

**Parish: EDWARDSTONE****Location: White Horse Inn, Mill Green****Proposal: Retention of Micro Brewery and Ancillary Offices (as amended to that approved under planning permission reference B/06/00503)****Applicant: Mr J Norton****Case Officer: Christine Thurlow****Date for Determination: 01.06.09**

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**THE SITE**

1. The application site area measures 0.7 hectares and includes a detached two storey building currently trading as the White Horse Inn Public House. There are a number of other structures on the site including two holiday let buildings, a wind turbine and the building, the subject of this current application, which relates to a micro brewery and ancillary offices. The complex of buildings and land lie to the north of the cluster of development known as Mill Green in Edwardstone; immediately adjacent to the northern boundary of the application and the micro brewery building lies the Grade II Listed Building occupied as a dwelling and known as Mill Green End.

**THE PROPOSAL**

2. Planning permission was granted in August 2008 for a planning application which was described as a change of use of outbuilding to form micro brewery, storage, office and tractor shed. However it is clear upon reviewing the file that the applicant's stated intentions were for part repair and part removing existing outbuilding and the conversion to part single part two storey building to be used for micro brewery, storage, office and tractor shed.
3. Following consideration of the planning application by Development Committee at its meeting on 19 June 2006 (B/06/00503/FUL – Item No. 1) planning permission was granted for the development with the understanding that the proposal involved alterations to the structure. Unfortunately, however, when the Decision Notice was issued it is clear that planning permission was granted purely for a change of use of the outbuilding to form a micro brewery, storage, office and tractor shed. Clearly, therefore, there is a discrepancy between the description of development on the grant of planning permission and the submitted plans and the applicant's intention.
4. Notwithstanding these issues, development was carried out on site but not in accordance with the terms of the planning permission or the approved plans in that considerable differences are evident if a comparison is undertaken between the micro brewery and ancillary office building constructed on site and the plans submitted under cover of the earlier application in 2006 (B/06/00503/FUL). In summary the principle differences are:-
  - With the exception of the retention of a plinth and a herringbone brick wall, the remainder of the structure is newly constructed and is not an alteration or conversion.

- A considerable number of significant differences in the form of the building (as constructed) have occurred if compared with the plans deposited under reference B/06/00503/FUL.
5. In view of the degree and nature of these changes your officers have concluded that no planning permission exists for the micro brewery and office building constructed on site and following complaints about the discrepancy between the approved form of development and the structure built on site from third parties, your officers requested and negotiated the submission of a planning application to regularise the unauthorised structure on the site.
  6. This planning application forms the result of these actions.
  7. The micro brewery and ancillary office building (as constructed) comprises a structure of the following dimensions and form:-
    - An irregular shaped building of part 2 storey part single storey design.
    - 7.4m in height (2 storey element).
    - 4.4m in height (single storey element).
    - Footprint of building is irregular – maximum dimensions are 12.7m x 14.7m.
  8. A Design and Access statement has been submitted to accompany the application; the complete text of which can be seen via arrangement with the case officer. In summary this makes statements in relation to amount, layout and scale of the development, landscaping appearance, materials of construction and access. The document also includes reference to consultations that were carried out in respect of the application prior to its submission and a statement about the site having a 0.1% or less likelihood of flooding (following an assessment of the site and development in relation to the Environment Agency website). In addition the Design and Access statement makes the following comments within the introduction as follows:-
    - As with the majority of rural public houses, the economic viability of the White Horse is marginal and the owner is attempting to maximise the usage of the site to ensure its continuing availability as a village amenity. The provision of a micro brewery to produce beers for sale within the White Horse and through other local outlets is seen as a key part of the economic strategy to preserve the public house as a village amenity.
    - The applicant has a mission to demonstrate that the business can be run on a sustainable basis in all respects and wanted a building with as low a carbon footprint as possible, both during construction and throughout its lifecycle and has therefore invested heavily in alternative materials to produce the most eco friendly building possible.
    - The site of the brewery was previously occupied by a dilapidated collection of outbuildings that had been partially rebuilt in poor quality materials following a partial collapse in the storms of October 1987. These were constructed in a timber frame enclosing an older brick-built store with a shallow pitched roof in corrugated metal. At the time of the original application it was hoped to reuse some of the timbers from the building and to retain a section of the internal brick wall and the adjoining old garden wall, the latter has been retained.

- On further investigation it was found that the bricks that formed the poor internal wall had become saturated due to a lack of damp-proof course and had lost their structural integrity, such that it was impossible to preserve them in situ or reuse them as bricks within the replacement structure. They were reused in the limecrete floor.
  - Since completion the building has attracted many positive comments and is to be entered to a Green Building Award.
9. Since registration of the application the original submitted plans were re-checked against the micro brewery building as built on site and were found to be inaccurate (in terms of fenestration design). Amended plans were requested and these are currently the subject of re-consultation with all interested parties – the expiry date for submission of any further representations is the 29 June 2009.

## RELEVANT HISTORY

10. 2006 – Planning permission granted for a change of use of outbuilding to form micro brewery, storage, office and tractor shed – (B/06/00503/FUL)

## NATIONAL GUIDANCE

**PPS Note 15** (Planning and the Historic Environment)

## PLANNING POLICIES

11. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, saved policies in the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

### **East of England Plan - 2008**

- **SS1** Achieving Sustainable Development
- **ENV7** Quality in the Built Environment

### **Babergh Local Plan (Alteration No.2) 2006**

- **EM01** General Employment Policies
- **CN01** Design considerations
- **CN06** Development within the setting of a Listed Building.

**The relevant documents can be viewed via the internet. Please see Page 4 for details.**

## CONSULTATIONS

12. PC – original views – make the following comments:-

“our objections (2) from people nearby the White Horse and the Chairman of the Parish Council also has observations about the outside staircase.”

Two emails accompanied the Parish Council's comments stating:-

- A close neighbour of the micro brewery has approached me with some strong objections to the outside stairs overlooking their property. People standing on the landing can look down into their windows. I therefore think this must be considered as a strong objection to the outside staircase.
- Do not understand if Mr Norton has received planning permission. How is it he has made these amendments to the original plans without consent from Babergh District Council. Is this legal and if so, this sets a precedent for anybody to change the plans to suit themselves. Mention is made of minor amendments which are not minor.
- The stairs have been put outside and two roof lights have been installed which could be indicated that it could possibly be changed into separate accommodation or other usage.
- Why have internal walls been removed and damp being the reason for the refusal? How do you get damp into a new building?
- I do believe the building is higher than the original plans and is not in keeping with the houses next door. Has this been checked by Babergh District Council?
- I believe the applicant does play on the green issues to get what he wants. This will not change our village but bad planning will.

13. LHA – Does not wish to restrict the grant of planning permission.

14. Environmental Health – To be reported.

15. Amended plans have been submitted (see paragraph 9 above); these are the subject of re-consultation with all interested parties and any views will be reported to Members at the meeting.

## **REPRESENTATIONS**

16. One letter of objection from the occupier of Rose Cottage making the following comments:-

- Our main cause of objection is the outside staircase which is a gross infringement on our privacy. Anyone standing at the top of the staircase can look straight into my living room, kitchen and conservatory.
- We have never been approached by Babergh District Council or the applicant for our views or consent to this project despite the fact that our boundary is approximately 30 yards from the micro brewery and the build is in my direct view more than other neighbours.
- Because the notice was attached to the White Horse Inn, we were unaware of the application and only knew about it after permission had been granted by Development Committee.

- A further cause for complaint is the height of the micro brewery which dominates the area, indeed your Planning Department have described the proposed micro brewery as a monstrosity which would dominate adjacent houses and said they had washed their hands of it. We find it incredible that the building has been allowed to progress to this stage without any intervention from Babergh District Council. In an early stage of construction we pointed out the walls that should have been retained but had been demolished, when permission was originally given by Councillors for the micro brewery, against the advice the Planning Department, an amendment was made "Members noted that the description of the application should be amended to change of use of outbuildings and extension and alteration to form micro brewery, storage, office and tractor shed". It is pertinent to point out that according to our District Councillor the addition to the footprint of the sheds was only allowed because the applicant was housing the Parish Council tractor. There was never a Parish Council tractor merely a millennium green tractor which was not housed at the White Horse Inn and already at the time of the original application was housed in a new shed on the Millennium Green. Planning permission was given for this shed a year before by Babergh District Council. We see that the tractor shed is now larger than the original plans.
  - We assume that the Completion Certificate has not been issued for the micro brewery to date, and ask why your approved Inspector passed the build at the early stage? A complete rebuild is not a change of use. Additionally, we would like to point out that it is immaterial whether the present occupants of Mill Green End had no objection to the original planning application. For obvious reasons the protection is on the building and not the occupants. It is your responsibility to see that Listed Buildings are given the protection they deserve. My final point is amazement that a wooden structure should be allowed to be built so close to Mill Green End. This surely must be a fire risk. I believe the guttering actually touches. We wonder with such a complete change from the original plan, what the next planning application for the micro brewery might be – change of use for all or part?
17. One letter and five emails of support have been received making the following comments:-
- I work in the brewery so my job relies on permission being granted. The pub on the same site has seen a marked interest in business since the brewery was opened with locals and visitors alike using the pub more often as a result of their being an attractive building next door and very local beers available. The whole project will only work if the pub and brewery work together.
  - The pub employs three full time employees, all residents of Edwardstone. These jobs would no doubt be at risk if the ambience of the site was spoilt by having to reverse the alterations to a very attractive building. For community life to continue in this village, that has lost all other facilities, planning permission must be granted. In a time of economic strife this site continues to employ more local people, use local services, pioneer green values and technology, reducing food and drink miles and pumping money into the local economy. The pub acts as a hub of the community and if proved unsustainable and closed, the village would just become nothing more than a collection of houses.
  - The green credentials of the brewery have been noted by local and national media by achieving runner-up in the Green Suffolk Small Business Award. We even made it into The Times under a section about good news stories.

- It would be sad if a local green enterprise and hub of the community was destroyed by a small number of individuals bent on tearing the last strand of life out of their village. We are doing our bit to save the planet, but obviously some people have more pressing concerns like whether they can see a staircase.
  - I believe the brewery project represents an outstanding initiative by a family committed to sustainable business development. The endeavours of this family have turned the public house, that was almost certainly doomed to closure, into a vibrant venue that has revitalised the local community.
  - We had the pleasure of running this wonderful Suffolk inn from 1982 to 2005. It is the hub of village life and the new owners have put their all into making sure the Inn will remain open in the foreseeable future. We hope, and in line with your policy of not allowing inns and pubs to shut, that this planning application is approved to ensure that this inn has a secure future for generations to come.
  - The building has been beautifully constructed both aesthetically and structurally. Also, every effort has been made to make the project as green as possible and is a credit to the owners.
  - The White Horse has been transferred into a very nice pub and has certainly put Edwardstone on the map.
  - I believe that the planning application relates to minor amendments; the most obvious of which is the outside staircase. This, I think, enhances the building and gives it character. I have no hesitation in giving my full support to the application.
  - The design of the micro brewery has enhanced the public house and has been built to the best of environmental standards. The Brewery also compliments the chalets in the camping field.
  - We feel the brewery building is a splendid example of how an industrial building can be constructed in a sustainable manner and a suitable design in a rural setting.
  - The building manages to reflect the style of the local barns without being a pastiche and is a vast improvement on the ramshackle old sheds that were there previously. The careful selection of materials has produced a quality building that will stand for many hundreds of years and we particularly like the external staircase which echoes the style of that at Smalls Farm on the outskirts of the village.
  - The fact that the brewery provides employment in a rural location and contributes to the economic viability of the public house has to be commended in this time when so many villages are losing their pub, which like this one, is the only community facility left.
  - To refuse permission for the retention of this building would be a tragedy if it jeopardises the survival of the pub which attracts visitors from all over the country.
18. A letter has been submitted by the applicant (dated 5/5/09) containing some further points (reproduced below) and accompanied by a petition containing 133 signatories in support of the application. The applicant states:-
- Nobody has raised any objection to us.

- The local support is overwhelming and many people are shocked that we have a problem.
- We've spent a large amount of time, effort and money on doing something that is tasteful, environmentally sound and good for the community and local employment.
- The entire White Horse project has been done using local sourced, traditional, low carbon building materials, with cutting edge renewable energy to further reduce any environmental damage.
- Many people go out of their way to compliment us on the architectural attractiveness of the building.

## **PLANNING CONSIDERATIONS**

19. The following facts are clear:-

- The grant of planning permission contained a discrepancy in that the description of development did not relate to the development detailed on the approved plans ie. the description should have included the words "extension and alteration".
- The micro brewery and office building constructed on site was not built in accordance with either the terms of the planning permission granted or indeed the approved plans relating to that planning permission as the structure is substantially different in form and design terms, and it is largely a new build.
- The construction of the building in its current form clearly represents a breach of planning control as the building has no specific grant of planning permission. Your officers have been in discussion with the applicant over some months in order to secure a revised application in order to regularise the current situation. The submission of this application is the outcome of those discussions.

20. The leading planning policies for consideration in relation to the determination of this case are:-

- EMO1 - which states that employment related development proposals will be judged in particular against the expected job creation, the potential effect on residential amenity, environmental quality, traffic generation and road safety, and site accessibility by a range of transport modes.
- CN06 – relating to the construction of new work within the cartilage or setting of a Listed Building; this policy sets criteria against which the proposal should be judged in order to respect and safeguard the character and setting of such Listed Buildings.
- CN01 – policy which requires all new development proposals to be of an appropriate scale, form, design and construction/materials for the location.
- CR01 – policy which states that the countryside will be protected by restricting development to that which is essential for the efficient operation of agriculture, forestry and horticulture and for appropriate outdoor recreation.

21. In view of the above and taking into account other material planning considerations in the assessment of this case, the following issues are critical to the determination of the case. They are:-

- **Expansion of existing employment site**
- **Scale design and form of building and impact on the locality and in the wider landscape**
- **Impact on the setting of the Listed Building**
- **Impact on residential amenity**
- **Other issues**

#### **Expansion Of Existing Employment Opportunities On The Site**

22. Local Plan policy EM01 states that employment related development proposals will be judged in particular against the expected job creation, the potential effect on residential amenity, environmental quality, traffic generation and road safety and site accessibility by a range of transport modes.

23. The approved scheme received the benefit of planning permission on the basis that the development related to a re-use of an existing structure which was redundant but formed part of a curtilage to the public house and the surrounding land. The proposed use (that of a micro brewery and ancillary offices) reinforced the existence of public house on the site and was considered a complimentary use to the host building. It also allowed the opportunity for the public house to diversify in business terms and was regarded as helpful to its continued vitality and viability. In carrying out the development very little of the former structure remains and the building, as constructed, is slightly larger than previously approved in footprint terms (0.4m x 2m larger). However, in job creation terms the applicant has stated that the existence of the micro brewery underpins the public house on the site and provides the opportunity for him to market local beers to other pubs in the area. On this basis the existence of the building and its operation for the use as stipulated (micro brewery and ancillary offices) appear to support the public house and the role it provides within the community in business and employment terms and subject to no adverse impacts in relation to residential amenity, environmental quality, traffic generation and road safety, the proposal may be regarded as acceptable in principle. However, having accepted that the construction is essentially a new build structure, the current planning application does not capitalise on the reuse of redundant buildings in the countryside policies and must stand and fall in relation to new buildings for commercial purposes in rural areas. As such, were Members minded to support this application, the proposal would be termed to be a departure from those planning policies (CR01) in strict application terms.

#### **Scale, Design and Form of Building and impact on the locality and in the wider landscape.**

24. The building has been constructed to a good quality and standard in construction terms and it is understood that it embodies strong emphasis on green credentials (including the use of solar panels and the most sustainable methods of construction with the lowest carbon footprint possible). The brick plinth walls are constructed in reclaimed red bricks and lime mortar and the original herring bone garden wall has been retained internally to the conditioning room. The timber frame forming the main structure of the building is constructed using soft wood from certifiable, sustainable sources and treated with natural preservatives that are not harmful to insects or animals and do not give off volatile, organic compounds (VOC's). The insulation between the stud work and the roof structure is natural sheeps wool that has been treated with natural mineral preservatives to prevent insect infestation. The applicant states that because of its ability to absorb moisture it is more efficient in cooling the building in summer as well as keeping it warm in the winter. The applicant claims overall thermal performance of the

walls is far in excess of the Building Regulation requirements for this type of building. The roof has been finished in reclaimed local pantiles and incorporate rooflights to the north elevation to prevent overlooking of neighbouring properties and to the south and east facing slopes incorporates solar collectors to heat the water used in the brewing process. The hot water from the solar panels is fed into a large thermal store and will be supplemented with heat produced in a high efficiency wood burning boiler that will be fuelled from local timber supplies to bring the water to the required temperature for the mashing stage of the brewing process.

25. In relation to policy CN01 the appearance of the structure is of modern proportions, albeit the materials appear in keeping with the traditional appearance of the public house. Compared with the earlier grant of planning permission, this building is larger in footprint terms. However, it is set in from the frontage of this site to the adjoining highway and its dominance in public amenity terms is reduced because of this set back and the existence of landscaping in the vicinity. However, it is possible to see the roof of the building from several vantage points from the public highway, albeit due to its location the impact is not so great as to warrant being termed unacceptable and the refusal of planning permission and any form of enforcement action for modification or demolition.

#### **Impact on Setting of Listed Building**

26. This building has a very close relationship in location and spatial terms to the Listed Building to the north known as Mill Green End. Indeed both buildings are set back from the main road and almost in parallel with each other in locational terms. There is very little separation between either property and as a result this building does impact upon the setting of the Listed Building. However, a similar sized building occupied the site of the current structure previously, and planning permission was granted for a reuse of that building for this purpose. Given the quality of this building, the type of materials employed and its relationship in terms of height, scale and mass to the Listed Building, it is considered that there are insufficient grounds on which to justify refusal of planning permission and demolition of the property on impact on setting of Listed Building considerations. In assessing this criteria some weight has been given to the character of the Listed Building adjoining and its significantly altered appearance.

#### **Impact on Residential Amenity**

27. The most significant impact in respect of residential amenity also occurs to the occupiers of Mill Green End to the north of the site (the Listed Building). The close relationship and lack of much physical separation between the properties again results in an impact on the residential amenity of the occupiers of that property. However, planning permission was granted for a micro brewery and ancillary offices in the same location but in a slightly different footprint and height. Objections have been raised to the external staircase which was not a feature of the earlier planning permission. However, officers have climbed this staircase which allows independent access to the first floor offices above; standing at the top of the stairs, it is possible to view some of the neighbour's garden, although direct overlooking into the neighbour's property is not readily possible due to the position, form and design of the external staircase. Neither is there any undue harm to the amenities of any other nearby residents. In view of the above, it is considered that there are insufficient grounds to recommend refusal of the retention of this structure on the basis of its impact on residential amenity.

## **Other Issues**

28. The Local Highway Authority has raised no objections to the proposal in terms of traffic generation or impact on road safety; the existing access to the site is regarded as sufficient to cater for the traffic generation associated with this development. Indeed this was the view taken in respect of the previous scheme, reference B/06/00503/FUL. In respect of Planning policy EM01, the policy states that the site accessibility by a range of transport modes should be considered. In relation to this, access has been covered in the applicant's Design and Access statement and suggests that the site is readily accessible to the community by all modes of transport. In general terms Mill Green probably represents the highest concentration of development in a cluster within the parish of Edwardstone; however, Edwardstone has a relatively sporadic and dispersed form to its settlement and those wishing to access this site from further a field would need to travel by car and/or other vehicles. However, the existence of the micro brewery in this location on the site and its role in underpinning the public house and providing a source of locally brewed beer means that some reduction of trip generation to service the needs of the public house on the site by the delivery of beer is experienced.

## **CONCLUSIONS**

29. To conclude whilst a retention of this structure, which comprises a new build, is not entirely consistent with policy CR01, which says that development in the countryside should be for agricultural and leisure facilities only generally, the retention of the building does not cause harm to material planning considerations sufficient to warrant refusal of the proposal on these grounds. Notwithstanding the fact that the retention of the structure is therefore strictly contrary to policy CR01 and represents a departure from policy, the proposal is regarded as acceptable and the recommendation is one of approval.

## **REASONS FOR APPROVAL**

30. The retention of this 'new build' structure for the purpose of a micro brewery and ancillary offices does not strictly accord with the provisions of planning policy CR01 of the Babergh Local Plan (Alteration No. 2) 2006 as it is not essentially required for the purposes of agriculture, forestry, horticulture or outdoor recreation. However, it constitutes a replacement of a slightly smaller building on a site where planning permission was granted for a change of use of the redundant building for similar purposes (micro brewery) albeit the submitted plans also included some alterations to the building (planning permission reference B/06/00503/FUL refers). Notwithstanding this issue, the proposal is considered to be an acceptable expansion of the employment use on the site when judged against policy EM01 of the Babergh Local Plan (Alteration No. 2) 2006; neither does the building unduly harm the setting of the adjacent Listed Building (policy CN06) or the amenities of nearby residents. It is considered acceptable in terms of its form, design, materials (policy CN01), and its wider impact in the landscape and is acceptable in highway terms.

## **RECOMMENDATION**

- (1) That planning permission be granted subject to the following conditions:
- No alterations, additions or further solar roof panels, or modifications to the external walls and roof of the structure without the submission of a formal planning application.