rural areas, such venues are essential for combating isolation and loneliness, particularly for older residents and those without easy access to transport. The loss of this facility would undermine efforts to promote mental health and community cohesion.

Support

- It is well known that public houses have had their day, they are unsustainable, this looks like a good mixture of housing and brewing thus keeping the brewing industry going.
- It is all very well complaining that a local public house will be gone forever but before this actually came about how many local people used it on a daily basis, and even then, it would probably still be unsustainable. Whatever happens if this is not allowed you will end up with an empty property of no use to anyone.

6. Determining Issues:

Policy Guidance

- 6.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.
- 6.2 The Development Plan currently comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD) adopted April 2010.

- 6.3 The National Planning Policy Framework (“NPPF Dec 2024”) and the associated National Planning Practice Guidance (“NPPG”) are also important material considerations together with Kent Design Guide, Kent County Council’s Parking Standards (January 2025), and Stansted Conservation Area (Sept 2002).

Emerging Policy - TMBC Local Plan

- 6.4 On the 21 October 2025 the Housing and Planning Scrutiny Select Committee, recommended to the Council’s cabinet that the next stage of the emerging draft Local Plan is moved forward, which paved the way for the formal public consultation. This ended on the 2 January 2026, and those representations received are currently being processed.
- 6.5 The emerging Local Plan sets out how the Council will meet the government’s objectively assessed housing need requirement to deliver 19,746 new homes, which equates to 1097 per year.
- 6.6 The emerging Local Plan is at Regulation 18 stage and therefore carries limited weight. However, the evidence base in preparation for the emerging Local Plan is a material consideration in the determination of the application.

Principle of development

- 6.7 The NPPF seeks to maximise opportunities for the supply of housing in appropriate locations which can contribute to the sustainability and vitality of existing communities, both urban and rural. Paragraph 78 of the NPPF states, *“Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old”*.
- 6.8 The Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need. The Council’s latest published position indicates a 2.89 year supply of housing (December 2025). As a consequence, the policies most important for determining this application for housing are now out of date in the context of footnote 8 of the NPPF.
- 6.9 Applying the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF (2024) in the context of decision-taking means:
- 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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

6.10 In relation to Paragraph 11d (i), footnote 7 (NPPF) provides a list of those policies that relate to protected areas and assets of particular importance, this includes Green Belt and Designated Heritage Assets. Therefore, it first needs to be established whether the policies in the Framework that protect areas or assets of particular importance provide a 'strong' reason for refusing the development.

Heritage

- 6.11 The site lies within the Stansted Conservation Area. There are listed buildings within the immediate area, the closest being Church Cottage a Grade II, two storey detached dwelling and the other the Church of St Marys located to the north east.
- 6.12 Paragraph 208 of the NPPF states that 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 account of the available evidence and any necessary expertise. They should take 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"*.
- 6.13 In determining applications, paragraph 210 states *"local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution the 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"*.
- 6.14 Paragraph 212 sets out that great weight should be given to the conservation of the asset (taking into account the importance of the asset) irrespective of the level of harm arising. If any harm to or loss of the significance of the designated heritage asset (from alteration or destruction or harm to its setting) should require clear and convincing justification
- 6.15 Paragraph 215 of the NPPF states *"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."*
- 6.16 It must also be remembered that the LPA has statutory duties placed on it by the Planning (Listed buildings and Conservation Areas) Act 1990. Section 66(1) of the 1990 Act requires the decision maker to have special regard the desirability of

preserving listed buildings or their setting or any features of special architectural or historic interest that they possess. Section 72(1) of the 1990 Act similarly requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas

- 6.17 The Parish Council and interested parties have raised concerns in relation to heritage, stating amongst other points that the Black Horse public house contributes significantly to the village's historic character and identity and that the public house is a non-designated heritage asset, being located within the Stansted Conservation Area and a historic building.
- 6.18 First it is important to reiterate that the public house is not being lost, the application seeks to reduce the size of the public house and the first floor is already in residential use. Furthermore, the Black Horse public house is not a designated or non-designated heritage asset or an historic building as defined by current legislation.
- 6.19 The application is accompanied by a Heritage Statement, (DAC Architects dated Sept 2025) which sets out the significance of the Stansted Conservation Area, noting that the Black Horse public house building is a key focal point along Tumblefield Road as such the building makes a positive contribution to the street scene. The report notes the proposal retains the Black Horse as a public house albeit reduced in size and moreover that there are no changes at all to the front façade facing Tumblefield Road & St Marys Church.
- 6.20 The Council's Conservation Officer has reviewed the application and confirms that the building has a strong presence in the street scene of Tumblefield Road. In considering the impact on significance the Council's Conservation Officer notes:
- "The proposal retains part of the building in Public House use, while converting the southern part of the ground floor and the entire first floor to residential use. This changes the balance of the existing uses from hospitality with secondary residential, to mainly residential with some hospitality use. However, the exterior of the building remains unaltered, and existing parking and access arrangements are utilised. Most of the proposed private amenity space is discretely contained to the rear, and where abutting the building frontage, it is screened from the Conservation Area street scene by hedging.*
- Although the proposal requires considerable interior alteration, the dignified exterior of the Black Horse Inn is preserved, and change within the immediate setting of the building is limited. The proposal thus largely preserves the status quo and avoids harm to the significance of the potentially affected designated heritage assets".*
- 6.21 Concluding *"While allowing for some level of change, the proposal has little impact on the locally distinctive qualities of the Stansted Conservation Area or the special interest of the neighbouring listed building. The significance of the designated heritage assets remains unharmed and there is no objection in terms of TMBC Historic Environment Conservation Policy".*

6.22 On this basis it is considered that the proposal would not have an adverse impact on heritage assets and would therefore be in accordance with Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF (2024). Accordingly, the 'tilted balance' of Paragraph 11d(i) would not be displaced on Heritage grounds.

Green Belt

6.23 The site lies within the Metropolitan Green Belt, wherein Policy CP3 of the Core Strategy states that the Council will apply National Green Belt Policy.

6.24 Paragraph 153 (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 adds, when considering any planning application, Local Planning Authorities (LPA) should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6.25 Paragraph 154 (NPPF) states, LPA's should regard development in the Green Belt as inappropriate unless one of the listed exemptions apply (a to h). This includes:

*g) Limited infilling or the **partial** or complete redevelopment of **previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings) which would not cause substantial harm to the openness of the Green Belt** (my emphasis added).*

6.26 There is no dispute that the site comprises previously developed land (PDL) as such the principle of development is acceptable providing the proposal would not cause 'substantial' harm to the openness of the Green Belt.

Assessment on Openness

6.27 Openness has both a spatial dimension and a visual dimension and these dimensions work in tandem and not in isolation. Therefore, when assessing whether the development as a whole would cause substantial harm to openness of the Green Belt, it is necessary to look at the wider implications of the proposal and to consider it within its context. The impact on openness will vary according to factors such as size and scale, and the prominence from public and private viewpoints.

6.28 In this case as the majority of the works are internal and there would be no changes to the front facade of the building, therefore in regard to the Green Belt, the proposal would have little impact either spatial or visually. The only changes to the front relate to the forecourt area where it is noted that the residential half of the building would be enclosed by a native hedge. This would be in line the Stansted Conservation Area appraisal which notes there is a lack of enclosure to the car park area of the public

house and states that this should preferably be addressed, with enclosure of the rural lanes reestablished.

- 6.29 Therefore, the proposal would not cause 'substantial' harm to openness of the Green Belt and therefore meets criterion g) of paragraph 154 NPPF and would be appropriate development in the Green Belt. Accordingly, the 'tilted balance' of Paragraph 11d(i) would not be displaced on Green Belt grounds.

Conclusion on Paragraph 11 (d)(i)

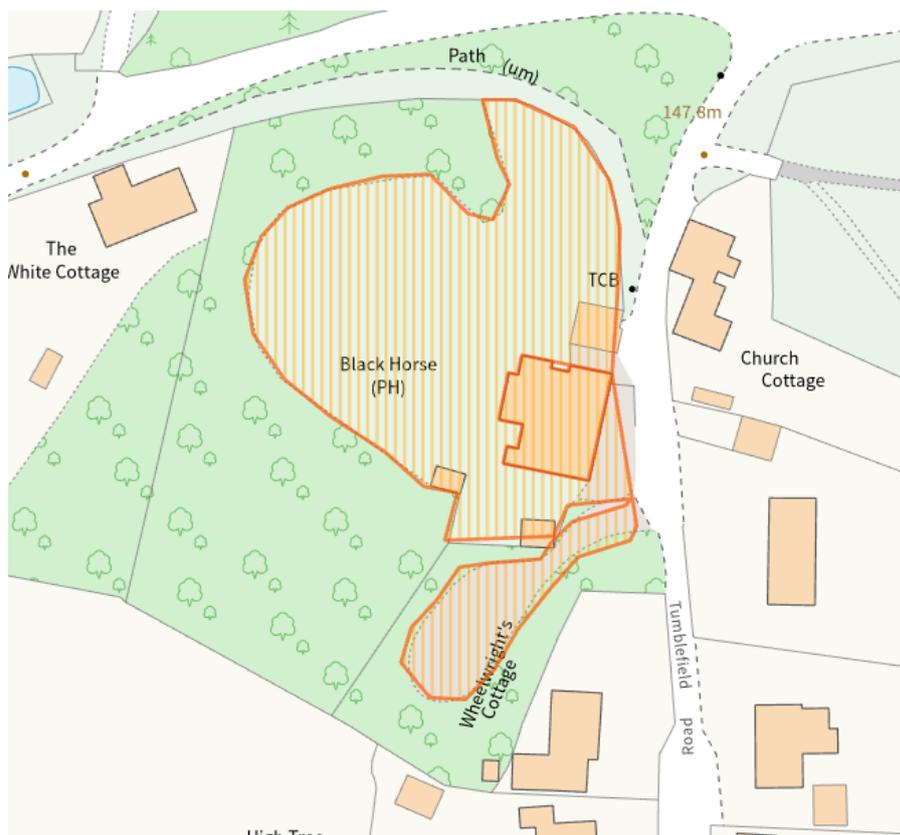
- 6.30 After carrying out the 11(d)(i) exercise and subsequently concluding that there are no "restrictive policies" in the NPPF which provide a 'strong' reason for refusal, the application must therefore be considered against paragraph 11(d)(ii) of the NPPF and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, which are discussed below.

Countryside

- 6.31 The site lies outside the defined settlement confines of Hadlow within designated countryside. Core Strategy Policy CP14 relates to development within the countryside. It states in the countryside development will be restricted to, but not limited, to a) extensions to existing settlements, b) the one-for-one replacement, or appropriate extension, of an existing dwelling, or conversion of an existing building for residential use. The proposal does not fit neatly within those categories listed in Core Strategy Policy CP14, albeit the proposal is in part for the conversion of an existing building for residential use, however, this policy pre-dates the NPPF and is not considered to be consistent with the language of the NPPF and therefore diminished weight is afforded to the policy in this case.

Asset of Community Value

- 6.32 In July 2024 the Black Horse public house was designated as an Asset of Community Value (ACV) with the land surrounding the Black Horse public house also designated as an ACV in January 2025 (24/00001 & 2/AOCVA) (see below).



6.33 It is important to note that an **ACV listing does not place any restriction on what an owner can do with their property**, once listed, **if it remains in their ownership** (my emphasis added). This is because it is planning policy that determines permitted uses for particular sites. However, an ACV is a material consideration, and it is for a Local Planning Authority to decide what weight to place on an ACV, having regard for the reason for the ACV, the proposal submitted and considering all the circumstances of the case.

6.34 It is also important to clarify that there is a difference between a Community Asset and an ACV. A Community Asset is a broad term for any building or land that benefits the local area, while an ACV is a specific legal designation under the UK's Localism Act for private or public land that furthers social well-being, granting community groups **a temporary right to bid if it's sold** (my emphasis added).

6.35 The Localism Act 2011 requires all district and unitary authorities to keep a list of properties deemed to be of community value. Typically, they will remain on this list for up to five years. If the owner of an ACV decides to sell, they must contact the Council who will notify the community group that first nominated the asset. The community group then has up to six weeks to register its interest as a potential bidder, triggering the six month moratorium period, during which they have an opportunity to raise funds to allow them to make a bid on the open market. **The right to bid does not give the right of first refusal to the community group**, however during the six month moratorium the owner of the ACV cannot agree a sale with

anyone else. Once the six month moratorium period has finished the owner can sell to whoever and at whatever price they choose.

- 6.36 In this case, the Council received notification to sell on 14 January 2025. This triggered the first stage of the moratorium in which Stansted Parish Council registered its interest as a potential bidder.
- 6.37 As stated above the Parish Council then had a six month moratorium period during which they have an opportunity to raise funds to allow them to make a bid on the open market which in this case ended 14 July 2025. The Parish Councils representations state that an offer based on the true market value of the existing building and land has been submitted. It is important to note that this states the 'true' market value and therefore is not (in the owner's opinion) representative of the market value of the property. Community groups are not entitled to a discount; they must bid at market value like any other buyer.
- 6.38 Moreover, it is also important to reiterate that the owner is not forced to sell to the community or accept their bid, even if it is the highest. In this case the six month moratorium period has passed (14 July 2025) therefore the owner can sell on the open market, within a 1 year period (ending 14 July 2026). However, if the ACV is not sold within that period, should the owner wish sell at a later date the process would start again.

Weight afforded to the ACV

- 6.39 In determining the weight to be afforded to the ACV, I have reviewed the original nomination and the rationale for the ACV, this states *"The Black Horse is a popular venue for locals to socialise and congregate. The pub plays a particularly important role when there are village events such as fetes and national celebrations and it hosts regular quiz nights. The pub is used by visitors and, in particular, those exploring the local area. Furthermore, The Black Horse is currently the only pub in the parish and is a local employer"*.
- 6.40 Turning first to the first element *"The Black Horse is a popular venue for locals to socialise and congregate"*. Whilst there is no defined meaning for "social wellbeing" for the purposes of an ACV it could be considered to include activities such as social gatherings which are clearly valuable to a person's quality of life and therefore amount to a use which furthers social wellbeing of the local community.
- 6.41 Whilst it is recognised the importance for a community to be able to socialise and congregate. In this case, that ability would remain as the application does not seek the complete loss of the public house.
- 6.42 Moreover, it is also noted that the Parish Council currently operates a pop up pub (once a month) which takes place within the village hall, thus allowing for the community to socialise and congregate, (it is also important to note that the pop up pub does not serve food) for which the Parish Councils representations confirm that

this is well attended, therefore arguably the community would still have the opportunity to socialise and congregate albeit limited at the present time.

- 6.43 In regard to *“The pub plays a particularly important role when there are village events such as fetes and national celebrations and it hosts regular quiz nights”*. Again, in this case the public house remains and the reduction in floor space does not stop the ability to host quiz nights or village events (there would be no significant change to the outdoor grounds of the public house).
- 6.44 Furthermore, the village hall also has the capacity to host village events such as fetes and national celebrations and regular quiz nights. Moreover, planning permission was granted in August 2025 to demolish the village hall and erect a larger village hall incorporating a community café (25/00341/PA). The hall and café are designed to function independently having separate entrances.
- 6.45 Lastly in regard to *“The pub is used by visitors and, in particular, those exploring the local area. Furthermore, The Black Horse is currently the only pub in the parish and is a local employer”*. The reduction in floor space would not stop the pub being used by visitors. Furthermore, as stated above the new café (when built) would operate independently to the village hall therefore this additional facility will be available to walkers and cyclists visiting the area. Whilst a reduce size would mean less staff, the reduction in floor space does not prohibit employment.
- 6.46 Based on the aforementioned, little weight is attributed to the public house being an ACV in regard to the determination of this specific application, as the proposal would not result in the loss of the public house, nor would it prohibit social wellbeing being available for the local community, which was the rationale for the ACV being granted.
- 6.47 Furthermore paragraph 88 of the NPPF relates to supporting a prosperous rural economy which notes (amongst other criteria), that planning policies and decisions should enable d) the retention and development of accessible local services and community facilities, such as shop, meeting places, sports venues, open spaces, cultural buildings, public houses and places of worship.
- 6.48 This application strikes a balance between retaining the existing public house albeit with a reduction in floor space and providing residential dwellings that will assist with the council’s much needed housing in the borough and the aims of the NPPF in boosting the supply of housing.

Assessment of the reduction in floor space to the Public House

- 6.49 Whilst policy DC1 MDE DPD relates to re-use of rural buildings and policy DC7 MDE DPD relates to community facilities outside the settlement confines, these policies do not specifically address to the loss or reduction in floor space of a community facility.
- 6.50 Policy CP26 (TMBCS) relates to community services and transport infrastructure. The preamble notes that for communities to be sustainable, it is essential for a range

of community services to be available, and the Council will protect viable community facilities that play an important role in the social infrastructure of the area.

6.51 Criterion 3 of Policy CP26 states: *“Proposals for development that would result in the loss in whole or part of sites and premises currently or last used for the provision of community services or recreation, leisure or cultural facilities will only be proposed in the LDF or otherwise permitted if:*

(a) an alternative facility of equivalent or better quality and scale to meet identified need is either available, or will be satisfactorily provided at an equally accessible location; or

(b) a significant enhancement to the nature and quality of an existing facility will result from the development of part of that facility; or

(c) the applicant has proved, to the satisfaction of the Council, that for the foreseeable future there is likely to be an absence of need or adequate support for the facility”.

6.52 Economic and social changes in recent decades have severely affected the viability of public houses and more so in rural areas. As the Parish Council acknowledge four other local public houses have closed in recent years due to viability. This also demonstrates that the loss of a public house does not mean that trade will improve for other pubs in the area.

6.53 This application seeks to adapt the public house to better suite the current economic and social conditions. In order to achieve this the proposal seeks to reduce the size of the pub to a smaller size reflective of demand, that can be run with lower staffing levels.

6.54 In support of the reduction in floor space, a viability statement has been provided, this set out the viability position of the existing public house and seeks to demonstrate the positives of retaining a smaller public houses alongside a partial conversion.

6.55 Turning first to viability, evidence has been submitted which confirms that for many years the Black Horse public house has not made a profit and in fact the evidence confirms that one previous owner (pre Covid) went into liquidation with significant debts.

6.56 In addition, full accounts have also been provided for the current owner, these clearly demonstrates losses (even before the pub was closed).

6.57 Therefore, in regard to existing viability, it has been demonstrated that the Black Horse public house has been running at a loss for the last 10 years, which includes 3 different terms of management (including during the times food was served).

- 6.58 The viability supporting document suggests under the proposed mixed-use model, that it is intended to address the causes of past financial failure, this would be achieved by:
- The residential portion bearing the majority of the building's fixed costs, such as insurance, maintenance and utilities.
 - The retained public house will operate on a small scale – suitable for a single operator or couple with limited hours, no kitchen and very low staffing and utility demands,
 - The remaining space is more likely to be managed profitably with a modest turnover, aligning with the limited catchment population of less than 500 residents.
- 6.59 Third party comments in relation to the resulting floor space not being viable, and the viability statement submitted on behalf of the Parish Council have been noted and reviewed.
- 6.60 The viability statement on behalf of the Parish Council, does not provide any evidence that the reduced size of the public house would not be viable. The conclusion is based solely on a personal view that the size of the pub is more likely to be viable in its current form than if it is reduced, and without space for a restaurant/dining area, the pub is highly likely to fail.
- 6.61 In response to comments on the future viability, the applicant has submitted an addendum to the Planning Statement, this provides two case studies, together with an assessment on the viability of a micro pubs.
- 6.62 Whilst it is accepted that there is no guarantee that the reduced size would be viable, as this is dependent on so many external factors, Members are reminded, the planning policy test is not whether a future alternative proposal is viable. When granting planning permission for any commercial enterprise, there is no guarantee that it will be a success. For example, when a planning application is submitted for the change of use to a shop, the Council does not request a viability appraisal to confirm that the proposed use is viable, and it would be unreasonable to do so in this case.
- 6.63 The planning policy test is whether it has been demonstrated that the existing public house is not viable, in this regard, it has been demonstrated that the Public House is not viable in its current form.

Access and Parking

- 6.64 Paragraph 115 of the NPPF states that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that, inter alia, safe and suitable access to the site can be achieved for all users.

- 6.65 Paragraph 116 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.66 Policy SQ8 of the Managing Development and the Environment DPD states that development proposals should comply with the adopted parking standards and development proposals will only be permitted where they would not significantly harm highway safety.
- 6.67 It is acknowledged that objections have been received from local residents raising concerns in regard to the parking provision on the site and the potential loss of overflow parking for the Church. In regard to the overflow parking for the Church, this is a private matter.
- 6.68 Turning next to parking, the access and the size of the car park would remain the same. The layout of the existing parking area would be upgraded to provide 13 demarcated car parking spaces. These would serve both the proposed flats and the remaining public house.
- 6.69 Kent County Council's Parking Standards (January 2025) states for 1 and 2 bed flats in rural areas - 1 spaces per unit is required and 0.2 spaces per unit for visitor parking. This would equate to 5 parking spaces for the residential element. In regard to the commercial element, 1 space is required per staff and 1 space per 10m², this equates to 8 parking spaces for the commercial element, resulting in a combined provision of 13 spaces. Electric vehicle charging would be secured via building regulations.
- 6.70 This level of provision is therefore considered to be satisfactory and respective of the quantum of development proposed in this rural location. A condition would be imposed for the parking provision to be provided prior to the occupation of the dwellings.
- 6.71 The location of the cycle and refuse storage is acceptable in principle, a condition would be imposed for the finer details to be submitted to and approved by the LPA.
- 6.72 In terms of impact on highway safety and the impact on vehicular movement onto the wider network, it is not considered that the proposal would result in any severe adverse highway impacts.
- 6.73 Accordingly, the development is not anticipated to cause an unacceptable impact upon highways safety and parking provision subject to conditions, as such the proposal would adhering to Policy SQ8 of the MDE DPD, the KCC Parking Standards (2025) Policy SQ8 of the MDE DPD and paragraphs 115 and 116 of the NPPF.

Character and Appearance

- 6.74 In terms of policy context, Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDEDPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 6.75 These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments, in particular paragraph 135 of the NPPF that requires proposals to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Schemes should also be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 6.76 The part conversion of the public house takes place without any changes to the external elevations of the front façade. Changes to the building are limited as such there would be no unacceptable impact on the character and appearance of the area.
- 6.77 As stated previously the only changes to the appearance of the front of the building relates to the forecourt area, where it is noted that the residential half of the building would be enclosed by a native hedge. This change is welcomed as it would be in line the Stansted Conservation Area appraisal.
- 6.78 On this basis, it is considered the proposed development, subject to conditions is in accordance with CP24 of the Core Strategy, SQ1 of the MDE DPD and the relevant paragraphs of the NPPF.

Neighbour Amenity

- 6.79 Policy CP24 of the Tonbridge and Malling Borough Core Strategy requires that all development must be well designed and respect the site and its surroundings. It outlines that development by virtue of its design which would be detrimental to amenity will not be permitted.
- 6.80 Paragraph 135 (f) of the NPPF advises that:
- “Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.*
- 6.81 The nearest residential dwellings are those opposite the public house, (Church Cottage, and Bretch) and Wheelwrights Cottage to the south adjacent to the car park. Due to the nature of the proposal, with no significant external changes to the public house or to the car park, there would be no unacceptable impact on those dwellings.

6.82 Due to the proximity of other residential properties an informative has been suggested by the Council's Environmental Health Protection Officer in relation to hours of working during the construction phase and in regard to bonfires on the site.

6.83 Therefore, to conclude on residential amenity, the proposal would not harm neighbour amenity and as such accords with Policy CP24 of the Tonbridge and Malling Borough Core Strategy and the aims of the NPPF.

Noise

6.84 Paragraph 198 of the NPPF states that:

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid giving rise to significant adverse impacts on health and the quality of life”.

6.85 Paragraph 200 (NPPF) states, “Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs) Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed”.

6.86 Policy SQ6 MDE DPD requires proposals for noise sensitive development, including housing, to demonstrate that noise levels are appropriate for the proposed use.

6.87 Comments in relation to the mixed use and specifically noise have been noted.

6.88 The layout for the two ground floor apartments has been specifically designed with the public house use in mind. Sleeping and living areas are located to the northern side away from the public house use. The access staircase to the flats above, abuts the bar area for flat 1 and the kitchen and shower area abuts the internal connecting wall for flat 2. Therefore any internal noise generated from the bar/seating area of the public house would have a limited impact on the residential element.

6.89 The application is accompanied by an Acoustic Assessment (Acoustic Consultants Ref 132526). The Council's Environmental Health Protection Officer has reviewed the submitted documents and raises no objection in relation to noise. It is noted that the

Assessment includes internal recommendations, and a condition would be imposed for the development to be carried out in accordance with those recommendations. In addition, the internal works would also be subject to building regulations and mitigation measures for noise would be required under these regulations as well.

6.90 Therefore, to conclude on Noise, the Noise Assessment coupled with the layout demonstrated that it will be entirely possible to ensure a suitable noise climate internally and externally for future residents of the proposed development and would be in accordance with Policy SQ6 and Paragraphs 198 and 200 of the NPPF.

Standard of accommodation

6.91 The National Design Guide (2021) sets out that high quality design includes the provision of satisfactory living conditions for future occupiers. All the proposed units would meet the national floorspace standards and provide sufficient and usable external amenity area.

6.92 It is important to note that the Council has not formally adopted these space standards but nonetheless, the measurements of the bedrooms and the development overall would comply with the Nationally Described Space Standards.

Ecology and Biodiversity.

6.93 There would be no change to the existing boundary treatment as a result of the development. The proposal includes the provision of native hedging to the front forecourt the finer details can be dealt with via a landscaping condition should permission be granted

6.94 Under the Environment Act 2021, it is now a national requirement that small scale developments must provide at least a 10% biodiversity net gain. This needs to be demonstrated via a biodiversity metric confirming the existing condition of the land and what enhancements will be provided to ensure there is an overall improvement of at least 10% across the site. However, there are exemptions to BNG this includes (but not limited to) :

- De Minimis Exemption

6.95 This being that the development does not impact on priority habitats and has a minimal impact on other habitats (less than 25 square meters of onsite habitat or 5 meters of linear habitat) are exempt. In this case the works proposed are internal, the proposed car park will be no larger than the existing car park and there would be no change involved to create the amenity area for the flats. As such there would be no impact on priority habitats.

Public Sector Equality Duty – Equality Act 2010

6.96 Section 149 of the Equality Act 2010 introduced the Public Sector Equality Duty (PSED), which came into force in April 2011.

- 6.97 In the context of planning, equalities considerations are embedded throughout the planning process. This begins with the formulation and adoption of planning policies at the national, strategic, and local levels, including any supplementary planning guidance. These policies are subject to statutory processes that include assessments of their impacts on protected groups.
- 6.98 For individual development proposals, further consideration is given to the potential equality impacts where relevant. In this case, all relevant policies from the Tonbridge and Malling Development Plan and the National Planning Policy Framework (NPPF) have been considered in the assessment of the application. These policies have been subject to equality impact assessments during their adoption, in accordance with the Equality Act 2010 and prior legalisation and the Council's obligations under the PSED.
- 6.99 Accordingly, the adopted planning framework used in the assessment of this application is considered to reflect and support the needs of individuals with protected characteristics, as defined by the Equality Act 2010 and previous legislation. These characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.100 The Local Planning Authority can confirm that the application of local and national planning policies in the determination of this planning application has been carried out with due regard to the provisions of the Equality Act 2010.
- 6.101 In conclusion, it is considered that Tonbridge and Malling Borough Council has had due regard to its duties under Section 149 of the Equality Act 2010 in the assessment of this application and the recommendations set out in this report.

Planning Balance and conclusion

- 6.102 It has already been acknowledged that the Council cannot currently demonstrate a five-year housing land supply. In these circumstances the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (2024) must be considered when assessing a development for house(s).
- 6.103 Consequently, permission should be granted unless as in this case the application of policies in the Framework that protect areas or assets of particular importance provides a 'strong' reason for refusing the development proposed
- 6.104 It has been established that there are no adverse impacts that provide a 'strong' reason for refusing the development. Accordingly, the 'tilted balance' of Paragraph 11d(i) would not be displaced on Green Belt or Heritage grounds.
- 6.105 The application has therefore been considered against paragraph 11(d)(ii) of the NPPF, and planning permission should be granted unless any adverse impacts of

doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

6.106 Having regard to the above, in applying paragraph 11(d)(ii) of the NPPF, it is considered that no unacceptable impact arising from the proposal has been identified that would significantly and demonstrably outweigh the potential benefits of the scheme. Therefore, the presumption in favour of development must apply in this case and consequently, the application is recommended for approval.

7. Recommendation: Approve subject to the following conditions.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Location Plan – Drawing No. D-11
- Existing layout - Drawing No. D-12
- Proposed Block Plan – Drawing No. D-13 Rev A
- Existing Floor Plans and Elevations – Drawing No. D-14
- Proposed Floor Plans and Elevations - Drawing No. D-15 Rev C

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. The residential dwellings hereby approved shall not be occupied until the parking spaces shown on Proposed Block Plan – Drawing No. D-13 Rev A have been constructed. Thereafter shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to these reserved parking spaces.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards

4. Prior to the occupation of the dwellings, details of secure cycle and refuse storage facilities shall be submitted to and approved in writing by the Local planning authority. The dwellings shall not be occupied until the secure cycle and refuse

storage has been provided in accordance with the approved details and thereafter be retained in perpetuity.

Reason: To facilitate the collection of refuse and to ensure that cycle storage is provided and maintained in accordance with the Council's adopted standards

5. Prior to the occupation of the first dwelling hereby approved a scheme of hard and soft landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within five years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interest of visual amenity.

6. Prior to the occupation of the flats the acoustic mitigation measures set out in the Acoustic Assessment (Acoustic Consultants Ref 132526) have been implemented. These measures shall be maintained and retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwelling(s) hereby approved.

Informatives

1. During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.
2. Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is therefore recommended that no bonfires are lit on the site.
3. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
4. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly

established in order to avoid any enforcement action being taken by the Highway Authority

5. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to email to addresses@tmbc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation

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