

Parish:	Upwell	
Proposal:	Retrospective Change of use to holiday let.	
Location:	Five Bells Inn 1 New Road Upwell Wisbech PE14 9AA	
Applicant:	Mr Robinson and Mr Brighty	
Case No:	21/00127/CU (Change of Use Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 7 April 2021 Extension of Time Expiry Date: 20 August 2021

Reason for Referral to Planning Committee – Referred by the Assistant Director given the level of public interest.

Neighbourhood Plan: Yes

Members Update

The application was deferred at Planning Committee in August 2021. An application had been made to register the public house as an Asset of Community Value, and a query was raised as to whether the determination of the planning application would affect the ACV application. The application was deferred to enable the Council to fully assess the legislation and seek clarification/ legal advice. Updated comments are included below in bold.

Case Summary

The application seeks retrospective planning consent for a change of use for the Five Bells Inn public house to a large holiday let. The Five Bells Inn is situated centrally within the village of Upwell, on the junction of New Road and Small Lode in a prominent location next to St Peters Church and the River Nene.

Upwell is categorised as a joint Key Rural Service Centre in the adopted Site Allocations and Development Management Policies Plan, recognising its role as a service centre to the wider locality.

The application is for change of use only and does not propose any physical changes to the building or site.

Key Issues

- * Principle of Development
- * Loss of Employment Use
- * Loss of Community Facility
- * Restrictions on Holiday-let Use
- * Neighbour Amenity

- * Impact on Conservation Area
- * Highways / Access
- * Other material considerations

Recommendation:

APPROVE

THE APPLICATION

The application seeks retrospective planning consent for a change of use for the Five Bells Inn a public house to a large holiday let. The Five Bells Inn is situated centrally within the village of Upwell, on the junction of New Road and Small Lode in a prominent location next to St Peters Church and the River Nene.

Upwell is categorised as a joint Key Rural Service Centre in the adopted Site Allocations and Development Management Policies Plan, recognising its role as a service centre to the wider locality.

The application is for change of use only and does not propose any physical changes to the building or site.

The pub was purchased by the current owners in 2014 and substantially refurbished, it was re-opened in 2015. The pub use has shown a declining profit and the premises closed as a pub in March 2020. The building can sleep up to 20 people in 9 bedrooms, and the intention is to let it to families/ groups of friends. Further information is included in the Business Plan submitted with the application which explains how the site will be managed.

SUPPORTING CASE

The consideration of this application falls to be assessed against policy DM9 of the local plan.

It is maintained that the proposal is consistent with DM9 (as set out in previous emails particularly 15 April) which is explicitly addresses compliance with DM9.

In respect to alternative pubs/ similar facilities, reference is made to the Globe Inn within 1km of the site, the Crown 1.5km of the site, the Royal British Legion in the village and The Moorings restaurant- and as such the area would remain suitably provided for in respect to criterion (a).

In addition, and in respect to the viability issues set out in email correspondence, during their ownership of the 5 Bells neither of the current owners have taken any rental income from the pub and it is estimated that had a market rent been charged- the viability would be down another £40K per year- giving a sustained and substantial loss consistent with the criteria (b).

It is evident that the proposal is consistent with DM 9 on both counts- however it is reiterated that DM9 only requires compliance with one of the criteria – either ‘a’ or ‘b’;

It is reiterated that the historic use of the 5 Bells is public house with accommodation and as such the application is essentially for the cessation of the former primary use rather than introduction of a completely new use.

Both the owners were born in Upwell and take pride in the village, they sponsor many activities and have not taken the decision to seek the change of use lightly; they have always taken a keen interest in the village & want to make Upwell a welcoming place to stay & visit, there is so much potential here for tourism, which will in turn increase local trade,

Therefore, the proposal is in accordance with the relevant policy in the development plan and as such in accordance with Para 11 of the NPPF (2021) it is requested that permission be granted.

PLANNING HISTORY

06/02392/F: Application Permitted – Delegated decision: 22/12/06 - Alteration and extension to kitchen - Five Bells Inn

2/94/0626/CA: Application Permitted – Delegated decision: 06/06/94 - Incidental demolition in connection with proposed extension - Five Bells P H

2/94/0625/F: Application Permitted – Delegated decision: 13/06/94 - Extension to form preparation room store and toilets - Five Bells P H

2/93/1141/F: Application Refused – Committee decision: 02/11/93 - Extension to form preparation room store and toilets. - Five Bells Inn

2/93/1142/CA: Application Refused – Committee decision: 02/11/93 - Incidental demolition in connection with proposed extension. - Five Bells P H Church Bridge Town Street Upwell

RESPONSE TO CONSULTATION

Parish Council: NO OBJECTION

2 Mar 2021 - Upwell Parish Council has been unable to identify Material Grounds for the refusal of this retrospective application.

12 Mar 2021 - Following our full council meeting on Monday 8th March 2021 where we heard from several parishioners the council discussed planning application 21/00127/F and the decision that our planning group sent you on March 2nd. The council stands by the decision the planning group submitted but wishes to add more substance to the response.

The following statement has been agreed by a majority of the Parish Council:-

'Upwell Parish Council would like to add some comments to the submission we made on March 2nd regarding planning application consultation 21/00127/F. The Parish Council would like to make the Borough Council aware of the strong opposition from a significant number of local residents to the application to change the use of the Five Bells Public House. The pub is situated at the heart of the village, has been on the same site for more than 250 years and attracts and promotes significant traffic from the waterway running through the village. Our new Neighbourhood Plan stresses the importance of maintaining access to community facilities and preserving our attractive village centre. The Parish Council does not want to see a closed up and unused building in the centre of the village and whilst it is keen to support the idea of retaining the Five Bells as a working Public House

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and Inn it recognises the apparent financial challenges the pub has suffered in its recent history, both with the existing and previous owners. However, the contravention of the Neighbourhood Plan may be a material matter affecting the decision to approve or reject, our planning group were divided on this point. We very much hope that, should the application be approved, the opportunity remains for a local group or entity to work with the existing owners in developing a business plan to allow the Five Bells to reopen as a Public House once again in the future, we would urge the provision of planning conditions which would protect the building infrastructure to safeguard it's future use should the opportunity for reopening arise.'

Highways Authority: NO OBJECTION

Having examined the information submitted, in terms of highway considerations for the adopted road network, I have no objection to the principle of the application on balance of its existing class uses.

Community Safety and Neighbour Nuisance Team: NO OBJECTION

Would like to make the applicant aware that if planning consent is granted it does not remove the possibility of complaints being investigated by the Borough Council in relation to noise or anti-social behaviour. Accordingly an informative should be attached to the consent.

Environmental Health & Housing - Environmental Quality: NO OBJECTION

Contaminated Land - Having reviewed the information in the application and our files, we have no comments with regard to contaminated land.

Planning Policy: NO OBJECTION

REPRESENTATIONS

132 OBJECTIONS received, **73** letters of **SUPPORT** and **4 NEUTRAL** responses. These have been summarised (by officers) below-

4 NEUTRAL comments:

- Let the owner do what they want to their property.
- It would be a shame to lose a pub and restaurant in the local community but recognise that a hospitality business in a rural village location did not have a significant amount of custom.
- Would like to see it remain as a pub but understand owners want a more viable option.
- The last thing the village needs is a derelict building.

130 OBJECTION comments:

- CAMRA (Campaign for Real Ale) - the pub is a vital resource for the community and losing it would be a big loss to a growing village. There are many local examples of seemingly unviable pubs in the area becoming very successful under new management, such as King's Arms in Shouldham. The increasing strength of support for local pubs is demonstrated by the number of community buyouts in the area.
- The Pub was a delight to the community to have somewhere to eat, drink and socialise with family and friends. (18)
- The village needs a pub doing food and drinks. There is no evening transportation so food and drinks in the village is essential.(3)
- Pub has always been busy and successful until the new owners, who managed it terribly. (5)

- The Pub has potential and if there are interested parties willing to purchase it, it should be entertained first. (6)
- Owners should operate within the parameters of the law and comply with the regulations, also taking in account public opinion where plausible.
- The Parish Council could apply for an Asset of Community Value under the Localism Act 2011 which would safeguard the pub from development and create other opportunities for the community if the owner wished to sell.
- The pub is one of the largest amenities in a growing village linking to other village, Outwell.
- The pub was an attractive amenity and makes Upwell a destination for visitors.
- The Pub is essential for people who have been isolated since the Pandemic and on the way back to 'normal'. (4)
- Change of use would have a detrimental impact on the character of the local area. (2)
- It will remove a key asset and hub from the village and offer no tangible benefit for the local community. (5)
- Pub is ideally located by the Church, Village Hall, playing fields, shops, cafes, and Well Creeke and worked well with them. (5)
- The pub is a prominent building in a prominent position that should play a prominent part in the future of the village. It was a key meeting place for the community. (8)
- Five Bells was key for the tourist economy. Many boaters and canoeists visited Five Bells on their trip on Well Creeke. (9)
- Not happy about the future of the holiday let which may end up as a full-time let for 'undesirable' people.
- Allowing the pub to be used as a B&B makes it easier to turn into housing in the future. (2)
- Pointless having a B&B in a small village with hardly anything around. Upwell is not a holiday destination. (2)
- Upwell does not need holiday lets, there is already accommodation available in Upwell. (2)
- More and more houses are being built and we need amenities for the people. (7)
- Loss of the pub will be missed within the community and local area. (8)
- Loss of a pub will be detrimental to property prices.
- Inns have played an important part of English culture and infrastructure. Why can't the pub remain to run as a pub and B&B as it currently is. (4)
- There is no evidence suggesting anti-social behaviour. (2)
- A B&B may affect church services, whereas as a public house, the hours can be controlled.
- The Pub provided the village with jobs and brought a real sense of community. (2)
- The village has high level of traffic running through it as it is.
- According to Upwell NP 2011, there were 2,750 residents in Upwell. This will be higher due to large number of new dwellings being built in the village. No 1 objective in Upwells's Neighbourhood Plan (NP) is to 'provide opportunities for all community to access community, cultural, leisure and sports activities...'. Five Bells is a community facility. No 9 is to 'support attractive and viable village centres'. Five Bells is the centre of the village and next to St Peters Church.
- By agreeing to the change of use, the Parish Council is going against its own NP. They are also supporting an illegal change of use as the application is contrary to DM9 of the SADMPP which states 'The Council will encourage the retention of existing community facilities..' and 'that in the case of shops or pubs/restaurants the applicant can demonstrate genuine attempts to market and sell the use as an ongoing concern for a 12 month period.' This has not been done by the owners who claim on the planning application that the business was running at a loss.
- The pub is vital to the community and can be profitable when well managed. There is little competition, with pubs at least 15 min walk away and not offering the same in the

way of dining amenities. Potential for the pub to be the heart and soul of the village and should be prioritised.

- The original Parish's comments followed a meeting of a planning subcommittee chaired by a person who is financially and otherwise engaged in associated projects with the said owner.
- Apparent financial difficulties are ridiculous, usual losses simply being used against gains in an accounting manner for businesses.
- Attention is drawn to Policies – Core Strategy CS06 and CS10, Site Allocations and Development Management Policies Plan DM9 and Upwell Neighbourhood Plan ET2 and ET3. 7 7
- **Policy DM09 refers to the type of use to be lost, and that the area would remain suitably provided for following the loss. The facilities and standards between the Five Bells, and other alternative establishments within the village are not comparable. The Globe Inn is a small public house with one room, no accommodation and seldomly serves food. The Royal British Legion is a members only club which does not serve food or offer accommodation. The Crown Inn/ The Moorings is 2 miles away from the application site.**

72 SUPPORT comments:

- Pub being used as a holiday let is a good idea. It looks amazing.
- The pub was barely used. The building should be put to good use. (4)
- It doesn't get used as a pub currently. It will become derelict and an eyesore if something doesn't change. (2)
- The pub doesn't get used Monday – Thursday. It is a waste of space.
- Preserving local history and revenue for the village. (2)
- The public was not supporting the pub. The pub would still look the same from the outside, so preserving the building.
- It will bring more people to use the local businesses such as the butchers, shops, taxi, baby sitters etc. (3)
- Great for tourism for the village from people visiting from outer villages, towns and cities. (11)
- Will bring greater local employment and economy. (3)
- Anti-social behaviour has been reported in the Pub. A change of use will have a positive impact on visitors and locals. (8)
- Would be a great idea and something to do with friends.
- Great idea and gives unique style holiday.
- Perfect venue for families and friends to spend time together. Ideal venue for locals to hire. 3
- It is an interesting enterprise venture and why not if there was not enough local support as a pub. Too many failing pubs close and never reopen, at least the pub will be maintained into a derelict eyesore.
- Covid changed the ways people socialise.
- Would be something different for the village. (2)
- Owners are diversifying. There are five pubs and two village halls with alcohol licences. (2)
- There are various different pubs within walking distance from the former pub. (2)
- Family were able to visit the premises as a holiday let in August 2020. Accommodation is immaculate. Local manager met us on arrival to show us round and gave her mobile number and email address for any issues. Car park was more than sufficient for us as guests. Used local shops (including butchers and Premier) and local café. Enjoyed our stay and visited surrounding areas while staying there and would like to visit again.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

CS13 - Community and Culture

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM9 - Community Facilities

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

Economy and Tourism Policy ET2: Economic Development

Economy and Tourism Policy ET3: Tourism

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

The key planning matters for consideration include:

- Principle of Development
- Loss of Employment Use
- Loss of Community Facility
- Restrictions for Holiday-let Use
- Neighbour Amenity
- Impact on Conservation Area
- Highways / Access
- Other material considerations

Principle of Development

Policy CS01 states that the Borough Council will support facilities and services that will encourage economic growth and inward investment. Policy CS02 outlines the Settlement Hierarchy within which Upwell is classed as a 'Key Rural Service Centre'. Key Rural Service Centres (KRSC) help to sustain the wider rural community. They provide a range of services that can meet basic day-to-day needs and it is encouraged that local scale development will be concentrated in these given areas including new employment development. Limited growth of a scale and nature appropriate to secure sustainability of Upwell as a Key Rural Service Centre will be supported within the development limits of KRSCs. This application is of a limited scale and nature and will support sustainable development with employment and social opportunities as a large holiday-let. Policy CS06 outlines the approach to 'Development in Rural Areas'. The strategy of CS06 is that within all centres and villages, priority will be given to retaining local business sites. This is discussed in detail below alongside Policies CS10 (The Economy) and DM 9 (Community Facilities).

The application site lies within the development boundary for the settlement of Upwell, and therefore in line with Policies CS01, CS02, CS06 (Core Strategy 2011) and DM2 (Site Allocations and Development Management Policies Plan (SADMPP) 2016) development is permitted providing it is in line with other Local Plan Policies.

Upwell Neighbourhood Plan states in the objectives and aims of the Plan (under point 2) that the policies look to ensure sufficient community facilities within Upwell Parish. It goes on to set out Policy ET2 (Economic Development) which supports and encourages new economic development as long as the proposal would not have an adverse impact on residential amenity; would not have an unacceptable adverse impact on the transport network; could accommodate all parking for staff within its site; and would not have any other unacceptable environmental impacts, including impacts on the historic environment.

Policy ET3: Tourism favours developments which demonstrate a contribution towards enhancing tourism and/or the cultural heritage of the Upwell community. It states tourism will be strengthened by the creation, enhancement and expansion of high-quality tourism attractions and related infrastructure; which sits alongside the proposal for holiday-let use.

Loss of Employment Use

CS06 Development in Rural Areas: The Strategy of CS06 is that within all centres and villages, priority will be given to retaining local business sites unless it can be clearly demonstrated that continued use for employment (including tourism or leisure) of the site is economically unviable, or cannot overcome an overriding environmental objection, or a mixed use can continue to provide local employment opportunities and also meet other local needs.

Policy CS10 'The Economy' states that retail, tourism, leisure, and cultural industries are key elements of the economic and social vibrancy of our borough and contribute to the regeneration and growth of the area. The Council will promote opportunities to improve and enhance the visitor economy, supporting tourism opportunities throughout the borough. Promoting the expansion of tourism opportunities at a smaller scale will also be supported in rural areas to sustain the local economy, providing these are in sustainable locations and are not detrimental to our valuable natural environment.

Regarding the retention of employment land, the Council will seek to retain land or premises currently or last used for employment purposes (including agricultural uses) unless it can be demonstrated that:

- continued use of the site for employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand; or
- use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems particularly for sustainable modes of transport; or
- an alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs

The Design and Access Statement, alongside additional information submitted (including financial accounts) states that the former public house the Five Bells Inn closed down in March 2020 after several years of declining profitability with an unsustainable loss of profit. The applicant states that the former use was unviable. The business plan supplied gives the indication that the use as a holiday let for tourism purposes has already proved to be more viable, particularly in the current climate.

Objections to the application state that the lack of profit to date was as a result of the poor management of the premises; and that under alternative management the public house could be a viable business. Therefore, that this use/business should not be lost to the village.

While the use of the building as a public house would generate more employment opportunities within the locality, in comparison to the proposed use as a holiday-let, the current proposal could still be considered an employment-generating use. On balance therefore it is not considered that the application is contrary to policy CS10.

Loss of Community Facility

Policy DM9 'Community Facilities' of the SADMPP (2016) states that the Council will encourage the retention of existing community facilities. Development leading to the loss of an existing community facility will not be permitted unless it is demonstrated that either:

- a) the area currently served by it would remain suitably provided following the loss, or if not
- b) it is no longer viable or feasible to retain the premises in a community facility use.

The Five Bells Inn is not the only community facility use or public house in Upwell. The applicant has drawn specific attention to The Globe Inn and the Royal British Legion within Upwell, as well as The Crown Lodge and The Moorings restaurant in Outwell which are alternative pub/ restaurants within the KRSC. Accordingly, the application does meet the requirements of part a) of Policy DM9 of the SADMPP. Only one aspect of the policy has to be satisfied. The applicant goes on to make the point that the Five Bells had traditionally been an Inn which included an element of accommodation alongside the public house. Therefore, the change of use is not dissimilar to the historic use of the building and this should be a key material planning consideration.

However, a significant number of objections have been received regarding the application, most of which centre around the importance of this public house to the village. It is argued, its central location and historic importance to the character of the settlement as well as the need for these types of facilities as community hubs and meeting places, should be retained within rural areas. **In addition objectors have made the point that the offer of The Five Bells is much greater than alternative neighbouring establishments. The Globe Inn being a one-room public house with no accommodation and rarely serving food. The Royal British Legion is a members only club, doesn't serve food or offer accommodation. The Crown Inn/ The Moorings is 2 miles away. Therefore, that the area will not remain suitably provided for following the loss.**

The Five Bells Inn Preservation Society submitted a nomination to register the public house as an Asset of Community Value (ACV) which was deemed successful on 27 August 2021. The application met the regulations as set out in the tests (Section 88(1) and 88(2) of the Localism Act 2011) which include that the application body must have at least 21 individuals as members; the current or recent use of the building furthers the social wellbeing or social interest of the local community; and it is realistic to think that there is a time in the next five years where the use of the building could further the social wellbeing of interests of the local community. The Society state that this ACV status is a relevant material planning consideration in the determination of this application.

The ACV status simply means that prior to the sale of a community building (public house in this case), that the owner does not have the ability to dispose of the site without the community having the 'right to bid' for the site. The ACV status lasts for 5 years. However, the owners of the public house do not intend to sell the premises. It is also important to state that the ACV status is not a planning policy to protect against change of use, rather local authorities can use their local plan or an Article 4 direction to do that. Furthermore, in the determination of planning applications it is for the decision-making authority to determine the weight given to an ACV status.

Having considered case law on the weight awarded to a building with ACV status, there is not a clear direction. In the case of R(OAO Loader) v Rother DC (2015) EWHC 1877 (Admin) Mrs Justice Paterson said 'planning applications have to be determined in the normal way in accordance with the development plan unless material considerations indicate otherwise. At present there is no direct case law on what weight is attached to an ACV listing. The weight to be given to any material consideration is a matter for the decision maker....Each case depends on its merits.'

A Planning Inspector decision (APP/Y5450/W/14/3001921 May 2015) for the change of use from a public house to two three bedroom dwellings in Haringey states at para. 22 that the 'relevant ACV legislation sets out specific tests which are narrower than the planning considerations before me. The primary purpose of the ACV listing is to afford the community an opportunity to purchase the property, not to prevent otherwise acceptable development. Accordingly, whilst I afford it some weight in this case it is not determinative.' In this particular case the Inspector considered the needs of the community could be met by other public houses in the area.

That said the status of a building registered as an ACV does recognise that the community places value on the use of the building as a community asset, which is supported by the number of objections received.

Restrictions for Holiday-let Use

Policy DM 11 of the SADMPP addresses 'touring and permanent holiday sites' but this includes permanent buildings constructed for the purpose of letting etc. The policy requires that applicants submit a business plan stating how the site would be managed and how it would support tourism in the area; demonstrates a high standard of design; can be safely accessed; is in accordance with flood risk policies and finally is not within the Coastal Hazard Zone. A business plan was submitted with the application and this provides sufficient information as required by the policy. Furthermore, the proposal does not include any changes to the existing building and so in design terms is entirely acceptable and is safely accessed, it is within flood zone 1 and accords with flood risk policy, and is not within the Coastal Hazard Zone. Therefore, the scheme is in line with Policy DM11 of the SADMPP.

The Policy goes on to detail the condition to be applied to new holiday accommodation which includes restrictions to the use, controls with regard to the time periods of stays and the need for an up to date lettings register. It is proposed that this condition would be attached to the planning consent if approved. Concerns raised by the public include that the building could be a full-time let however the conditions specified will prevent this happening.

Whether short stay accommodation is considered to be within the use class C3 (dwellinghouses) or a sui generis use is a matter of fact and degree and determined on a case by case basis. The proposal seeks consent for the creation of a 9 bedroom holiday let (7 bedrooms in the main building and 2 in an ancillary outbuilding) which can sleep in total up to 20 guests.

The case *Moore v SoS* 2012 deals with the question of the difference between use as a dwellinghouse (C3) and use as a large holiday let and where this would amount to a material change of use. In this case, the inspector determined that the scale of use as an 8 bedroom holiday let, sleeping up to 18 people for periods of between 3 and 7 days, was such that the holiday let was far removed from a use as a dwelling house and a material change of use had occurred.

It is considered, given the scale of the proposed use, that the proposed use as a large holiday let, accommodating up to 20 guests across 9 bedrooms, is materially different to a C3 use and the proposed use would therefore be considered a Sui Generis use. The site would not therefore benefit from the permitted development rights outlined in Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Neighbour Amenity

A number of objections refer to historic anti-social behaviour issues associated with the public house, and in contrast concerns are raised about the potential use of the holiday-let and the ability to adequately manage this in terms of impacts on neighbouring uses/residents. It is likely that the use of the building as a large holiday-let has less potential to result in anti-social behaviour than a public house. CSNN have been consulted on the application and do not request any conditions are attached to the consent. They have requested an informative to remind the applicant however that they do have the ability to take action on the owners/ managers of the buildings should any such issues occur. Given the holiday-let use is already underway there have been no cases of nuisance/ disturbance reported to CSNN to date.

The proposal would therefore be in accordance with Policy CS08 of the CS and Policy DM15 of the SADMPP.

Impact on Conservation Area

The application site lies within the Upwell Conservation Area and within close proximity of Listed Buildings St Peters Church (Grade 1) and Welle Manor House (Grade 2*). The applicant has also submitted a Heritage Impact Statement. Objections refer to the impact of the change of use on the character of the locality. However, there are no proposed changes to the physical appearance of the building or curtilage. It is not considered the proposed change of use would have any impact on the street scene, neighbouring designated historic assets, or the wider conservation area.

The proposal would therefore be in accordance with Policy CS12 of the Core Strategy (2011).

Highways / Access

The public house has a car park with approximately 25+ parking spaces which would adequately accommodate visitors to the holiday-let. The Local Highway Authority has no objections to the proposal. The proposal would therefore comply with Policy CS11 of the CS and Policy DM15 of the SADMPP.

Other material considerations

Licensing - Within the information supplied with the application; the applicant states that there is the ability for guests to request that the bar is stocked with alcohol for their stay. Concerns have been raised about whether this is acceptable in licensing terms. Information has been sought from the Licensing team at the Borough Council and they have stated that they are unaware of any breaches of the Licensing Act at the Five Bells Inn. Furthermore whether or not the property remains a licensed premises or is a hotel does not matter as long as the four licensing objectives (the prevention of crime and disorder, public safety, the provision of public nuisance and the protection of children from harm) are not being undermined by the proposal.

Parish Council comments – The Parish Council in their comments dated 12 March stated that ‘... should the application be approved, ...we would urge the provision of planning conditions which would protect the building infrastructure to safeguard it’s future use should the opportunity for reopening arise. However, given the application accords with the NPPF and Local Plan policy it is not considered appropriate to include such conditions on a planning consent. Any significant changes to the physical building in the future would require a planning application in their own right, and any internal changes to the building would not require planning consent and cannot be controlled by condition.

Upwell Neighbourhood Plan - The application site is within the Upwell Neighbour Plan area and the neighbourhood plan policies therefore apply. Policy ET2 of the plan relates to new employment generating uses, which are required to demonstrate no adverse impact on their surroundings, including residential amenity, the highway network and the historic environment and provide parking for all staff on site. As discussed above, the impact on the locality, including on the Upwell Conservation Area is considered acceptable. Sufficient parking is provided on site to cater for both the future guests and any staff members involved in the management of the property.

Policy ET2 of the Neighbourhood Plan supports the creation, enhancement and expansion of tourism attractions and infrastructure.

The application is therefore considered to accord with the relevant policies of the Upwell Neighbourhood Plan.

CONCLUSION

The application seeks retrospective consent for the change of use of the site from a public house to a large holiday-let. The applicant makes the case, and has supplied information, to illustrate that the use of the building as a public house is, in their view, no longer viable and therefore a change of use is necessary. Objectors argues that this is not the case but is down to the way the business has been managed in recent years. Notwithstanding this, the change of use from a public house to a large holiday-let is in accordance with Policy CS06 and CS10 because the tourism use of the building would still make an economic contribution to the locality albeit a reduced one to that of a public house. While this change of use would result in the loss of the public house as a meeting place and focal point for the community,

there are other public houses within the village and so it would not be the last one. In this regard the proposal is in accordance with policy DM9. Finally, if consent were approved for the application a condition should be attached to the consent to restrict the use of the building to short term stays etc and with this condition in place the application is also in accordance with policy DM11.

There are a number of objections to the loss of the public house as a community facility; and a local community group has been formed to try and save the use as a public house. **The premises has recently been listed as an Asset of Community Value, and it is for Members to take a view regarding the weight given to the ACV status as a material planning consideration given the proposal accords with the adopted development plan.**

There are no objections to the application from statutory consultees and the Parish Council does not object to the proposal. The Parish Council does recognise the level of community interest however and suggests that the Council should seek to protect the building infrastructure to enable the reinstatement of the use as a public house in the future. The application submitted does not detract from this possibility.

In conclusion the application is in accordance with the NPPF, Policies CS06 and CS10 of the Core Strategy (2011), and Policies DM2, DM9 and DM11 of the SADMPP (2016) and Members are thereby recommended to approve.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plan Drawing No 6255/PL02A.
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The accommodation hereby permitted shall only be used as a short-stay holiday accommodation (no more than 28 days per single let) and shall not be occupied as a person's sole or main place of residence. The owners shall maintain an up-to-date register of lettings/occupation and shall make the register available at all reasonable times to the Local Planning Authority.
- 2 Reason: In the interests of the amenities of the locality in accordance with the NPPF and Policy DM11 of the SADMPP (2016).