

**19/03535/APP The Green Dragon 8 Churchway Haddenham Buckinghamshire HP17
8AA Change of use public house to single residential dwelling**

Summary

1. The Parish Council objects to the proposed change of use on the following grounds:
 - (a) Viability assessment
 - (b) Loss of valued facility and service
 - (c) Significant heritage harm
 - (d) Harm to Haddenham's sustainability as a strategic settlement
 - (e) Contrary to Draft VALP and to the Neighbourhood Plan

Context

2. The Green Dragon is a listed building in the Conservation Area. It has also been confirmed by AVDC as an asset of community value, having been nominated both in the Haddenham Neighbourhood Plan and by Camra. In addition to the architectural citation in AVDC's 2008 Conservation Area review, the Green Dragon was historically also a coaching inn and home to the Manorial Court until 1924.
3. **Draft VALP** sets out at Chapter 8 AVDC's approach to listed buildings, conservation areas, and heritage assets. In defining the significance of heritage value VALP draws on Historic England's Conservation Principles. Particularly relevant here are those described as evidential, historic and communal in paras 8.28, 8.29 and 8.31 respectively (see below). Draft Policy BE1 states that the Council will:
 - "Require development proposals that cause substantial harm to, or loss of a designated heritage asset and its significance, including its setting, to provide a thorough heritage assessment setting out a clear and convincing justification as to why that harm is considered acceptable. Where that case cannot be demonstrated proposals will not be supported unless the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss and accord with the requirements of national guidance, and
 - Require development proposals that cause less than substantial harm to a designated heritage asset to weigh the level of harm against the public benefits that may be gained by the proposal, including securing its optimum viable use."
4. **Haddenham Neighbourhood Plan** (as amended) has been adopted by AVDC as part of its own approved development plan. The Neighbourhood Plan states at para. 9.3.1:

"Combined with the statutory protection of the Conservation Area, and the ongoing focus to conserve and enhance the historic environment and heritage assets in the Parish, the function of community amenities should also be protected because of their importance to village life and enjoyment by residents of Haddenham and

surrounding villages; development plans that result in their loss or significant harm will be resisted.”

5. Neighbourhood Plan Policy HWS2: “Protecting Community Amenities” states:

“The retention and enhancement of local services and community facilities including shops, pubs, food outlets and commercial services will be supported. Proposals involving the loss of facilities will not be permitted unless it can be demonstrated that they are no longer financially viable whilst proposals to change the use of an asset must demonstrate that all reasonable steps have been taken to retain its present use and community value as a viable concern.”

Viability assessment

6. The PC believes that the applicant’s assessment that the Green Dragon is unviable is not proven. The applicant’s submission by Bruton Knowles admits that they had limited information on past trading. In fact several tenants have operated successfully over at least the last quarter of a century, when it has been most successful as a dining pub, in some cases winning local accolades. In the last few years operators have struggled, but not least because of the particular rent review policy of the previous owner (a pub chain) which stifled, or indeed terminated, promising initiatives.
7. The pub chain put the pub on the market in 2018. A community interest group was established with widespread village support with a view to bidding to acquire the Green Dragon for a community pub under the community right to bid procedure. Unfortunately the period of grace allowed proved insufficient to complete the legal requirements and raise the capital, and a bid was not submitted. However a bid was made by another village group for a dining pub to be led by a village-based named chef with a quality food offer. Although their bid was above the asking price, the PC understands that this offer was not accepted in favour of the bid by the present owner, who then returned the property to the market soon after purchase in Spring 2019. Crucially, it is therefore **not** the case that there has been no interest for over 12 months.
8. The current application does not make clear that the terms of sale include an overage provision of 70% of the betterment value in the event of change of use for a period of 70 years in favour of the seller. The PC has had conversations with two parties potentially interested in the Green Dragon as a pub, but are not bidding because these sale terms are considered unduly onerous, particularly if seeking to raise a loan. AVDC will need to evaluate this situation, but again, it cannot be said that there is no interest.
9. The PC notes that Bruton Knowles report that market evidence is showing that the rate of pub closures and conversions to other uses is slowing, and concludes that “there is more activity in the sale of freehold freehouses than in previous years, and values are slowly rising”. The report goes on to suggest that the Green Dragon is likely to be attractive to a family-style business with a food offer.

10. Significantly, the viability report makes no mention of the marketing opportunity afforded by Haddenham's 50% growth as a designated "strategic settlement" (see below).
11. The applicant argued at our public Planning Committee meeting that change of use is needed urgently to prevent building deterioration. However the Bruton Knowles report states that "The property is in a relatively good internal state of repair". Although some external repairs needed, the report says that "a figure in the region of £12,500" would be sufficient for these works. AVDC will be aware that NPPF advises that fabric deterioration should be discounted when considering development of a listed building.
12. In summary, the PC urges AVDC not to accept the non-viability arguments.

Loss of valued facility and service

13. Para 83 of the revised NPPF under the section "Supporting a prosperous rural economy" states:

"Planning policies and decisions should enable [inter alia] the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."
14. The Neighbourhood Plan quoted above similarly resists the loss of valued facilities and services. The loss of activity associated with a pub in particular causes harm to the community and local environment. A place where members of the public can meet and socialise will no longer be there. A garden in which to enjoy food and refreshment and admire the special ambience of Church End will be lost to the local community. The removal of signage and lighting produces a deadening effect on the building's appearance. The comings and goings which give this building life will disappear. The Green Dragon's car park is included in nearby St Mary's School Travel Plan as parking for school drop-off and collection; today the car park gates, always previously open, are locked shut, deadening the frontage and with the cars displaced onto the street. There were until recently 3 pubs, shops and a bank at Church End; all are now closed and the services lost.

Significant heritage harm

15. Besides the loss of the pub itself, there is the impact on the Conservation Area. This is one of AVDC's foremost Conservation Areas. Besides featuring in numerous film and television productions, Church End is the backdrop to village life including the annual Mayday celebration, Haddenham fete and annual fair, with the Green Dragon for long playing a central role. Historic England's Conservation Principles quoted in the draft VALP recognise the importance of activity as a contribution to significance, and in particular to the importance of evidential, historic and communal factors. These underline the impact a building can have in its context where it represents a community's engagement with the wider historic environment, and contributes to a conservation area's particular character. Character derives not only from architecture and built form, but from the presence of mixed uses and activities. Change of use means yet more encroachment of the all-pervasive tendency towards residential "monoculture" which can so erode conservation area character. Pubs in particular

have always made a significant contribution to the Conservation Area at Church End. The PC urges AVDC to refuse this application because of the serious heritage harm to the conservation area at Church End.

16. The Heritage team's advice to the applicant does not pick up on the impact of closure in terms of heritage harm. AVDC can take confidence from the following examples of appeal decisions which have refused the change the use of pubs in conservation areas because Inspectors have prioritised the importance of a pub to the character and appearance of a conservation area, and the significant harm caused to a community by the loss of a valued facility:

- In July 2012 the Inspector dismissed an appeal to change the use of The Cross Keys, 1 Lawrence Street, London SW3 5NB (Appeal Ref: APP/K5600/A/12/2172342), an unlisted building in the Cheyne Conservation Area (CA) which had ceased trading. The Inspector quoted para 70 of NPPF (now para 83 in revised NPPF) noting that community facilities includes public houses, and found "it is clear that, before it closed, the Cross Keys contributed to meeting the needs of the local community through provision of facilities and as a place of social interaction". The Inspector dismissed arguments that there were other premises to eat and drink in the vicinity. The appellant's financial appraisal referring to problems in the previous 2 years were seen as "a relatively brief period on the basis of which to judge [viability] after many years of trading". The Inspector concluded that the Cross Keys "contributes positively to the character and appearance of the CA not only because of the building itself but because of its use". "Its continued use as a public house is clearly an important part of its value and significance as a heritage asset and of its contribution to the CA. I conclude that the proposed change of use would have a materially harmful effect on the value and significance of the Cross Keys as a heritage asset and on the character and appearance of the CA".
- In January 2013 a different Inspector dismissed an appeal to change the use of The Phene Arms at 9 Phene Street, London SW3 (Appeal Ref: APP/K5600/A/12/2172028 & 2175522), an unlisted building also in the Cheyne Conservation Area. The Inspector summarised the two main issues as: harm to the character and appearance of the conservation area, and the unacceptable loss of a community facility.
- In October 2012 another Inspector in dismissing an appeal to change the use of The Queen's Head, 25-27 Tryon Street, London SW3 (Appeal Ref: APP/K5600/A/12/2177513) summarised the issues as: effect on the character and appearance of the Chelsea Conservation Area, and the effect of the loss of the public house on the surrounding community.
- At the Drapers Arms, 44 Barnsbury Square, London N1 in dismissing the appeal the Inspector stated: "the minimal alterations suggested by the appellants would do little to disguise its former use as a public house and the domestic activities likely to take place in and around the building would significantly change the character of the building and the impact it has on its surroundings.the reduction in activity would diminish the importance of the building as a focal point in the area".
- At the Huntingdon Arms, 115 Hemingford Road, London N1 the Inspector stated: "conversion of the premises to residential would, in my opinion, result in a significant change in the character of use. Not only would there be a reduced level of activity, but by its very nature the use would be more private and restrained. I find therefore that the importance of the building as a focal point within the area

- would diminish. I believe that such a change would detract from the character of the immediate area and from the wider Conservation Area”.
- At Newmarket in 2009 the Inspector said “The Plumbers Arms is a pivotal building in the Conservation Area both in terms of its use as a public house as well as in its location atthe road intersection. Both the history of its use and its continued use as a pub I consider to be important factors in preserving the character and appearance of the Conservation Area....”
 - In a Croydon appeal the Inspector said: ”A residential conversion would fundamentally alter a significant aspect of the character of the building; it would no longer be a publicly accessible social focus and the loss of this focus would also affect the character of the conservation area”

Harm to Haddenham’s sustainability as a strategic settlement

17. The draft VALP designates Haddenham as a “strategic settlement” with 50% growth by around 1000 homes. This represents an increase in population from about 4,500 to around 7,000. All but one of the 3 major allocated developments are already under construction, so will finish in the near future; the third has been submitted for planning permission.
18. The strategic settlement designation in turn arose from a “Settlement Hierarchy Assessment”. One of the assessment criteria used in the audit methodology was “facilities and services”, which were further split between “key” and “non-key”. Pubs were classified as a “key” facility. At the time of the assessment, Haddenham had 5 pubs, of which 3 were at Church End. Today just 2 of those pubs are still open, and none at Church End. One of the major development sites (Aston Road) is within easy walking distance of the Green Dragon. This should be a significant marketing opportunity, particularly taken together with the pub’s historic association and prime location. Approving the change of use at this time will close a “key” facility and thereby harm this community’s ability to meet the challenge of welcoming and absorbing so much growth in such a relatively short period of time.

Conclusion: Contrary to Draft VALP and Neighbourhood Plan

19. This proposal is contrary to NPPF, to the emerging draft VALP, and to the Neighbourhood Plan by virtue of all the above issues: the viability assessment, the loss of a valued facility, significant heritage harm to the Conservation Area, and harm to Haddenham’s sustainability as a strategic settlement. The application should be refused. The PC would like the opportunity to make representation should this proposal go to Committee or to appeal.