

Applicant: Mr Cairns

Location: Hare and Hounds Inn, Sidbury, Devon, EX10 0QQ

Proposal: Part demolition of existing public house and erection of extensions (part single storey, part two storey) to create additional restaurant areas, function rooms, overnight accommodation and other ancillary facilities. Stop up the two existing accesses, create one new access point onto the B3174 and rearrange parking. Erect a detached managers dwelling.

## **CONSULTATIONS**

### County Highway Authority

Informal comments received raising the following issues and requesting amended plans/information:

#### Issues:

- The significant scale of the development and the site's remote location will likely lead to a significant increase in the use of private vehicles contrary to policies seeking to minimise car use but the site is located on the primary road network equi-distant to Ottery, Honiton and Sidmouth and accommodates an existing established use. Therefore it is largely a planning matter as to whether or not other planning policies in support of this development outweigh those in support of minimising car use.
- Parking provision should not under-provide, which could lead to vehicles being parked on the highway, but equally should not over-provide, which may compromise sustainable transport objectives and lead to areas of under-utilised tarmac being created.
- Consideration should be given to the southern section of the access road and the Area B car park being constructed from grasscrete and being used as overflow parking only on the odd occasion.

#### Information/amendments requested:

- Proposals for the provision of bus stop infrastructure on both sides of the road (off-road lay-bys, high access kerbing, shelters, bus stop highway markings and lengths of footway connecting the stops to the development site) to be constructed by the applicant at his expense and secured within a S278 agreement. Appropriate locations for the lay-bys would have to be found that do not impede visibility splays, or obstruct directional signs, so as not to compromise or exacerbate highway safety at or close to the junction.
- The plans of the new access need to show the extent of a number of relatively mature trees close to the junction and within the visibility splays which would need to be felled, a junction radii based on 10m rather than 8.0m and indicate the full visibility splays of 4.5m x 90m.
- Details on how the existing accesses would be stopped up in terms of boundary treatments, kerb lines, etc.

- Information on how deliveries/servicing would take place in respect of the new arrangement as vehicles utilising arms 1 and 2 of the Area A car park would have to reverse within the site in order to exit the site in a forward gear.

#### Natural England

No objection subject to the inclusion of conditions requiring the recommendations and mitigation measures contained in the submitted Ecological survey report to be carried out.

#### Devon County Archaeologist

No objection subject to the inclusion of recommended condition to secure the implementation of a programme of archaeological recording in accordance with a written scheme of investigation.

#### **TOWN/PARISH COUNCIL**

Split Decision:

Approve: Change of access

Approve: Part demolition of existing public house and erection of extensions.

Refuse: The new house in the area of outstanding natural beauty and countryside. (Manager should be accommodated within the main building).

#### **WARD MEMBER(S)**

The initial comments of the Ward Member(s) are -

“Refuse. Quite clearly the proposal to remodel this very popular and successful pub/restaurant is to be welcomed, addressing the chaotic and haphazard range of structures that proliferates currently.

However this proposal is in breach of many policies eg:

- 1) The sheer scale of new build in an AONB
- 2) A new house in the countryside
- 3) Domestication of agricultural land.

Closing the current access onto A375 (Honiton-Sidbury) is to be supported, but the new entrance proposed on Ottery St Mary road using a field entrance is too near substantial trees.”

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

#### **REPRESENTATIONS**

##### Objections

No letters have been received

##### Support

No letters have been received

## **RELEVANT PLANNING HISTORY**

<b>App.No:</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
02/P2825	Single Storey Kitchen Extension	Approved	04.02.2003
01/P0535	Marquee in Beer Garden	Approved	03.05.2001
99/P0191	Alterations to form veg prep room	Approved	08.03.1999
95/P1429	Additional Chalet Accommodation	Approved	23.10.1995
88/P2544	Extension for Main Entrance Porch	Approved	13.12.1988

## **PLANNING POLICIES**

### Government Guidance

PPS 1 – Delivering Sustainable Development  
PPS 7 – Sustainable Development in Rural Areas

### Devon County Structure Plan (2001-2016)

Policy ST5 - Development Priority 2001 to 2016  
Policy CO3 – Areas of Outstanding Natural Beauty  
Policy CO6 - Quality of New Development  
Policy TR10 - Strategic Road Network and Roadside Service Areas

### East Devon Local Plan (1995-2011)

Policy S5 – Countryside Protection  
Policy D1 – Design and Local Distinctiveness  
Policy D5 – Trees on Development Sites  
Policy EN1 – Development in Areas of Outstanding Natural Beauty  
Policy EN15 –Control of Pollution  
Policy EN19 – Private Sewage Treatment Systems  
Policy TO1 – Proposals for Holiday or Overnight Accommodation and Associated Facilities  
Policy TA7 - Adequacy of Road Network and Site Access  
Policy TA9 – Parking Provision in New Development

## **SITE LOCATION AND DESCRIPTION**

The Hare and Hounds is a large public house located on the south west corner of the junction of the A375 Honiton to Sidmouth Road with the B3174 Ottery St Mary Road.

The property is located in the open countryside within the Area of Outstanding Natural Beauty (AONB) and consists of a the main two storey pub building to the front of the site with a single storey extension to the rear and a range of ancillary single storey buildings in a rear yard area enclosed by a fence. The site has two existing accesses and car parks off both roads and there is a marquee in the pub garden which has the benefit of a seasonal permission. The remainder of the defined site is the beer garden and there is an adjoining field to the west in the same ownership.

## **PROPOSED DEVELOPMENT**

This is an extensive application for the redevelopment of the public house site consisting of three distinct elements:

- The partial demolition of the existing public house and the erection of single and two storey extensions to create additional restaurant areas, function rooms, overnight accommodation and other ancillary facilities and the rearrangement of on site parking with a significant extension into a previously undeveloped area.
- The stopping up of the two existing accesses and the creation of one new access point onto the B3174 together with new visibility splays.
- The erection of a detached managers dwelling.

The application is outline with matters of appearance, landscaping and scale reserved for future consideration. The only matters that are therefore prescribed at this stage are those of access and layout.

## **CONSIDERATIONS AND ASSESSMENT**

As the site is located in the open countryside in an AONB careful consideration needs to be given to the justification for the expansion of the premises, the principle and visual impact of each of the three parts of the application identified above and any other relevant issues.

### Justification for the expansion of the premises

The supporting statement indicates that the business has been successfully grown since 1988 with a shift from bars sales to food sales and is one of the few public houses in the area providing food all day. The business employs an average of 40 full and part time staff all year round as the business is not greatly affected by the seasonal change in tourist numbers.

The statement indicates that the business cannot expand any further because of the constraints of the building and that meal bookings and request for functions and accommodation are being turned away due to insufficient space and that the growth in food sales has led to the main bar area being used for meals rather than as a bar area. The proposed redevelopment and extensions will enable the provision of function rooms, overnight accommodation and a new restaurant so the existing bar area can be returned to more traditional pub activities. The current layout of the main building is also identified as not being suitable as the toilet facilities are at the opposite end of the building from the restaurant area which creates access problems for the older visitors to the pub. The redevelopment of the pub would facilitate the removal of some of the less attractive buildings to the rear of the site and screening of the car park adjacent to the main A375. In relation to the scale of the development proposed the supporting statement identifies that this amount is required to create a viable and balanced business which can attract different types of trade.

In respect of the proposed managers dwelling the statement indicates that staff accommodation is an essential component of the scheme and that the business will require a second manager. The principle manager is intended to be housed in the new dwelling and the second manager will be housed in the existing first floor flat in the main building.

The statement also refers to the visual and safety benefits of closing off the two existing substandard accesses and replacing them with one access in a safer relationship to the junction and with adequate visibility.

## Extension and alteration to the buildings and grounds

This application represents a substantial element of new build outside a recognised settlement, the expansion of the clearly delineated pub grounds (car park and beer garden) into an adjoining agricultural field and the creation of new facilities and overnight accommodation in the AONB. Notwithstanding the existing pub use and the extent of the existing pub grounds, the scale of this application is not considered to be acceptable as it represents the creation of new development and new uses in a location where new development should be strictly controlled as identified by Policy ST5 of Devon County Structure Plan. Policy S5 of the East Devon Local Plan states that development in the open countryside will only be permitted where it is in accordance with a specific Local Plan policy that explicitly permits such development and this level of expansion and the type of facility sought to be provided are not supported by other Local Plan policies. While the small scale expansion of the pub function itself (i.e. improved bar/restaurant facilities) may be acceptable, the scale of this application represent the creation of a function venue and overnight accommodation tantamount to the creation of hotel (indeed the indicative elevation plans refers to this part of the development as a Motel/Function suite) and Local Plan policies dealing with tourism or recreation do not provide any support for these types of functions to be created in new built development outside of defined Built up Area Boundaries and in the AONB. The proposed expansion of the pub grounds into the adjoining field also represents a significant expansion in the developed area of the premises onto land where development would normally be strictly controlled. Therefore the principle of the proposed development is not considered to be acceptable.

The scale of the proposed redevelopment of the site also raises serious issues in terms of the impact this would have on the character of the existing public house and the wider impact on the landscape of the AONB.

The premises has the character of a typical country pub albeit that it is a large pub that has been extended and is not an unusual feature in the open countryside adjacent to a cross roads as there are many isolated pubs in the local area that have developed next to main roads and junctions. However the proposed level of expansion of the built form and mass of the building and the type of facilities and accommodation that would be provided would change the character of the property from an attractive country pub to a large dining/function/hotel complex and, notwithstanding the proposed use of traditional building forms and materials, this would have a detrimental impact on the special character of the premises. Although the application refers to the existing building complex as including the two and single storey pub building and the various single storey detached out buildings in the enclosed rear yard area and the seasonal marquee, these associated structures are not considered to set a precedent for the footprint of a new building as these structures are clearly ancillary in scale and nature to the main pub function. However the proposed new footprint would in terms of floor area make the existing pub the subservient element to the restaurant and function/motel elements further undermining the pub character and function of the property. The visual benefit of removing the rather unattractive rear yard area and collection of structures is not considered to provide sufficient justification for such an excessive and harmful expansion of the property.

In landscape terms the scale of the expanded buildings and the expansion of the pub garden, car parking and access into the adjoining field also raise serious concerns regarding the visual impact the development will have on views to the site from the wider AONB. Although the ancillary buildings and yard area does spread over a similar area as the proposed new build these structures, while being fairly functional and unattractive, are low key and are not prominent or visible from wider views to the site and the only visible prominent part is the main two storey element. However the creation of two additional sections of two storey building would increase the visual massing and extent of the building and this would be visible from wider views towards the site as each element would be seen stepped down in front of the section behind, particularly given the sloping nature of the site to the west. Indeed the supporting statement indicates that

the finished complex will not read as one large monolithic structure but as a series in a development process. The extended massing and scale of the resulting complex will increase the visibility and prominence of the property and it is considered that this will harm the visual quality and character of the AONB.

The development of the adjoining field with extensive area of parking and the internal access road would also further add to the visual prominence of the site as currently from a distance the pub garden and field blend in together to create one green area but this would be seriously eroded by the development of the field and the likely spread of activity into the remaining section of the field. While some of this visual impact could probably be addressed by landscaping it cannot be guaranteed that surfacing materials and screening planting will be maintained in the long term to mitigate the visual impact and when the site is fully parked out the cars themselves would have a detrimental visual impact.

In addition the proposed building with the likely openings proposed to the elevations and the proposed two storey restaurant terrace (shown in indicative elevation only) would result in a significant increase in light pollution visible from the west and south as currently the main areas of lighting face towards the cross roads and round the main car park. The creation of the new car park and the spread of customer accommodation further out from the main building will undoubtedly lead to increased lighting on the western and southern parts of the site. This would further add to the prominence of the site and would further undermine the character and appearance of the AONB.

The Highways Officer has also requested that proposals be put forward for bus stop infrastructure to be incorporated as part of the development although at the time of writing the report it is has not been possible to confirm whether this is envisaged within the site or outside of the site further away from the junction. However the provision of lay-bys, bus stops, kerbing, signage and footways to the site is not considered an appropriate form of development in this open countryside location and would further emphasise the change in scale and function of the property from a country pub to a extensive dining/function/accommodation complex. This infrastructure would be costly to provide but the Highways Officer feels it is justified by the scale of the proposed development and again this supports the view that the development proposed in terms of its scale and intended function is not acceptable in this sensitive rural location. While the Council would seek to promote bus travel and bus infrastructure wherever possible, this cannot be at the expense of the character and appearance of an area and the provision of these types of features on the main road within or adjacent to the site would urbanise what is essentially a rural road junction.

Therefore the principle of development of this scale and type is not supported in this location and the cumulative impact of the development and the required infrastructure on the character of the site and the wider character and appearance of the AONB is not considered to be acceptable.

#### Alteration to the accesses

An important part of the application is the closure of both the existing accesses and the creation of one new access on the B3174. Pre application correspondence undertaken with the Highway Authority (submitted as part of the supporting documentation) indicates that the principle of closing the access on the main A road and the creation of one new access is acceptable subject to the submission of full details. Therefore the provision of one new safer access and the opportunity to close up the access on the main A road is welcomed. However the new access is proposed in the agricultural field adjoining the pub grounds and for the reasons discussed above it is not considered to be acceptable for the pub activity to expand into this adjoining agricultural land. A new access could be provided on the B3174 further away from the junction but still within the defined pub grounds and this should be the preferred approach.

Notwithstanding these concerns regarding the principle of the new access on this adjoining land the informal comments of the Highway Officer requesting further information and revised details indicates that insufficient information has been provided at this time to enable the highway implications and adequacy of the new access and visibility splays to be fully assessed. As this is a crucial part of this application this information should be provided to the satisfaction of the Highway Authority

The new access and the required visibility splay will also be likely to result in the loss of several significant trees on the western edge of the site but as these trees have not been accurately surveyed and shown on plan this impact cannot be fully assessed at this time. As any loss of trees to this part of the road will have a significant impact on its character and appearance this information should have been accurately and fully provided and without this information the Council is unable to assess the impact of the proposed new access.

#### Detached managers dwelling

There is a strong policy presumption against new residential development in the open countryside with the only formally recognised exception being the need to provide houses for agricultural workers.

The application proposes the creation of an entirely detached new dwelling and the only justification provided is the wish to house an additional manager on the premises. However, even if the redevelopment of the pub could be supported and the anticipated growth in the business would require a second full time manager, it is not considered that there is sufficient justification for both managers to live on site. The needs of the business does not require a second manager to be available at most times day and night and as there is an existing staff flat in the main building this provides adequate accommodation for one manager to be on the premises at all hours. Therefore there is no need to provide a new detached dwelling to provide accommodation for a second manager. The provision of detached dwelling, even if constructed in a traditional form and with traditional materials, would also further add to the spread of development within the site and would further undermine the rural character of the site and wider AONB.

#### Other issues

There are no immediate neighbours to the application site and therefore the proposal does not raise any issues of residential impact.

In relation to the recommendations of the County Archaeologist and Natural England these measures could be easily accommodated by planning conditions and therefore any adverse impact on these two areas can be adequately mitigated.

In respect of surface and foul drainage the application form indicates that provision will be to a soakaway and the existing treatment plant respectively but the Council's Environmental Health Department has advised that the current treatment plant is not adequate to cope with the existing loading and that the soakaway frequently breaks out into the field below. The Environmental Health Officer does not consider that the existing system can cope with any additional loading without creating significant public health problems and as the existing soakaway is sited where the new car parking and access road is proposed this will further affect its performance. On these grounds the Environmental Health Officer has objected to the application and in the absence of further information regarding the capacity of the existing system or proposals for a new sewage treatment facility the proposal is not considered to be acceptable.

In terms of the economic viability of the pub, the supporting statement clearly indicates that the pub is functioning at a high level and the current proposal is not intended to make the pub viable but rather to increase the existing profitability of the pub by tapping into other sources of income.

Therefore logically it follows that the refusal of this permission will not affect the existing level of trade or viability of the business but rather just restrict a further increase in the level of trade. There is nothing to suggest that this existing economic and employment role will be undermined by the refusal of permission for the current development and therefore the viability of the existing business will not be affected. Although the Councils Economic Development Officer has supported the proposals and it is recognised that the pub is a successful business and does provide important local employment national, local planning policy is aimed at directing growth to the most appropriate locations. It is considered that this location is not suitable for this level and type of development.

## **CONCLUSIONS**

While the Hare and Hounds is recognised as an important and successful local pub the scale of development proposed raises issues of principle and character/visual impact which in the open countryside and AONB is not acceptable. Insufficient information has also been provided to enable the full assessment of the safety and impact on the proposed new access and that adequate foul and surface water drainage provision can be made. The new managers dwelling also raises issues of principle as a new dwelling in this location is not justified by the needs of the business.

While the visual improvement of parts of the site would be welcomed and some form of more limited extension to the pub may be acceptable this application is considered to be excessive and unacceptable in this location.

## **RECOMMENDATION**

REFUSE for the following reason(s)

1. The proposed development, by reason of the erection of new built form, the provision of extensive function facilities and overnight accommodation and the expansion of the pub grounds into adjoining agricultural land is not acceptable in an open countryside location and Area of Outstanding Natural Beauty where national and local policy seeks to restrict new development and uses. The proposal is therefore contrary to Policies ST5 (Development Priority 2001 to 2016) and CO3 (Areas of Outstanding Natural Beauty) of the Devon County Structure Plan 2001 – 2016 and Policies S5 (Countryside Protection), EN1 (Development in Areas of Outstanding Natural Beauty) and TO1 (Proposals for Holiday or Overnight Accommodation and Associated Facilities) of the East Devon Local Plan 1995 – 2011. The proposal is also considered to be contrary to the principles set out in Government Guidance (Good Practice Guide for Tourism) and PPS7 relating to Tourism accommodation and rural areas.
2. The proposed development, by virtue of the scale, spread and massing of the new building, the expansion of the car park and access roads into adjoining agricultural land, the likely increase in light intrusion into the open countryside and the required bus stop and highway works infrastructure would adversely affect and urbanise the rural character of this attractive country pub and site. The proposal as a whole would not enhance the natural beauty and distinctive character of the area. The proposal is therefore contrary to Policies ST5 (Development Priority 2001 to 2016), CO3 (Areas of Outstanding Natural Beauty) and CO6 (Quality of New Development) of the Devon County Structure Plan 2001 – 2016 and Policies S5 (Countryside Protection), D1 (Design and Local Distinctiveness), EN1 (Development in Areas of Outstanding Natural Beauty) and EN15 (Control of Pollution) of the East Devon Local Plan 1995 – 2011.
3. Insufficient information has been provided to enable the Local Planning Authority to assess whether adequate visibility can be provided from the proposed new access so as

not to create a highway danger and to enable the full assessment of the visual and character impact of the new access in terms of the potential loss of important trees from the required visibility splay. The proposal is therefore contrary to Policy TR10 (Strategic Road Network and Roadside Service Areas) of the Devon County Structure Plan 2001 – 2016 and Policies TA7 (Adequacy of Road Network and Site Access) and D5 (Trees on Development Sites) of the East Devon Local Plan 1995 – 2011

4. The Council does not consider that the existing sewage treatment plant serving the property is adequate for the increased loading that would result from the development and in the absence of further information regarding the capacity of the existing system or proposals for a new treatment system the Council is not satisfied that the foul and surface water drainage requirements for the development can be adequately dealt with. The proposal is therefore contrary to Policy EN19 (Private Sewage Treatment Systems) of the East Devon Local Plan 1995 – 2011.
5. The proposed manager's cottage would represent the creation of a new dwelling in the open countryside where it is national and local policy to restrict such development. The needs of the business are not sufficient to justify the creation of a new detached dwelling to provide accommodation for an additional manager. The proposal is therefore contrary to Policy ST5 (Development Priority 2001 to 2016) of the Devon County Structure Plan 2001 – 2016 and Policy S5 (Countryside Protection) of the East Devon Local Plan 1995 – 2011.

#### Refused plans

- Site Location Plan received 30 March 2007
- Site Survey received 30 March 2007
- Existing and Proposed Footprints received 30 March 2007
- Access and Parking received 30 March 2007
- Scheme Layout received 30 March 2007
- Ground Floor received 30 March 2007
- First Floor received 30 March 2007
- Massing Elevations received 30 March 2007

#### List of Background Papers

Application file, consultations and policy documents referred to in the report.