

COMMITTEE REPORT

APPLICATION DETAILS: JOINT PLANNING and LISTED BUILDING CONSENT REPORT

APPLICATION No:	DM/22/01083/FPA DM/22/01084/LB
FULL APPLICATION DESCRIPTION:	Conversion of public house to one permanent dwelling and 2 no. holiday lets with alterations including altered windows on the front, rear and side elevation.
NAME OF APPLICANT:	Mr & Mrs P & B Bewley
ADDRESS:	Three Tuns Inn, Church Bank, Egleston, Barnard Castle. DL12 0AH
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Susan Hyde, Planning Officer, 03000 263961, susan.hyde@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site is located within the small Durham Dales village of Egleston, located to the north west of Barnard Castle. The property forms a generous two storey natural stone public house dating back to 1840, situated in the centre of the village. The ground floor of the building forms the public house, although it is noted that trading has now ceased, associated residential accommodation is located on the first floor. The building benefits from a garden area to the rear and to the north is a private, in curtilage, parking area.
2. The building is attached to residential dwellings to the south and fronts onto an area designated as village green to the east, which is currently hard surfaced, with an attractive grassed green beyond the highway which benefits from trees. The Village Hall is located to the north east offering community facilities.
3. The building is grade II listed and located prominently within the Egleston Conservation Area and the application site and most of the village is washed over with an area of higher landscape area designation set out in the County Durham Plan.

Proposal

4. Planning permission is sought for the conversion of the public house to form one permanent dwelling and 2 holiday lets (a one bedroom unit and a two bedroom holiday let unit). The two holiday lets are proposed to be located on the ground floor and converted from the existing fabric of the public house with one unit located to the south of the building and one located to the north with the applicants ground floor living facilities in the central area. The first floor is proposed to be used for the applicant's living accommodation, providing 5no. bedrooms. Off street parking is proposed to be provided to the north of the site, and the garden area to the rear would be retained.
5. A concurrent listed building consent seeks permission for internal alterations on the ground floor to form internal stud to form two holiday cottages and replace the windows on the front elevation with timber sliding sash windows with slim line double glazing. The new owners have also inherited some unauthorised uPVC windows in the rear and side elevation of the listed building and this application seeks to replace these windows with timber slim line double glazed units within a 12 month timescale. One new window is proposed on the ground floor side elevation which is a modern extension to the listed building to form a window into the bedroom in the two bedroom holiday let.
6. The application is being reported to the Planning Committee at the request of Eggleston Parish Councillor and Councillor Bell due to concerns regarding the loss of an important community facility and lack of evidence on viability of the previous enterprise.

PLANNING HISTORY

7. In 2003 planning permission and listed building consent were granted for extensions on the public house. (6/2003/0139/DM and 6/2003/0106/DM/LB)
8. In 2002 advert consent was granted for new signage on the public house.
9. In 2000 planning consent and associated LBC consents were granted for the conversion of redundant residential accommodation into 4 letting bedrooms (6/2000/0383/DM and 6/2000/0382/DM/LB)
10. In 2000 planning permission and LBC granted for the conversion of 3 no. flats to provide 1 no. Dwelling and additional accommodation to Inn (6/2000/0193/DM/LB and 6/2000/0192/DM)

PLANNING POLICY

National Policy

11. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.

12. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
13. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
14. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
15. *NPPF Part 7 Ensuring the vitality of town centres* - Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation
16. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
17. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
18. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
19. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
20. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of

existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

21. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate
22. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

National Planning Practice Guidance:

23. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

Local Plan Policy:

The County Durham Plan (CDP)

24. *Policy 6 - Development on unallocated Sites* - states that the development of sites within the built up area that are not allocated in the plan or in a neighbourhood plan will be permitted provided they accord with all relevant development plan policies and meet specific criteria in relation to existing permitted uses, coalescence of settlements, loss of land with identified value such as in relation to ecology or recreation, is appropriate, is not prejudicial to highway safety, has good access to sustainable modes of transport to relevant services and facilities, does not result in the loss of the settlements last community building, minimises vulnerability and provides resilience to impacts resulting from climate change, maximises the effective of previously developed land and where appropriate reflects priorities for urban regeneration.
25. *Policy 8 - Visitor Accommodation* - states that all new visitor accommodation will be supported where it is appropriate to the scale and character of the area and it is not

used for permanent residential occupation. Proposals for visitor accommodation in the countryside will be supported where they are also necessary to need identified visitor need, it is an extension to existing visitor accommodation and helps to support future business viability or is conversion of an existing building and it respects the character of the countryside and it demonstrates clear opportunities to make its location more sustainable.

26. *Policy 9 – Retail Hierarchy and Town Centre Development.* This policy seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county.
27. *Policy 21 - Delivering Sustainable Transport* - states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
28. *Policy 29 - Sustainable Design* - requires all development proposals to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
29. *Policy 31- Amenity and Pollution* - development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated.
30. *Policy 39 - Landscape* - states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
31. *Policy 41 - Biodiversity and Geodiversity* - states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for
32. *Policy 44 - Historic Environment* - seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.

Neighbourhood Plan:

33. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

34. *Eggleston Parish Council* – Have provided a strong letter of objection to the applications, advising that the Three Tuns is within the centre of the village and been at the heart of the village of Eggleston for more than a century. It has been used by thousands of people from the village and the surrounding area. It has provided a convivial meeting venue for people of all ages and hosted quiz teams, darts teams, pool teams, fund raising events, ‘Meet and Eat’ dinners, wakes (as it’s located close to the Church).
35. A public house is for the public. A private home and two holiday lets cannot be considered as a public amenity. The feeling within the majority of the Parish of Eggleston is strongly against the loss of the public house. The permanent closure of the public house will diminish the character and attractiveness of the whole of the parish.
36. The Parish Council raise no objection to the upgrading of the listed building but do object to the loss of the valued amenity of the public house. The Parish Council wish the request for the outcome of the public house to be listed as a community asset to be considered. (This is discussed below).
37. Following re advertisement after the receipt of the viability report Eggleston Parish Council provided a further objection. Firstly, it requested clarification about the number of holiday cottages – and officers confirm this is two as detailed in this report. Comments on the viability report include that the standard of food was always good and drew visitors from outside Eggleston. That information within the report being partly out of date with the pub in Mickleton now being closed and Eggleston Village Hall offering limited facilities. Extra holiday accommodation is not required in Eggleston – whereas a public house that serves the community within the centre of the village has always been a big asset and should remain so.
38. *Highway Authority* – Welcome the provision and location of the bin refuse store and the proposed 7no. parking bays which accords to DCC's parking standards. Subject to the provision of EV charging facility, no objections on highways safety issues are raised.

Internal Consultee Responses:

39. *Environmental Health (nuisance)* – Advise that the proposal relates to the introduction of sensitive receptors, however the site area is primarily residential. Whilst there can be an increase in noise from properties used as holiday lets, it is anecdotal as the potential for impact is associated with the individuals residing there and as such might differ greatly. Given this, the nature and scale of the development, including the proximity of the applicants own dwelling, no specific controls are recommended. A condition, is however requested limiting working hours to reduce the impact upon neighbouring amenity during construction.
40. *Visit County Durham* – Whilst it is always disappointing to see a pub close, we would in principle be supportive of the visitor accommodation element of this proposed development. We are not in a position to comment on the residential concept. There is an undersupply of visitor accommodation in the county.
41. *Design and Conservation* – Notes that additional plans have been received during the course of the application that reveal that no features of historic interest are affected by the internal alterations. The replacement windows on the front elevation replace either windows that have been heavily repaired or are replacement windows

with no historic interest. The conservation officer considers the replacement windows are justified and the submitted joinery details showing slim profile double glazed windows with sliding sash and glazing bars are acceptable. Details of replacement windows to replace the unauthorized uPVC windows on the rear and side elevation are also considered satisfactory with the timeframe for replacement being within 12 months.

42. *Archaeology* – Concur with design and conservation comments.

Public Responses:

43. The application has been advertised by neighbour notification, site notice and press notice and 14 letters were received with 10 letters of objection and 3 letters of support and one neutral comment.

44. The main points of objection are:

- The pub provides a valued community asset in the village and should be protected. Eggleston has lost its local shop and post office and bakery and the public house is the last community facility.
- A request for the pub to be listed as a community asset has been made and the outcome of this request should be received before the planning decision is made. (This has now been received and is considered within the report.)
- The property is centrally located in the Conservation Area, Grade II listed and easily accessible. It has provided a valued location for a variety of sports events like darts and pool, fundraising events and social events.
- The closest alternative pub is the Moorcock Inn which is a mile away and forms a very different offer with its provision of glamping pods.
- Eggleston forms a village on the Tees that forms a visitor attraction and the historic public house should form part of that offer.
- The claim that the pub is not viable is not true. It could be viable if it was run well. The pub previously ran profitably between 2001-2012 when the landlords retired. Prior to 1991 one objectors family ran the public house profitably and considers it could still be viable with a good chef and letting rooms. The pub could continue to be viable if it was run well. The pub was open during the pandemic and therefore the applicants statement about it having been closed for 2 years prior to purchase is not correct.
- There is no need for additional holiday let accommodation – Eggleston has too many second homes and holiday homes and not enough affordable housing for local residents.
- There was never a for sale sign on the building and the public house was offered for sale on a specialist website as a going concern.
- Darlington CAMRA object to the application as it is contrary to Policy 6 of the County Durham Plan and forms a community asset in the village and the public house could be viable.

45. Comments in support of the application.
- The former owner and landlord of the Three Tuns from 2015 has written in to say the public house was not financially viable despite having a good chef and that community events in the pub were not well supported. When the pub was open over the covid they offered take away food but the take up from the village was low.
 - Although resident wishes the Three Tuns could still be open, they recognised times have changed and they offer support for the application.
46. The application was re advertised following the receipt of the viability report and in addition to Eggleston Parish Councils comments one further objection was received raising the following response:
- The viability is not objective and doesn't consider options for how the public house could run in a viable way. Marketing was not done locally and no for sale board was outside the public house so the village was not aware of its sale. Eggleston is more attractive both physically, economically and in its offer to tourists if the Three Tuns was retained and so he continues to object to the loss of the pub.

APPLICANTS STATEMENT:

47. We first saw the pub advertised on Rightmove in July 2021 and believe it was on this site from the beginning of 2021, however it had been marketed on a commercial site from August 2020, so it had been for sale for approximately a year before we saw it. We purchased the building in February 2022 with no stock, goodwill or fixtures and fittings. Business had ceased completely in April 21. We made an offer and received a call several weeks later to say we had been successful. The vendors and agent knew it was our intention to change the use from a defunct pub into a home for ourselves, disabled elderly relative and a small holiday/BnB business as we approach retirement.
48. The agents had received interest from several parties, mainly developers, however the cost of restoration was prohibitive. There was one party who wanted to run it as a pub but failed to get financing because of the pubs unsuccessful history and non-viability.
49. The property requires major refurbishment, both structurally and cosmetically. We have completed essential maintenance work for safety reasons as well as decorative and estimate the overall cost to be 150 -200k to restore it in its entirety. Being a listed building, it requires sympathetic renovation. The windows to the front to the standard required for a listed building is in the region of £38k alone, and the central heating, electrical system, wooden structures all require immediate attention. No significant investment has been made into the building during the last four decades, so it is not without some apprehension that we are prepared to invest our hard-earned money to save a valued listed building.
50. We sincerely hope the planning department will pass this application for the sake of preserving a loved and historic Listed Building.

PLANNING CONSIDERATION AND ASSESSMENT

51. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, impact on heritage assets, highways, amenity/noise and odour, and ecology.

The principle of the development:

52. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise with the NPPF representing a material planning consideration in this regard. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up to date local plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
53. The proposal therefore needs to be assessed for conformity with the CDP unless material considerations dictated otherwise. One such material consideration is the National Planning Policy Framework (NPPF).
54. The application seeks full planning permission and listed building consent to convert a closed public house to a dwelling on the ground and first floor and two separate holiday lets on the ground floor. The site lies within the village of Eggleston which does not have a defined local centre. Therefore, CDP Policy 6 (Development on Unallocated Sites) is relevant which sets out the following criteria:
The development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

- f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration
55. It is considered that criteria a), d), e), f), g) and i) will be the most relevant considerations to these current proposals.
56. With regards to criterion f), there is a bus stop by the application site which provides an infrequent service to Barnard Castle and into the Durham Dales to Langdon Beck Hotel near High Force. The scale of the development is considered commensurate with the size and function of the settlement.
57. In terms of criterion g), the proposal would result in the loss of a public house, this is the key consideration in the application and consideration of viability is addressed within the report.
58. In addition the supporting text to CDP Policy 9 advises at paragraph 5.57 that 'In some of our smaller settlements, where there are not sufficient shops for a local centre to be defined, a local shop/convenience store or community facility is of even greater importance to the local population. It is important that the unnecessary loss of shops, community or cultural facilities within the county's smaller settlements is avoided. In assessing applications that would potentially see the loss of such facilities, particular consideration will be given to the accessibility or availability of equivalent facilities nearby and the role that facility plays within the settlement. The views of local people and relevant town or parish councils will be of particular importance in assessing such applications.'
59. CDP Policy 6 requires all losses of 'valued facilities' to be justified. This is mirrored within the NPPF which gives support for the retention of existing village services and facilities. The NPPF states under Part 6 on 'supporting a prosperous rural economy' that planning policies and decisions should enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. In addition, NPPF paragraph 93 (c) states that to provide the social, recreational, and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
60. In this case, the Three Tuns forms a public house in a central location within the village. The closest alternative public house is the Moorcock Inn which is a public house located 0.5 miles to the northwest adjacent to the B6278 that forms a detached pub with car parking and glamping pods to the rear. The highway does benefit from a footway that links the central areas of the village of Eggleston to the Moorcock Inn, but street lighting only illuminates part of the route. As such the

Moorcock Inn is considered to provide an available public house to the residents of Eggleston.

61. The Parish Council has provided a strong objection to the loss of the public house which is put forward in the representations above along with 9 letters from residents and one from CAMRA.
62. In accordance with the requirement in CDP Policy 6 the following evidence regarding viability has been received, including a viability assessment.
63. The applicant has provided details of the history of the ownership / tenancy of the pub over the last 10 years and this reveals that Enterprise Inns owned the pub up until 2014. The viability report clarifies that between 2013-14 Enterprise Inns, carried out a major review of the tenanted estate and those outlets which were not generating the returns expected were disposed of on the open market so as to reduce the company's overall debt. It is evident that between 2012 – 2014 the Three Tuns tenancy was operating under a subsidised rent and preferential purchasing terms. In 2014 the pub was identified for disposal and subsequently purchased by a private individual. However, the business appears to have failed to fulfil expectations and the freehold property was shortly sold again.
64. In 2015 the pub was purchased by two local individuals who then owned the public house until it was sold in February 2022. They had extensive experience in the hospitality business by way of operating Clarendon's Café and Tea Room at Barnard Castle and the Coach House Café and Gift Shop at Eggleston Hall. They have provided a letter of representation and a letter via the applicant explaining that they ran the public house and despite their best endeavours running social events, sports nights etc they had to reduce the opening hours and due to personal circumstances then leased the property, their first tenants filed for insolvency and then the second tenants who took over the lease also filed for insolvency.
65. The submitted viability appraisal clarified the owners financially subsidised the Three Tuns from the Coach House Café over the years. Wages were also subsidised by doing the majority of the work themselves and therefore not taking any financial reward which allowed them to pay bills. Even then the owners were not able to make a commercial profit. After the 2016 and 2017 leases, the pub was then leased again in 2018 to another small company but after a short while, that company vacated the property leaving the owners with unpaid rent invoices and unpaid bills.
66. The owners took back the daily running of the pub until March 2020 when Covid 19 restrictions were announced. When the hospitality industry was permitted to re-open under certain restrictions in July 2020 the Three Tuns traded a 4-day week until Christmas 2020 but the turnover was below the level required to cover the overheads and pay the staff and mortgage commitments and never showed a profit. In January 2021 take-away Sunday Lunches was offered. This was supported predominantly by people from outside the village and the service ran until April 2021 when demand decreased. The pub closed finally on 2nd April 2021.
67. The letters from the owner of the pub from 2015 – 2022 is open and explains the problems that have encountered both since March 2020 and the impact of Covid – but also prior to that with two leaseholders becoming insolvent, and their own struggle to run the public house in a financially viable way since 2015.
68. With regard to marketing the property the viability report clarifies in paragraph 15 that the public house was marketed by a proprietary licensed property agent at a price "appropriate to the market at the time". The campaign lasted for 18 months during

which there were several interested parties but mainly for alternative use. Prospective pub operators were deterred by the poor condition of the building, inadequate trading accounts and the existence of a second pub in the small village.

69. In addition, the current owners and the viability report has provided evidence that the condition of the listed building when they purchased it was poor. Estimate of costs have been included for the commercial kitchen to be brought up to an operational standard and trade fixture and fittings throughout the trade area at an approximate cost of £175,000. In addition, due to the prolonged financial trading problems the fabric of the historic building had also deteriorated with the building suffering from water ingress and wet rot, extensive woodworm, antiquated plumbing and heating system, all flat roof sections require replacement due to ingress of water, repointing, new guttering, window replacement and replacement uPVC windows that are not authorised on the listed building. The estimate for repairs is almost £160,000 excluding fixtures and fittings and furnishings. The condition of the building also reflects the former owner's comments that finances did not afford sufficient funds to invest in the building.
70. The property was marketed from August 2020 with a specialist company and then on Rightmove and the current owners purchased the property in February 2022.
71. The submitted information on viability is considered to be adequate to demonstrate that the Three Tuns has not been financially viable since 2015. The trading accounts verify the narrative provided above. The business failed at least five times during the last ten years. The last owners were very experienced in the hospitality sector and tried all means of operating systems in an effort to make the business viable but were not successful. The property was advertised on the open market from August 2020 with a specialist company that advertises commercial properties with only one interested purchaser to run the property as a public house who withdraw due to financial viability concerns from progressing the sale. This demonstrates there was little interest for the pub to be purchased for the established planning use.
72. It is also noted that a request from the local community was made for the building to be listed as an 'Asset of Community Value' and this request was considered on the 3rd May 2022 and the request was carefully assessed against the current relevant legislation and rejected by the Head of Corporate Property and Land and as such the public house is not included within the list of community assets.
73. This is relevant as the justification within Policy 6 clarifies that Under the Localism Act 2011, communities can nominate important local buildings and facilities as 'assets of community value' (e.g. shops, public houses, cultural buildings) for inclusion on a central list held by the council. If the owner of a building on this list wishes to sell it, they must then conform to the Community Right to Bid procedure. This means that if the community are interested in buying the asset they have six months to prepare a bid to buy it before the asset can be sold. Policy 6 in paragraph 4.112 states that proposals which would result in the loss of a community facility which has been included on that list or is the last remaining facility of that type which is considered essential to the continuing sustainability of the settlement or neighbourhood will be resisted unless it can be demonstrated that the facility is no longer viable.
74. The background report from the Head of Corporate Property and Land on the decision not to include the Three Tuns as a community asset concluded that there was a 'lack of evidence of an existing or recent non-ancillary use of the building which furthered the social wellbeing or social interests of the local community. Also, there was little evidence of support from the local community and insufficient details

on the proposed future use. Therefore, it was not possible to determine whether there could be a non-ancillary use of the building, in the next five years, which would further the social wellbeing or social interests of the local community.'

75. The public house is therefore considered to form a historic asset within the village of Eggleston that has historically been well used and regarded by the community. However, the evidence submitted in the viability report, by the agent, applicant and previous owners have demonstrated the public house has struggled with being viable since at least 2015 and the physical condition of the listed building had also started deteriorating. Whilst locationally the Three Tuns is much more central within the village, the Moorcock Inn does also form a public house within the village and is half a mile away from the heart of the village. The objections and concerns from local residents about the loss of the public house have been carefully considered but in accordance with Policy 6 of the County Durham Plan it is considered that adequate justification has been provided in this case to demonstrate that the public house use is not financially viable and advertising the property on the open market has not generated commercial interest. In addition, the Moorcock Inn is available on the outskirts of the village and is linked to the village by a footway.
76. With regard to the proposed holiday let use, CDP Policy 8 states that all new visitor accommodation will be supported where it is appropriate to the scale and character of the area and it is not used for permanent residential occupation. In this case the proposal is for the conversion of an existing building into a 1 bed unit and a two bedroom unit within the village without external alteration and as such the scale and appearance is acceptable in the village setting. Visit County Durham have provided a consultation response supporting the visitor accommodation and identifying a need for holiday accommodation.

Impact on the street scene/ Visual impact / Heritage Assets

77. Part 12 of the NPPF seeks high quality design, with paragraph 30 stating 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents' CDP Policy 29 (Sustainable Design) seeks to ensure that all development proposals will achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions.
78. Policy 39 states that within the allocated Areas of Higher Landscape Value (AHLV) development should not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. In addition, development should conserve and where appropriately enhance, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm. In this case all the village of Eggleston to the south of the B6278, which includes the application site, is all included within the AHLV. As there is no alteration proposed to the curtilage of the property, and the mass and appearance of the property is retained the special qualities of the landscape are not in this case considered to be materially affected.
79. CDP Policy 44 states that development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by

their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. Great weight will be given to the conservation of all designated assets and their settings, and such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Substantial harm or total loss to the significance of a designated heritage asset will be permitted only in exceptional circumstances. In the case of designated heritage assets of the highest significance, development which leads to less than substantial harm to a designated heritage asset will be weighed against the public benefits of the proposal.

80. The aforementioned policies and guidance require the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and this would be entirely in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
81. The application site lies within Eggleston Conservation Area and the building is grade II listed. NPPF Paragraph 199 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be.
82. The application proposes very limited alterations to the building over and above the proposed replacement of windows and doors. The internal layout of the historic elements of the building would be retained intact with limited alteration in the form of stud walls predominantly in the later extensions to the rear of the property. The conservation officer notes that the building has been heavily altered over time with extensions on the rear and side. However, he does note that the internal features that are of historic significance such as beams and flooring are not affected by the proposed alterations.
83. A joinery report has been submitted with the application to support the replacement of windows on the front elevation and this explains that the existing windows have been either repaired extensively over their lifetime or they form more modern windows that are not of conservation interest. The proposed joinery details have been amended during the course of the application and are for thin profile double glazed units with an integral glazing bar of the same design, appearance and method of opening, being sliding sash windows as the existing windows.
84. During officers site visits to this property, it was also noted that unauthorised works on the listed building had been undertaken that involved the insertion of uPVC windows on the rear and side elevation of the listed building. Discussions have taken place during the course of this application and the proposal does now include these windows on the rear and side being replaced with joinery details showing timber double glazed windows in a suitable design and an agreement that this work will be undertaken in a 12 month time period. The Conservation Officer considers this would rectify the unauthorised works and this is conditioned accordingly.
85. Whilst the conservation officer has noted that the loss of the use of the public house is disappointing, he notes that the impact on the street scene, Conservation Area and to the listed building is considered to be acceptable. It is also noted that the condition of the heritage asset had been deteriorating with the costs within the viability report to bring it up to standard are almost £160,000. The viability report also highlighted the causal link between the public house not being financially viable and

the lack of investment in the historic fabric over many years. The current application seeks to address this and ensure the essential maintenance on the heritage asset is undertaken so that the listed building is maintained for future generations.

86. The building is retained as existing in the street scene, the replacement windows on the front elevation are considered to be justified and the submitted joinery details are acceptable. Replacement windows for the unauthorised windows on the rear and side elevation have been negotiated and no objection is raised to the internal works that retain the historic fabric of the listed building. The proposal is therefore considered to accord with Parts 12 and 16 of the NPPF and Policies 29 and 44 of the County Durham Plan.

Access and Highway Implications

87. NPPF Part 9 seeks to ensure that development is only 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.
88. CDP Policy 21 seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
89. CDP Policy 29 also places great importance on safe sustainable modes of transport, in the following order of priority: those with mobility issues or disabilities, walking, cycling, bus and rail transport, car sharing and alternative fuel vehicles.
90. The existing vehicular access and off street parking arrangements serving the building would not change as a result of the proposed development. The Highway Authority has raised no objection to the application and consider that the access and parking is adequate for the proposed use.
91. The proposal would satisfy the provisions of Part 7 and 9 of the NPPF and Policy 21 of the CDP.

Residential Amenity / Amenity of neighbouring uses.

92. Paragraph 127 of the NPPF states that developments should 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. Para. 180 of the NPPF specifies that planning decisions should 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.
93. Policy 29 of the CDP seeks to secure high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties. Policy 31 also states that where it is considered that the proposal would give rise to unacceptable impact, the application should be refused.

94. The application proposes the application site will form one private dwelling on the ground floor and first floor, and two units of holiday accommodation that form flats on the ground floor. The Council's adopted Residential Amenity Standards SPD advises that there should be a separation distance of 21m between two storey main facing elevations that contain habitable room windows, 13m from a habitable room window to a blank two storey gable, and 10m to a single storey gable. There is a distance of over 21m to the front and rear of the property and as such the minimum standards in the policy area met.
95. In addition, CDP Policy 29 requires all new residential development to comply with the Nationally Described Space Standards (NDSS) and the application proposes one permanent dwelling with 5 bedrooms that generously exceeds the minimum space standards. A one-bedroom unit with 40m² of floorspace and a two-bedroom flat with 70m² of floorspace. Whilst the two-bedroom unit would meet the minimum requirements of the national technically described space standards the one bedroom unit does not meet the minimum requirement of 50 m² for a two person, one bed unit. However, as the use will be for short holiday lets only the reduced space standard is considered acceptable on this occasion.
96. Whilst this application is for the creation of the two holiday units it is considered that the property should be retained as one 'planning unit' so that the two holiday units are owned and managed by the residential dwelling on the site and cannot be sold as separate holiday lets. This is because the parking and garden area is communal, and the proximity to the host dwelling could create noise and disturbance if the holiday units were separate. The retention as one planning unit will also reduce pressure for additional alterations to the listed building. Condition 8 is therefore proposed on the planning consent.
97. Environmental Health Officers have considered the submitted application and subject to conditions on construction hours do not consider the proposed use would raise any material residential amenity issues from noise and nuisance.
98. Subject to the conditions regarding construction it is considered that the proposal would therefore satisfy Part 15 of the NPPF and Policies 29 and 31 of the CDP.

Ecology

99. Part 15 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to ensure new development minimizes impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity.
100. In this case the proposal retains the existing first floor as existing and no works are proposed to the roof structure and therefore the application does not introduce an additional risk to bats. An informative regarding bats though is added to the application to ensure the applicant is aware that any repair work is undertaken with due diligence to protected species.
101. Under the Habitat Regulations, the Local Planning Authority must consider the nutrient impacts of any new plans and projects (including new development proposals) on habitat sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality. Only certain development types are impacted, but as the application site

falls within the Tees catchment area, there may be a requirement for the potential impacts of this development to be considered in terms of nutrient neutrality.

102. Nutrient Neutrality advice is provided by Natural England. The Nutrient Neutrality Methodology enables a nutrient budget to be calculated for all types of development that would result in a net increase in population served by a wastewater system. It includes tourism attractions and tourist accommodation which would give rise to new overnight accommodation such as hotels and self-catering holiday facilities. Other types of proposals should be considered on their individual merits such as conference facilities that generate overnight stays although other types of business or commercial development not involving overnight accommodation will not generally need to be included. For the purposes of the Methodology, it is assumed that anyone living in the catchment also works and uses facilities in the catchment, and therefore wastewater generated can be calculated using the population increase from new homes and other accommodation which removes the potential for double counting of human wastewater arising from different planning uses.
103. In this instance, the application is for the change from a 5-bedroom public house to a 5 bedroom dwelling with two holiday lets – one with one bedroom and one with two bedrooms. Advice from Natural England relates to considering any potential net increase in nutrient neutrality. In this case, there is no proposed extensions to the host building and the planning history shows there were previously 4 letting bedrooms and managers accommodation and the restaurant and pub use. The holiday let accommodation would therefore be of a similar size to the established planning use for 4 letting bedrooms. Whilst the private dwelling will be a larger size than the managers accommodation the impact on nutrient neutrality is balanced in favour of the dwelling compared to the loss of the public house and restaurant. Officers also assess that whilst the restaurant /bar could attract a high proportion of locals/ people from the Tees catchment, given the scale and location of the pub it is reasonable to assume that there would also be a large number from outside of the catchment area that would offset the proposed visitor accommodation. As such in this case there would be no requirement to address the Nutrient Neutrality impacts of the development any further.
104. Permitted development rights to prevent further extensions (and therefore further impact on nutrient neutrality) do not need to be removed in this case as the building is a listed building and therefore extensions would require planning permission and listed building consent.

Other Matters

105. Objections have made reference to the parking area being on the village green to the front of the public house. Officers note that the land to the front does benefit from a village green designation and the officer site visit and historic images of the public house appear to show this area has been hard surfaced and used for parking both currently and historically. The application submitted shows a vehicular access across the village green to the private car park to the north of the host building and supporting evidence that a legal right of access to this well-established parking area. No other works or development on the village green area proposed as part of this application.

CONCLUSION

106. The application is to be determined in accordance with relevant policies set out within the CDP and therefore the application falls to be determined in accordance

with Paragraph 11c of the NPPF which requires applications which accord with an up-to-date development plan to be approved without delay.

107. The principle of development forms the primary planning consideration and has been carefully considered in this case. Whilst officers have sympathy with the Parish Council and local residents' objections about the loss of the public house in the central location in the village it is considered that the evidence submitted is sufficient to demonstrate that the public house has not been financially viable for many years despite a variety of owners. The public house had also been advertised on the open market since August 2020 and received no interest in taking the pub on as a business concern and as a result of a lack of investment the applicants have demonstrated the condition of the listed building was deteriorating. An application to list the building as a community asset was not successful. In addition, there is another public house within the vicinity that, whilst it is not as central, can serve the local need. As such adequate information has been submitted to accord with Policy 6 and Policy 9 and support an alternative use for the building.
108. It is also material that there are heritage benefits from investing in the repairs, maintenance and replacement of the unauthorised windows on the heritage asset. The viability report included costings of just short of £160,000 to bring the building back up to standard and the applicant has provided a commitment to undertake this work. In addition, officers have negotiated the unauthorised uPVC windows on the rear and side elevation to be replaced with suitable timber windows within a 12 month time period. It is also relevant that the viability report highlighted the causal link between the unviable public house and consequent lack of investment in the fabric of the fabric over many years leading to the fabric of the building deteriorating.
109. The proposed use for holiday accommodation is considered to meet an identified need for tourist accommodation within the Durham Dales by Visit County Durham. The central location within Eggleston provides a range of walks and facility that would be easily accessible from the property and a limited public transport system. The approval also requires an EV charging points to be available to the holiday lets to improve the sustainability of the site.
110. Access and parking is considered acceptable and the proposed use is not considered to materially impact residential amenity subject to conditions regarding construction hours.
111. The applications are therefore considered to satisfy the provisions of Parts 2, 4, 6, 7, 8, 9, 11,12, 15 and 16 of the NPPF and in particular Policies 6, 8, 9, 21, 29, 31, 39, 41, 44, of the CDP. There are no material considerations which indicate otherwise and therefore the planning application and the listed building consent application are recommended for approval subject to the following conditions and the proposed conditions are listed separately below.

RECOMMENDATION

112. That the **planning application** be **APPROVED** 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: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Location plan Drawing no. NB22_02/01A Received on the 5th May 2022

Proposed site plan NB22_02/02A Received on the 28th April 2022

Proposed floor plans NB22_02/02A Received on the 28th April 2022

Proposed elevations NB22_02/06A Received on the 14th July 2022

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Parts 2, 4, 6, 7, 8, 9, 11, 12, 15 and 16 of the NPPF and in particular Policies 6, 8, 9, 21, 29, 31, 39, 41, 44, of the County Durham Plan.

3. The replacement of the uPVC windows with timber windows in accordance with elevation plans NB22_02/06A Received on the 14th July 2022 and the joinery details received on the 14th July 2022 shall be completed in full within 12 months of this consent and in accordance with the approved details.

Reason: To ensure the unauthorised windows in the listed building are replaced with sympathetic windows in an appropriate time frame in accordance with Policy 44 of the County Durham Plan and Part 16 of the NPPF.

4. The windows on the front elevation shall be replaced in accordance with the joinery report by Manor Woodcraft Ltd and details of proposed replacement windows on the front elevation with slim line double glazing and an integral glazing bar received on the 14th July 2022.

Reason: In the interests of visual amenity and historical accuracy in accordance with Policy 44 of the County Durham Plan and Part 16 of the NPPF.

5. The holiday let use shall not commence until one electric vehicular charging point has been installed and brought into use. The vehicular charging point and the 7no. parking spaces depicted on the approved plans should be retained and made available for the lifetime of the development.

Reason To ensure adequate off street parking is available and sustainable charging is available at the site in accordance with Policy 21 of the County Durham Plan and Part 2 and 9 of the NPPF.

6. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: In the interests of the aural amenity of neighbouring dwellings in accordance with Policy 31 of the County Durham Plan

7. The holiday accommodation as approved is limited to commercial holiday accommodation only and shall not be used as a person's sole or main place of residence, or as a second home. No holiday let shall exceed a continuous period of 31 days, there shall be no return to the let by the same individual until a period of at least 14 days has elapsed between lets. The owners/operator of the development shall maintain an up-to-date record of all holiday let listings and of the names of all occupiers, including their main home addresses and contact details. This information shall be made available upon request to the Local Planning Authority.

Reason: To ensure that the development is occupied as holiday accommodation only and in order to achieve the benefits of providing holiday accommodation in this location to comply with Policy 8 of the County Durham Plan.

8. The planning unit shall form the red line application site and comprise of the two holiday units and the residential dwelling. The 2 holiday units shall be owned by and always managed by the residential dwelling.

Reason: For the avoidance of doubt and in the interests of residential amenity, highway safety and to retain the character of the heritage asset in accordance with Policy 21, 31, and 44 of the County Durham Plan and Part 15 and 16 of the NPPF.

That the **listed building consent application** be **APPROVED** subject to the following conditions

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Location plan Drawing no. NB22_02/01A Received on the 5th May 2022

Proposed site plan NB22_02/02A Received on the 28th April 2022

Proposed floor plans NB22_02/02A Received on the 28th April 2022

Proposed elevations NB22_02/06A Received on the 14th July 2022

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. The replacement of the uPVC windows with timber windows in accordance with elevation plans NB22_02/06A Received on the 14th July 2022 and the joinery details received on the 14th July 2022 shall be completed in full within 12 months of this consent and in accordance with the approved details.

Reason: To ensure the unauthorised windows in the listed building are replaced with sympathetic windows in an appropriate time frame in accordance with Policy 44 of the County Durham Plan and Part 16 of the NPPF.

4. The windows on the front elevation shall be replaced in accordance with the joinery report by Manor Woodcraft Ltd and details of proposed replacement windows on the front elevation with slim line double glazing and an integral glazing bar received on the 14th July 2022.

Reason: In the interests of visual amenity and historical accuracy in accordance with Policy 44 of the County Durham Plan and Part 16 of the NPPF.

5. Before any repointing works commence details of the method, composition and colour of pointing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 29 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.

6. No replacement rainwater goods shall be installed unless details of materials, hoppers and junctions, and existing sections to be retained, have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

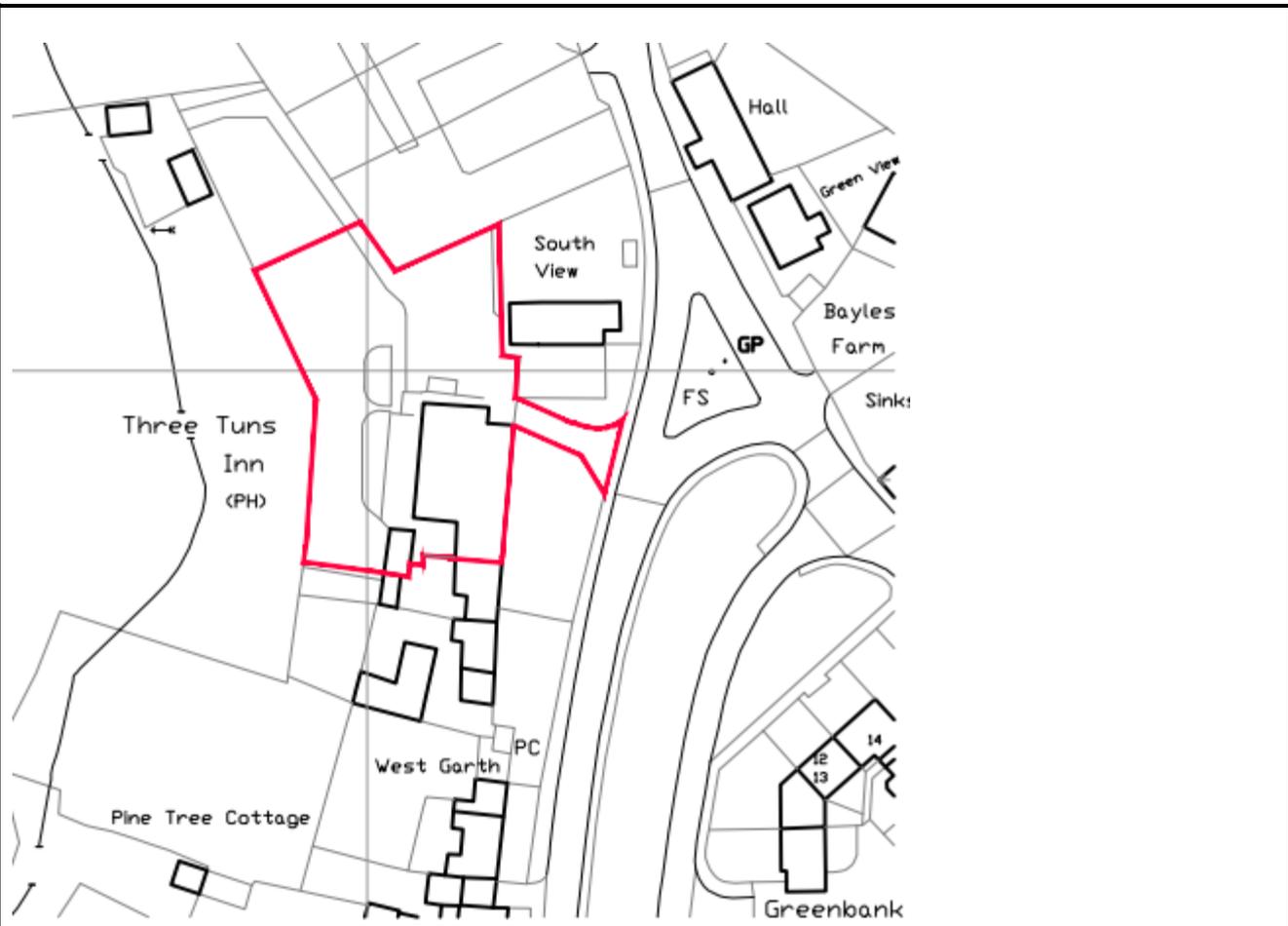
Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 29 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>DM/22/01083/FPA and DM/22/01084/LB Conversion of public house to one permanent dwelling and 2 no. holiday lets with alterations including altered windows</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
<p>Date September 2022</p>		