

8. FULL APPLICATION - TO CHANGE THE USE OF THE CURRENT DINING ROOM AT THE CRAG INN INTO A BOTTLING PLANT FOR BOTTLING ON SITE SPRING WATER AT THE CRAG INN, WILDBOARCLOUGH (NP/CEC/0118/0031, P1338, 398189/368539, 16/01/2018/ALN)

APPLICANT: MRS MELISSA BINDER

1. Site and Surroundings

- 1.1. The Crag Inn is a public house located adjacent to the minor road through Wildboarclough and to the south of the main group of buildings in the dispersed settlement. The building is not listed but is in keeping with the local building tradition and it is constructed primarily from natural gritstone under a blue slate roof.
- 1.2. The pub is served by a large car park to the south-west of the pub premises, which has two entrances at either end of the site frontage. The pub operates on the ground floor of the property with the applicant's living accommodation above.
- 1.3. The premises lie outside the confines of any named settlement and therefore the Crag Inn lies in open countryside for the purposes of the Development Plan and national planning policies in the National Planning Policy Framework.
- 1.4. A public right of way (Wildboarclough no.16) runs from the public highway to the west of the car park alongside the car park before heading in a westerly direction.

2. Proposal

- 2.1. Planning permission is sought to change the use of the Crag Inn from a public house to a mixed use of a public house and water bottling plant. Essentially it is proposed to use the current public house dining room, which is located on the ground floor, on the western side of the building as an area for bottling spring water that is extracted from below ground via an existing borehole located within the curtilage of the property.
- 2.2. The room in question has a floor area of approximately 29.5 m². Bottling equipment has already been installed within the room in question and consists of a rinsing machine, filling machine and a capping machine together with a double sink.
- 2.3. After bottling (in glass bottles) the water would be stacked into crates and removed from the building through an existing window opening in the east facing elevation of the building into an enclosed yard, ready for delivery. No alterations to the pub building itself are proposed.
- 2.4. A supporting statement submitted with the application states that the income from the water bottling business would provide an additional revenue stream to support the continued operation of the public house.

3. RECOMMENDATION

That the application be APPROVED subject to the following conditions:

- 1. 3 year temporary consent.**
- 2. Adopt submitted plans.**
- 3. Water bottling use and any associated storage to be restricted to the dining room shown on the approved plans and the enclosed yard area directly to the east of the public house only.**

4. **Any operation of machinery associated with the water bottling use and any deliveries or other activities in the yard area associated with the water bottling use to be restricted to between the hours of 08.30 and 18.00 only.**
5. **No more than 500 crates per day (or 5000 litres per day whichever is the lesser) of water shall be produced, bottled and distributed from the site in perpetuity.**
6. **There shall be no direct retail sales of the bottled water from the application site other than for consumption within the public house.**
7. **The water bottling use hereby approved shall cease completely if the Crag Inn ceases to trade as a public house.**

4. **Key Issues**

- The principle of the proposed business use in open countryside and potential impact on the public house.
- Impact on residential amenity of neighbouring properties.
- Highways considerations.

5. **Relevant Planning History**

1979 - Planning permission granted for extensions and alterations to Crag Inn.

1980 - Planning permission granted for erection of double garage at Crag Inn.

1981 - Planning permission granted for conversion of two barns adjacent to Crag Inn to holiday cottage and cottage.

1983 - Planning permission granted for extension to Crag Inn.

1994 - Planning permission granted for extension to outbuilding at Crag Inn.

2009 - Planning application seeking change of use of public house to dwelling withdrawn prior to determination.

2011 - Planning permission refused for change of use of public house to dwelling.

2011 - Planning application seeking change of use of public house to dwelling withdrawn prior to determination.

March 2012 – Planning permission refused for change of use of public house to a dwelling. The application was refused on several grounds, including that it had not been satisfactorily demonstrated that the loss of this valued community and tourist facility was justified and that it could no longer be operated as a viable concern. A subsequent appeal was dismissed.

May 2014 – planning consent granted for erection of camping barn. This permission was not implemented and the permission has now lapsed.

October 2017 – planning permission refused for erection of single storey building incorporating 2 short term holiday lets.

6. **Consultations**

- 6.1. Highway Authority – no response

- 6.2. Cheshire East Council – no response
- 6.3. Environmental Health Officer – no objections
- 6.4. Environment Agency – no comments
- 6.5. Parish Meeting – Whilst some residents have raised objections with regard to the level of information provided, the longer term motives of the applicant and the loss of amenity to the village if the pub were to close, on balance the collective view is this if the pub was to remain open and operational, then the proposals may have little or no impact and may be quite exciting.

7. Representations

- 7.1. Four letters of objection have been received from local residents on the following grounds (in summary):
 - Impact on the amenity of ‘Old Beams’ to the north of the site – particularly with regard to noise.
 - The pub has been neglected and run down by the current owners – opening hours are limited. It is only open at weekends between 12 noon and 4pm.
 - There are other pubs in the local area that have proved successful.
 - The quality of the water may not meet required standards and there may be no legal entitlement for extraction.
 - The bottling operation would significantly reduce the seating available in the pub and be a distraction from the core business.
 - Environmental impact of 5 deliveries a day.
 - Concerns that the business is already up and running.
 - Concerns that the storage of crates would spill out into the car park area, causing an eyesore.

7.2 One letter of support has been received on the grounds that custom at the public house is unpredictable, even in good weather and despite advertising. Numerous events, menus and pricing strategies have been tried. The use and re-use of glass bottles is environmentally friendly.

8. Policies

- 8.1. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:
 - Conserve and enhance the natural beauty, wildlife and cultural heritage
 - Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

National Planning Policy Framework

- 8.2. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
- 8.3. Paragraph 115 of the NPPF states that *'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*
- 8.4. Paragraph 28 of the Framework states that local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural area, both through conversion of existing buildings and well-designed new buildings. Para 70 states that planning decisions should guard against the unnecessary loss of valued community facilities and services and should ensure that established facilities are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

Development Plan policies

- 8.5. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
- 8.6. Core Strategy policy E2 states that in open countryside businesses should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmstead and in groups of buildings in sustainable locations. Saved Local Plan policy LE4 states that expansion of existing business development outside of specific named settlements will not be permitted unless it is of a modest scale in relation to the existing activity and does not extend the physical limits of the established use and it does not harm and wherever possible secures an enhancement to the amenity and valued character of the area and the site.
- 8.7. Core Strategy policy HC4 seeks encourage the provision and retention of community facilities.
- 8.8. Core Strategy policy GSP3 states that all development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposals. Particular attention will be paid to impact on living conditions amongst other things. Saved Local Plan policy also seeks to protect the privacy and amenity of residential properties.

- 8.9. LT11 and LT18 require that adequate parking and safe access are a pre-requisite for development within the National Park.

Relevant Core Strategy (CS) policies: GSP1, GSP2, GSP3, DS1, E2, HC4.

Relevant Local Plan (LP) policies: LC4, LE4, LT11, LT18

9. **Assessment**

9.1. Background

- 9.2. The applicant and her partner purchased the Crag Inn in September 2016. Prior to that, the previous owner had operated the pub for some 19 years. The public house operated successfully for many years but in 2012 the previous owner expressed a wish to retire and applied for planning permission to convert the public house to a single open market dwelling, stating that the business was no longer viable or required by the local community. A subsequent appeal was dismissed, the Inspector concluding that the Crag Inn was a valued community and tourist facility and that insufficient justification had been submitted to demonstrate that it was no longer required by the community or could be operated as a viable enterprise.
- 9.3. Subsequently, in 2014 the previous owner applied for permission for a new build camping barn within the public house grounds which was approved. It was argued that notwithstanding the Inspector's conclusions about viability that the provision of basic holiday accommodation would provide an alternative source of revenue to improve the viability of the pub. This permission was not implemented and has now lapsed. The current owner considered that the approved position of the camping barn over the footprint of the well-used beer garden would compromise the business and in 2017 applied instead for a new build block of 2 self-catered holiday accommodation on the western corner of the car park. The application was refused on the grounds that it would be contrary to adopted policies and its location, massing and design would be harmful to the character of the area.
- 9.4. It is clear from this planning history that whilst it has not been demonstrated that the public house cannot be viable, opportunities to diversify the business have been sought and indeed the Inspector in the 2012 appeal identified that there was potential to raise additional finance to support the business.

Issue 1: The principle of the proposed business use in open countryside and potential impact on the public house

- 9.5. The Authority's Core Strategy policy E2 does allow for business development in smaller settlements within the countryside provided it is located within existing traditional buildings of historic or vernacular merit Wildboarclough is a dispersed community but it is considered that the site is located just beyond the south western edge of the hamlet and as such the proposals would not be wholly compliant with E2. However in this case the site is already in an employment use, and the proposals relate to the use of the existing building within the site. The proposals are therefore considered business expansion, rather than a new business in open countryside. Saved Local Plan policy LE4 deals with the expansion of business development outside of settlements stating that such development will not be permitted unless it is of a modest scale in relation to the existing activity and does not extend the physical limits of the established use and it does not harm and wherever possible secures an enhancement to the amenity and valued character of the area and the site.
- 9.6. Information submitted with the application states that the bottling activity would be restricted to the dining room of the public house only. This room could currently provide seating for 22 diners on 6 tables. Presently it is used once a week for a Sunday carvery and can provide overflow for the main pub. However it is stated that the dining room is

rarely used as the main pub room has two open fires and a better atmosphere. The main pub currently seats 24. It is stated that with some re-organisation of furniture in the main pub, that space could be provided for an additional 16 diners therefore reducing the impact of the loss of the dining room.

- 9.7. The supporting statement says that the borehole, which is located in the pub car park is capable of providing 60,000 litres of water per day and that 20,000 litres of water can be extracted without an abstraction licence from the Environment Agency. The applicant is proposing to extract up to 5000 litres per day which equates to 500 crates of water and 5 van deliveries a day. It is stated that the business plan is to deliver the water to local pubs, restaurants, wedding venues and individual customers. The glass bottles would then be collected from customers, washed and re-used. In time it is proposed to employ two part-time members of staff.
- 9.8. In isolated settlements such as Wildboarclough, a public house can bring benefits to the local community such as providing a meeting point, local employment and a focus for community life. In addition the site is close to local landmarks such as Shutlingsloe and Macclesfield Forest and so the pub's continued operation could enhance visitors' quiet enjoyment of the National Park's scenery and landscape. The applicants state that they have invested significantly in the pub but that they consider that in its current state it is not viable. No evidence has been submitted to demonstrate that this is the case. Nonetheless officers do consider that the current proposals could provide a valuable additional income stream to help to support the business and at the scale proposed the use would remain modest in scale in relation to the main use.
- 9.9. There is the potential however, if the business were to be successful, for the bottling plant use to expand at the expense of the public house. As a result it is considered that conditions would be necessary and reasonable and in accordance with LE4, in order to control the scale of the use. A condition to limit the bottling plant use to the dining room and adjacent yard area is considered to be necessary and reasonable to prevent the use from expanding into the main rooms of the pub and the car park. A further condition to limit the total number of crates of water produced to 500 per day is also necessary and on balance enforceable in order to further control the level of use.
- 9.10. Some local residents have criticised the way in which the pub is operated, in particular the limited opening hours. It is clear that different licensees operate their business in different ways and this cannot generally be controlled by the planning system. Officers have considered whether to append a condition that requires the bottling use to cease if the opening hours of the pub drop below a certain level. However it is considered that this probably would not meet the test of reasonableness and would be difficult to enforce. However if the pub were to close completely but the water bottling use were to endure then this would be contrary to policy LE4 and could lead to amenity issues. A condition which requires that the bottling use ceases should the public house cease trading is therefore considered to be reasonable and necessary.
- 9.11. In conclusion it is considered that the proposed use in this location at the scale accords with adopted policies and that it has been adequately demonstrated that the loss of the dining area is unlikely to significantly compromise the viability of the pub through loss of revenue from dining space, because there is adequate space for dining remaining unaffected within the main bar area. In contrast it is likely that the additional revenue would help to support the pub as a going concern and therefore contribute to the aims of policy HC4 which seeks to provide and retain community facilities.
- 9.12. The main issue that remains to be considered is the impact of the proposals on the privacy and amenity of local residents.

Issue 2 – Impact on Amenity of Local Residents

- 9.13. The only residential property in the vicinity of the application site is a property known as 'Old Beams'. Old Beams is located immediately to the north of the public house. The property is orientated such that its principle elevation faces east. Its south facing gable end is approximately 4.5m from the northern boundary of the enclosed yard area that would be used for the storage and delivery of the crates of bottles. As a result there is the potential for this property to be affected in particular through noise and general disturbance from the yard area. The owner of this property has objected strongly for a number of reasons (summarised above) and in particular on the ground of loss of amenity.
- 9.14. Old Beams sits at a higher level to the adjacent yard area associated with the pub and when standing in the yard there is a 1.1m retaining wall on the boundary, topped by a 1.5m high close boarded fence and above that a 600mm high trellis. In total therefore the boundary treatment is 3.2m in height. On the gable end of Old Beams there is ground floor bedroom window facing towards the fence. Whilst there would be no opportunities for overlooking due to the fencing there is the potential for noise emanating from the yard to be heard within this room and generally within the curtilage of the property. However the yard in question is currently a delivery and storage yard in association with the pub. Deliveries of beer etc. come into the yard and barrels and bottles are stored in the stone outbuildings on the eastern side of the yard. As a result there is already the potential for noise and disturbance in association with the current lawful use, especially if the public house were open say 7 days a week and late into the evening. It is considered unlikely that the proposed use would increase the noise emanating from the yard significantly over and above existing potential levels if the pub were operated more intensively. However the applicant has agreed to a 3 year temporary consent. It is considered that such a condition meets the tests of necessity and reasonableness as it would enable the Authority to re-assess any impacts on amenity and indeed on the pub use itself after the water bottling use has been operating for a reasonable period of time.
- 9.15. All of the equipment associated with the bottling use is to be located internally within the building so there should be no significant impact upon amenity as a result of machinery noise. However a condition to restrict hours of operation of machinery and of any activity/deliveries into the yard area to be restricted to 8.30am to 6pm would serve to restrict any impacts to working hours.
- 9.16. Subject to above conditions it is considered that the privacy and amenity of the adjacent property would be protected in accordance with GSP3 and LC4.

Issue 3: Highway Considerations

- 9.17. The property is served by two existing vehicular accesses. At a rate of approximately 10 vehicle movements per day it is not considered that there would be any significant intensification of the use of the access or on the level of traffic on nearby rural highways. The proposals therefore accord with policy LT18.

10. Conclusion

- 10.1. The proposals represent a form of development that could help to sustain the use of the Crag Inn as a public house. A 3 year temporary consent would enable any impacts on the main use of the site as a public house and on residential amenity to be re-assessed after a reasonable period of time. This together with the other suggested conditions with regard to hours of operation, the physical extent of the use and ensuring the bottling use is linked to the continued operation of the pub would ensure that the public house remains the main use of the site and that impacts on local residents are minimised. On that basis the proposals accord with policies LE4, LC4, GSP3 and LC4 and are recommended for approval.

11. Human Rights

11.1. All Human Rights issues have been taken into consideration in the writing of this report.

12. List of Background Papers (not previously published)

None

Report Author and Job Title

Andrea Needham – Senior Planner