

Location:           **The Bull High Street Gosmore Hitchin Hertfordshire  
SG4 7QG**

Applicant:           **A E Hoffman and K A Lauder**

Proposal:           **Temporary planning permission for a period of 12  
months for the continued use of the first floor as  
residential accommodation**

Ref. No:             **24/00751/FP**

Officer:             **Thomas Howe**

**Date of expiry of statutory period:**

28 May 2024

**Extension of time:**

30 September 2024

**Reason for Referral to Committee:**

Councillor Caroline McDonnell has requested that the application be referred to planning control committee for the following reasons:

*"I agree with the parish council on over development of the land. While I appreciate that it's a listed building and the plans are restricted to working within the bounds of the current structure, there is very little outdoor space, only one parking space for a 4 bed home and no grass/outdoor provision for a family home.*

*It's a listed building which has been allowed to go into disrepair rather than focusing on the intended use as a pub.*

*The Bull was listed as an Asset of Community Value but lost it's status when the current owners leased the building to a chef who ran it as a restaurant.*

*It, along with the Bird in Hand, was a popular and well used pub.*

*The residents in Gosmore would like the building to be sold and run as a pub once again. However if it should be awarded change of use, then plans should respect the Heritage and Listing of the building and be in keeping.*

*By calling in the change of use the future of the Bull will be properly debated and scrutinised.”*

The above are considered detailed reasoning based upon one or more valid material planning considerations and details reasons why the matter is in the wider public interest.

## 1.0 **Site History**

1.1 24/00725/LBC - Internal and external alterations to facilitate change of use of the public house (Sui Generis) to residential (Class C3) comprising 1x four-bed dwelling – Pending

1.2 24/00796/FP - Change of use of the public house (Sui Generis) to residential (Class C3) comprising 1x four-bed dwelling and associated landscaping, Erection of carport/storage - Pending

## 2.0 **Representations**

2.1 **Neighbour Consultation** – None received.

2.2 **Parish Council** –

*“It was agreed to object to this planning application on the following grounds; it exceeds the proposal referred to as the use of first floor as residential accommodation as ground floor also used and is not only residential, it is dangerous and unauthorised. Parish Council request this is called in by a District Councillor and have previously referred on-going concerns to Planning Enforcement.”*

2.3 Environmental Health – No Objections.

2.4 Conservation Officer:

*“It is considered that the granting of a temporary planning permission for a period of 12 months for the continued use of the first floor as residential accommodation would not harm the listed building’s special character. I, therefore, raise NO OBJECTION on the basis that the proposal satisfies Sections 66(1) and 72(1) of the Planning (LB & CA) Act 1990, the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031.”*

## 3.0 **Planning Considerations**

### 3.1 **Site and Surroundings**

3.1.1 The Bull comprises a Public House in Gosmore at the crossroads between Waterdell Lane and the High Street. The site is within the Gosmore Conservation Area and the defined settlement boundary of Gosmore. The building is Grade II Listed and its List Entry reads as follows:

***“House, now a public house. C17 or earlier, brick cased in early C18. Timber frame cased in plum brick with red dressings now painted on front and S part. Steep old red tile roofs. Low-pitched slate roof to E part of rear wing. A 2-storeys corner building facing W with single-storey rear service wing at SE.***

***A 3-cells plan formerly roofed with cross-gable to parlour at S end, and a large projecting external chimney on E. Very large N gable chimney as open fireplace the full width of the house. Stair turret to rear of central part with front and rear doors. W front has plat-band, black painted plinth. 4 windows to 1st floor and 2 blocked openings. Segmental arches to the 3 windows on ground floor. Flush 2-lights casement windows with small-panes and external louvred shutters on ground floor. 8-panel door (renewed) in heavy frame up 2 steps. Wrought iron sign to RH end of front”***

## 3.2 Proposal

3.2.1 Temporary Planning Permission is sought for the temporary (12 months) change of use of the first floor of the public house into residential accommodation. The use is current and has not required any internal or external alterations to the listed building.

## 3.3 Key Issues

3.3.1 The key issues for consideration are as follows:

- Principle of the development
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact of the proposal on the significance of the site as a designated heritage asset
- The impact that the proposed development has on the living conditions of neighbouring properties.
- The impact that the proposed development has on car parking provision in the area.
- The impact that the proposed development has on the environment.

### Principle of Development:

3.3.2 The application site sits within the defined settlement boundary of Gosmore, a Category A Village. Policy SP2 describes how general development will be permitted within the defined settlement boundaries of Category A Villages. The proposal comprises general development and is therefore considered to be compliant with the provisions of this policy.

3.3.3 The development seeks a temporary permission for the change of use of the first floor of the public house into residential accommodation. This falls within the scope of general development and is acceptable in principle.

3.3.4 Whilst the proposed temporary residential use of the first floor does not directly compromise the use of the ground floor as a public house on the site, it is noted that the public house use is not currently operational and the temporary residential use is justified by the applicants for that reason. Therefore, policy ETC7 is considered below. Policy ETC7 provides the following wording:

*“Planning permission for the loss or change of use of any shops, services or facilities outside the defined retail hierarchy will be granted where:*

*a) There is another shop, service or facility of a similar use available for customers within an 800m walking distance; and*

*b) The proposed replacement use would complement the function and character of the area.”*

- 3.3.5 Surrounding the site, residential dwellings and a public house are present, The Bird in Hand, approximately 30m away. I do not consider that The Bull is within the nearby retail hierarchy based on this local grain of development. It is therefore considered that requirement a) is met. Due to the presence of nearby residential dwellings to both sides of the application site, I consider that the temporary use is complementary to nearby uses and consider that b) is met. Overall, the principle of development is suitably supported for the proposed change of use.

#### Design and Appearance:

- 3.3.6 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development. Policy D2 of the Local Plan requires extensions to houses and the erection or replacement of buildings to incorporate design that is sympathetic to the main building in terms of its scale, form and orientation and does not harm the character and appearance of the locality around the site. These policies are broadly consistent with Section 12 of the National Planning Policy Framework.
- 3.3.7 The application seeks no internal or external changes to the fabric of the building. The design of the building, together with its general character and appearance therefore remains the same and are therefore not harmed. It is acknowledged that the nature of the use differs from the prevailing character associated with a public house, however, given the presence of residential dwellings nearby, I do not consider that this change of use harms the character of the building or the surrounding street scape.
- 3.3.8 A gazebo appears to have been erected in association with the existing residential use of the first floor proposed to be continued in this application for a period of 12 months. It is not known whether the gazebo is fixed to the building, and permission has not been requested for the gazebo within the details submitted with this application. The retention of the gazebo structure in the long-term would be objectionable to both the character of the area, the significance of the listed building and its setting, as well as the appearance of the Conservation Area. Consequently, it is considered that a condition requiring the removal of the gazebo at the end of this temporary permission would be justified and meet the tests of conditions set out in paragraph 56 of the NPPF.
- 3.3.9 The proposed development is therefore considered to be in compliance with Policies D1 and D2 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework. The design and appearance are therefore acceptable.

#### Heritage

- 3.3.10 No physical changes internally or externally of the listed building are proposed pursuant to the temporary change of use of the first floor subject to this application. The temporary use of the upper floors for residential use does not impact or prejudice the ground floor being able to operate as a pub.

Subject to a condition requiring the decommissioning and removal of the existing gazebo, as described above, no objection is raised on the basis that the proposal satisfies Sections 66(1) and 72(1) of the Planning (LB & CA) Act 1990, the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031.

Impact on Neighbouring Properties:

- 3.3.11 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.
- 3.3.12 Given that no external changes are proposed, I do not consider that the development gives rise to harm as a result of a loss of light or from dominance being occasioned by the new use of the building. The residential use produces less noise when compared to the public house in operation and is therefore an improvement over the previous arrangement.
- 3.3.13 Given the above, it is considered that the proposed development results in no unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Standard of Amenity for Occupiers:

- 3.3.14 The unit is used by 4 people, across 3 bedrooms under one household on a single floor. The minimum requirement for a dwelling of this size is 74 sqm, and the dwelling features approximately 77 sqm of floor space. Approx. 6 sqm of built in storage is provided. The space requirements for the dwelling are therefore exceeded and the amenity of occupiers is therefore acceptable.

Highways and Parking:

- 3.3.15 The development is served by on-street parking in the locality. It is therefore considered that the residents has access to sufficient parking so as to not detract from the parking levels afforded to neighbouring occupiers, particularly when compared to the previous, relatively intensive use of the public house.

Environmental Implications:

- 3.3.16 This application benefits from the de minimis exemption for biodiversity net gain, and therefore, measurable BNG is not required as part of this application.

**3.4 Conclusion**

- 3.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of the Local Plan policies and the National Planning Policy Framework.

**3.5 Alternative Options**

- 3.5.1 None applicable.

#### 4.0 **Legal Implications**

- 4.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

#### 5.0 **Recommendation**

- 5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The residential use hereby permitted shall only proceed for a temporary period of 12 months from the date of this decision notice and shall cease once this period expires. Within 8 weeks following the expiry of this period, or the cessation of this temporary residential use, whichever is first, the gazebo present on site shall be deconstructed and permanently removed from the site.

Reason: To ensure there are not unacceptable impacts to this Heritage Asset, and to ensure a suitable standard of amenity for occupiers. To comply with the provisions of Local Plan 2011-2031 policies HE1 and D1.

#### **Proactive Statement:**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.