

3. The Site:

- 3.1 The application site is located on the north-eastern corner of the junction between Gravesend Road (A227) and Vigo Hill, to the southeast of Fairseat. It comprises a two storey Public House building that fronts Gravesend Road, abutting an area of land that is “highway” albeit having been used for ad hoc parking and therefore is not part of the carriageway. A generous beer garden area is provided to the rear of the building which is enclosed by hedges and trees. A gravelled internal access road is provided down the north side of the Public House leading to a car park adjacent to the northeast corner of the beer garden. A small outside toilet block and timber outbuilding are located within the northern section of the beer garden. Two partially constructed replacement outbuildings are sited to the north of the main building either side of the vehicle access and close to the Gravesend Road frontage.
- 3.2 The site is within the countryside and Metropolitan Green Belt and an Area of Outstanding Natural Beauty (AONB). Gravesend Road, Vigo Road and Vigo Hill are all Classified Roads.
- 3.3 A field lies to the northeast of the site which is also under the ownership of the applicant. Woodlands lie to the south and the dwellings of Westshaw Lodge and Wykendene lie across Gravesend Road to the northwest and southwest, respectively.

4. Planning History (relevant):

TM/76/11182/FUL grant with conditions 22 July 1976

Provision of further car parking facilities and construction of vehicular access.

TM/83/10996/FUL grant with conditions 24 January 1983

Single storey rear extension to provide toilets.

TM/08/03259/FL Application Withdrawn 15 December 2008

Change of use of public house with ancillary residential accommodation to single dwelling

TM/11/00384/FL Approved 23 August 2012

Change of use of land for car parking, vehicular access, erection of timber outbuilding to provide additional seating and food preparation areas, installation of petanque pitch (Partially Retrospective)

TM/11/00444/FL Refuse 1 March 2012

Single storey side and rear extension public house

TM/12/02368/FL Approved 11 February 2013

Oak framed outbuilding to public house premises to be used for storage purposes

TM/12/03534/RD Approved 11 June 2013

Reserved details application for condition 5 (details of car park signage) submitted pursuant to TM/11/00384/FL (Change of use of land for car parking, vehicular access, erection of timber outbuilding to provide additional seating and food preparation areas, installation of petanque pitch (Partially Retrospective))

TM/13/02776/FL Approved 23 December 2013

Rebuild existing outbuilding

TM/14/01055/RD Approved 14 May 2014

Details submitted pursuant to condition 1 (roof materials) of planning permission TM/13/02776/FL (Rebuild existing outbuilding)

TM/14/02053/FL Application Withdrawn 8 October 2014

Change of use of the Vigo Inn Public house to a dwelling with associated residential curtilage

5. Consultees:

- 5.1 PC: Objection to the application. The applicant has attempted to show that the pub needs to be closed down due to the problems with trading. However, pubs are successful due to the style of the owner/manager. Therefore we believe, as with other pubs that have closed in the Parish, that before any change of use is put forward, the pub needs to be marketed on the open market as a going concern for a period to prove that there is no demand as a running business. If TMBC is minded to grant a change of use to convert the pub into two private residences after a suitable period of marketing, we would not object to this in principle. However, we believe that this change of use would change the site from being a business to a private residential site. The existing barns with their footing will then provide all the outbuildings (ie garages etc) that two private dwellings would need. Therefore we would vigorously oppose the provision of converting the buildings into holiday lettings. Stansted is already well catered for in the parish with holiday lettings and if this becomes a residential site, it should not then be allowed to have a lettings business attached to it.
- 5.2 KCC (Highways): No objection to the application. The plans show:
- That the highway forecourt area in front of The Vigo Inn is reclaimed as verge or garden as part of this application.

- That appropriate parking is provided for the division to the two properties proposed as well as for the holiday lets to the rear where appropriate turning can also be provided so that exiting all properties onto the A227 can be undertaken in a forward gear from the existing access.

5.2.2 These measures are proposed in the interests of highway safety for this development proposal. In the interests of highway safety it is also considered that the width of and entry radiuses to the existing access should be maximised as much as possible and to this end further S278 works may also be required to detailing of the footway on the northern side. With regards to the car parking standards required, the applicant should refer to IGN3 and the standards for a Suburban edge/Village/Rural context. I would be grateful if the applicant could confirm the number of bedrooms proposed for each dwelling and the associated car parking proposed for each dwelling to conform to the standards required.

5.2.3 KCC (Highways) (Re-consultation): I note the car parking and turning proposals to the rear of the properties planned and confirm on behalf of the highway authority that this is considered to be acceptable. Should this application be approved it is considered that a suitable condition is applied requiring these areas to be retained for that use. With regards to the front of the property it is considered that tactile paving should be placed at the end of the footway to the north of the access to bring attention to the access. It is my understanding that the front forecourt to the public house is highway and for road safety reasons it is recommended that this is reinstated to highway verge and footway. The applicant will need to enter into an agreement with this authority to establish this prior to occupation.

5.3 Private Reps: 11/0X/11R/0S + site + press notice. 11 letters of objection have been received, of which 3 are additional representations from neighbours who have already submitted comments. The following concerns have been raised:

- The proposal would result in a loss of a real ale pub and a facility for the local residents and community.
- The road access to the Gravesend Road is dangerous and the additional traffic from the development would exacerbate the situation.
- The proposal will result in a loss of a pub with historic significance.
- The pub is near to long distance footpaths and would result in a loss of a facility for hikers.
- The pub is within walking distance of the village of Fairseat and the southern parts of Meopham and Vigo Village resulting in a loss of a local community facility.
- Local village shops have closed and since then the Inn has been one of the few meeting places left in the area.

- The pub has all the facilities in place to be able to be run successfully as a local amenity.
- Internal works to divide the pub have already been undertaken.

6. Determining Issues:

- 6.1 The main issues include whether the loss of the public house would be acceptable in policy terms and whether the development would affect the openness of the Green Belt or character and visual amenity of the area. Land contamination issues, impact on aural amenity from road noise and impact on highway safety will also be considered.
- 6.2 The application site is in the Green Belt and therefore Section 9 of the NPPF applies. The development primarily consists of the re-use of existing buildings which is listed as a form of development that would not be inappropriate in the Green Belt under Paragraph 90 of the NPPF. However, it also involves the change of use of the land to residential curtilage and holiday lets which is not listed and therefore the proposal would be “inappropriate development”.
- 6.3 The development will involve the construction of two outbuildings that were granted planning permission to be rebuilt (references TM/12/02368/FL and TM/13/02776/FL). These buildings had been substantially commenced at the time of receipt of the application and are currently partly built. In reality there would be no new buildings erected on the site. There is currently no fencing that encloses the northern and eastern boundaries of the Public House. The development would formalise boundaries on these sides of the site and appropriate rural type boundary treatments could be provided. This would properly define the site and proposed uses, preventing further encroachment into the adjacent field. The existing gravel hard surfacing to the internal access road and rear car parking area is to be retained with a slight enlargement to accommodate car parking for the dwellings. Some paraphernalia associated with the residential properties and holiday lets could be expected but I do not consider that this would have any greater impact on the openness and visual amenity of the Green Belt than that potentially relating to the public house use. I am therefore satisfied that this amounts to very special circumstances that would outweigh the potential harm to the Green Belt from the development’s inappropriateness. In order to safeguard the openness of the Green Belt I consider it necessary for permitted development rights to be removed to restrict enlargement of the buildings and erection of outbuildings without consideration of a planning application.
- 6.4 Paragraph 28 of the NPPF advises that in order to promote a strong rural economy, local plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

- 6.5 Policy CP26 of the TMBCS advises that the Council wishes to protect viable community facilities that play an important role in the social infrastructure of the area and that an assessment of the viability of retaining the existing use in the case of any proposal that might result in its loss would be required. The policy is intended to include public houses, particularly where these might be the only such facilities in a village.
- 6.6 Policy CP26(3) of the TMBCS advises that the loss of a community facility will only be permitted if an alternative facility of equivalent or better quality and scale to meet identified need is either available or the applicant has proved to the satisfaction of the Council that there is likely to be an absence of need or adequate support for the facility for the foreseeable future.
- 6.7 A detailed statement has been submitted by the previous owner which provides information on the operation of the pub and maintenance works undertaken up to when the pub was closed in 2007. A short viability report for 2003-2006 was also part of this information which clearly shows the pub was in financial decline at that time. The applicant has stated that the premises were on the market for about 3 years from 2007 and to their understanding they were the only interested party. The applicant has provided financial details in respect to the trading of the pub since it was taken over and reopened in late 2010, with some varied figures that provide a questionable accuracy. However, notwithstanding this, I consider it to be sufficiently clear from the information submitted that the financial position of the pub has been modest and in decline for many years and that a wet sales only pub is unlikely to be very viable unless it has a high turnover and is in a mainstream location where driving is unlikely to be an issue.
- 6.8 The applicant has submitted a planning statement that provides a list of public houses within a 10 mile radius of the site and these have also been mapped. It has been shown that more than 20 pubs are located within this 10 mile radius and 3 pubs within a 5 minute drive, including The Villager in Vigo Village and The Plough and The George in Trottscliffe. A description of each pub has been provided that gives a general guide of what they offer and indeed their quality. I consider the measure of drive time to be relevant in this case as The Vigo Inn is situated in an out-of-village location that has a limited footfall catchment and therefore is reliant on patronage travelling to the premises by car. On behalf of the applicant DHA Planning, in an email dated 15.05.2015, has outlined supporting arguments for the proposed development. It has been suggested that "small public houses are rarely viable due to their very limited floor space and inability to cater for the pub food market" unless located in a town centre where footfall is very high. In this case it has been recognised that the local area is very well served by much larger facilities that provide food and are more easily accessible. It has been advised that in order to retain the public house, large-scale extensions would be needed to cater for food, including dining areas and improved kitchen, as well as toilet and parking provisions; and that these would have an impact on the Green Belt and AONB, and would have highway implications as the existing

access is not suited to an increase in vehicle movements that would arise. I am therefore of the view that it has been clearly shown that better quality alternative public house facilities are available in the local area and, accordingly, the proposal would satisfy Policy CP26(3)(a) of the TMBCS. The loss of the Public House is therefore deemed to be acceptable in this specific case.

- 6.9 The development provides a new site layout with two residential curtilages being created, a communal area for the holiday-lets and parking for both the dwellings and the holiday-lets. The dwellings are suitably laid out internally and provide linear plots that would respect the pattern of development in the area. The development includes the completion of the two outbuildings approved to be rebuilt located to the north of the main pub building. These buildings will be fitted out to provide 5 self-contained holiday let units, each comprising a single room with kitchen, bathroom and sleeping facilities. The buildings are to be clad in brick and horizontal weatherboarding and clay roof tiles which would complement the rural setting. I consider the layout of the holiday-lets to be acceptable, adequate parking is provided and the site is situated well away from neighbouring residential properties and therefore it would not harm neighbouring amenity, in my view. The site boundaries can be formalised with rural style fencing, which can be required by condition. These boundary treatments and the overall layout of the site would enhance the appearance of the site and character of the area, in my view.
- 6.10 The proposed development, subject to a condition requiring a landscaping plan including boundary treatments, would thus satisfy policies CP24 of the TMBCS and SQ1 of the MDEDPD.
- 6.11 An existing vehicle access is positioned to the north of the main building and between the two partially built outbuildings. This provides access to the existing gravelled car park to the Public House which will be extended slightly behind the proposed residential plots to provide 2 car parking spaces for each of the dwellings. This satisfies the Residential Parking Standards in the IGN3. A parking area for 5 cars for the holiday-lets is to be provided within the northeast section of the site, which is an acceptable level of provision for this type of use, in my opinion.
- 6.12 The Local Highway Authority (KCC Highways) has reviewed the scheme and advised that it has no objection in principle to the use of the forecourt as front gardens but it is technically highway land so the applicant would need to enter into a Section 278 agreement with the highway authority to reinstate the forecourt as highway verge and footway or to establish the front garden. Therefore any agreement between the highway authority and the applicant in respect to alterations to this forecourt area would be outside of the remit of planning. In the event that the applicant does not secure the necessary agreement with KCC, an alternative means of entering the new dwellings will be needed. A condition can be imposed on any permission to require details of any alternative scheme to be approved by the Local Planning Authority.

- 6.13 The existing access to the site is not considered to be ideal, being positioned on a sweeping bend of the A227. I am of the opinion that the proposed scheme would reduce the number of vehicles using this access compared to that of a public house. Also, the highway authority has recommended that the width and entry radiuses of the existing access be maximised and that tactile paving be provided at the end of the footway on the northern side of the access to bring attention to the access. These improvements can be secured by condition on any permission granted. I consider the reduction in vehicle movements from the proposed uses and the access alterations would result in an overall improvement to highway safety in this immediate locality.
- 6.14 I am therefore satisfied that the development would not harm highway safety or result in any cumulative highway impacts that would be severe which is the relevant test of the NPPF. The proposal would therefore satisfy policy SQ8 of the MDEDPD and paragraph 32 of the NPPF.
- 6.15 The proposed conversion of an existing building to residential and rebuilding and re-use of existing buildings as holiday-lets are forms of development listed as acceptable development in the countryside under policy CP14 of the TMBCS.
- 6.16 The conversion of the Public House building to two dwellings needs to meet the criteria set out in policy DC1 of the MDEDPD. In this regard, the Public House is a rural building that is permanent and structurally sound and is capable of conversion without reconstruction. The proposal does not involve any additional building works and the new use can be accommodated without requiring extensions. There are no adjoining properties and as such it would not harm neighbouring amenities. As confirmed above, the development would not result in any harmful highway impacts. The field adjoining is isolated and not part of a larger viable agricultural unit. An appropriate landscaping scheme can be secured by condition which would preserve the visual amenity of the site and wider rural area. Although areas of woodland lie to the south and east, these are well separated from the application site by the highway and the adjacent field and therefore protected species would not be affected by the development. The residential living environments created would complement the surrounding uses or operations which comprise residential properties, fields and woodlands. The new residential curtilages would relate effectively to the existing buildings and other features on the site and therefore would not have an adverse impact on the rural character and appearance of the countryside. The proposal therefore accords with the provisions outlined in policy DC1 of the MDEDPD.
- 6.17 Paragraph 28 of the NPPF advises that to promote a strong rural economy, local plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. The application proposes the rebuilding of the two outbuildings to the north of the main pub building to create holiday-let

accommodation. Policy DC5 of the MDEDPD, in-line with Paragraph 28 of the NPPF, advises that proposals for new tourism and leisure facilities in rural areas will be permitted subject to specified criteria being met.

- 6.18 In respect of this policy, the buildings would be rural in their appearance being clad in brick and timber weatherboarding with clay roof tiles and as such would not detract from the rural character of the area. The holiday-lets would provide some benefit to the local economy by providing short stay leisure accommodation in an area where there are known walking tracks. The development will not affect any agricultural unit and would not harm biodiversity in the area as the site is relatively established and well separated from the nearby woodlands. The proposal would not affect any public right of way and would not generate a level of traffic that would affect the highway network or harm road safety in the area. The holiday-let facilities are small in scale, are well screened from public vantage points and are sited well away from neighbouring residential properties. As a result, I do not consider that this proposed holiday accommodation would give rise to an unacceptable level of impact from lighting or noise nuisance from the use. The proposal therefore meets the provisions outlined in policy DC5 of the MDEDPD.
- 6.19 The development does not involve any net additional buildings and the uses would not have a greater impact on rural amenities than the existing public house use. Therefore I do not consider that the proposal would have an adverse effect on the natural beauty and quiet enjoyment of the AONB. The proposal therefore accords with policy CP7 of the TMBCS.
- 6.20 The main building and the outbuildings to be rebuilt to create holiday-lets are all very close to Gravesend Road A227. The change of use of these buildings to residential and holiday-let uses will require additional acoustic protection from road noise to ensure a satisfactory residential living environment for the future occupants and holiday-makers. The applicant has not submitted a noise assessment with the application but I consider that suitable noise attenuation measures can be provided to satisfactorily mitigate noise impact from the road environment. Such measures can be secured by a condition on any permission granted. Accordingly, subject to such a condition, the proposed development would satisfy paragraph 123 of the NPPF.
- 6.21 Due to the age and previous use of the site, it is necessary in this case to impose a condition that advises that if any contamination is found during the development works then work shall cease until an investigation and remediation strategy has been agreed with the Local Planning Authority. As a result, the development would accord with paragraph 120-121 of the NPPF.
- 6.22 I note the comments made by the Parish Council. The Parish has suggested that the pub should be required to be marketed for sale for a period of time to show that there is no demand for the business. However, there is no such requirement outlined in national or local planning policy. It has also been suggested that

Stansted is well catered for with holiday-lets and therefore the proposed holiday accommodation should not be allowed. Tourism accommodation is encouraged by national planning policy and the development in this case involves the rebuilding of existing buildings for such accommodation which would minimise impact on the character and amenity of the rural area.

6.23 Comments have also been received from local residents. The key objections relate to the loss of the Public House as a community facility, the proposals not being sympathetic to the character of the area and the impact of the development on the road access to the A227 and on highway safety. I acknowledge that The Vigo Inn has been a pub for a number of centuries but this in itself does not preclude its conversion in principle based upon policy CP26 of the TMBCS and paragraph 28 of the NPPF. It has been suggested that the pub provides a meeting place for local residents of Fairseat, Vigo and Trottiscliffe and a resting place for walker/hikers using the national trails in the area and that it is within walking distance for local residents and on a main bus route. I acknowledge that the pub may have survived on local patrons and those needing a place to stop whilst using the walking tracks in the past, but I do not consider that such patronage these days is sufficient for a public house to survive in such an out-of-village location which is now reliant on customers travelling by car. Furthermore, I consider the local footfall catchment to be small and its location in respect to the denser population within the settlement of Vigo Village to be well detached and a substantial distance away. In light of the large number of local public houses that provide quality facilities, access and parking, I do not consider the retention of The Vigo Inn as a community service to be justified in this case. The proposals do not involve any additional building works beyond what was previously on the site, taking into account the rebuilding of the outbuildings, and the limited scale of the holiday-let facilities and improvements to the appearance of the site from the new boundary treatments and landscaping would improve rather than harm the character of the area. The development will also arguably result in a reduced number of vehicles accessing the site and the opportunity exists to improve the access to the site which is currently less than satisfactory, which would improve highway safety.

6.24 In light of the above, I consider that the proposed development satisfactorily accords with the relevant provisions of the Development Plan and NPPF, and therefore approval is recommended.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Existing Floor Plans GROUND FLOOR received 10.02.2015, Existing Floor Plans FIRST FLOOR received 10.02.2015, Site Plan received 03.02.2015, Email received 21.04.2015, Planning Statement received 01.10.2014, Proposed Floor Plans GROUND FLOOR received 01.10.2014, Proposed Floor Plans FIRST FLOOR received 01.10.2014, Elevations DWELLINGS received 01.10.2014,

Drawing AF/400 received 01.10.2014, Drawing AF/401 received 01.10.2014, Drawing AF/402 received 01.10.2014, Location Plan received 08.10.2014, Email received 15.05.2015, subject to the following:

Conditions / Reasons

- 1 Within 2 months of the date of this decision, details and samples of all materials to be used externally on the holiday-let buildings shall be submitted to the Local Planning Authority for approval, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the site or the visual amenity of the locality.

- 2 The holiday-let units shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.

- 3 The buildings shall not be occupied until details of alterations to the existing vehicle access, maximising its width, and any proposed gates have been submitted to and approved by the Local Planning Authority. The approved works shall be carried out prior to the first occupation of the dwellings and holiday-let units hereby approved.

Reason: In the interests of highway safety.

- 4 The dwellings hereby approved shall not be occupied until the frontage to the A227 as shown on the approved Site Plan dated 2 February 2015 has been completed as front gardens or highway verge and footway, or until an alternative scheme of the means of pedestrian access to and from the main entrance doors of the dwellings has been implemented in accordance with details which have been submitted to and approved by the Local Planning Authority. The alternative scheme shall include appropriate measures to safeguard the safety of the occupants, visitors and pedestrians. The scheme implemented shall be retained at all times thereafter.

Reason: To ensure the safety of the occupants of the dwellings and pedestrians and in the interests of highway safety.

- 5 The buildings shall not be occupied, until an acoustic report providing a scheme of acoustic protection for the dwellings and holiday-let units that satisfies the requirements of BS 8233:2014 has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwelling or holiday-let unit to which it relates and shall be retained at all times.

Reason: To safeguard the aural amenity of the future occupiers of the buildings.

- 6 The buildings shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it 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 this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 7 The buildings shall not be occupied, until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. The scheme should include new fencing along the north and east boundaries of an open rural type. 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 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 8 The buildings shall not be occupied until tactile paving is provided at the end of the footway to the north of the access.

Reason: In order to improve the visibility of the access in the interest of highway safety.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A, B, D and E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To ensure that any future development does not harm the character of the area or openness of the Green Belt.

- 10 (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

Contact: Mark Fewster